



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 30 JULY 2019

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THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 25 of 2019

Sitting of 30 July 2019

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

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

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

A. Prime Minister's Office

- (a) Certificate of Urgency in respect of the following Bills (In Original):
 - (i) The National Land Transport Authority Bill (No. XX of 2019);
 - (ii) The Light Rail Bill (No. XXI of 2019)
 - (iii) The Road Traffic (Amendment No. 2) Bill (No. XXII of 2019)
 - (iv) The Victoria Station Overhead Pedestrian Bridge (Authorised Construction) Bill (No. XXIII of 2019)
- (b) The Finance and Audit (Build Mauritius Fund) (Revocation) Regulations 2019. (Government Notice No. 117 of 2019)
- (c) The Finance and Audit (Amendment of Schedule) Regulations 2019. (Government Notice No. 118 of 2019)
- (d) The Civil Aviation (Hadj 2019 Pilgrims) (Exemption) Order 2019. (Government Notice No. 127 of 2019)

B. Ministry of Local Government and Outer Islands**Ministry of Gender Equality, Child Development and Family Welfare**

The Municipal Town Council of Quatre Bornes (Victoria Fair) Regulations 2019. (Government Notice No. 122 of 2019)

C. Ministry of Technology, Communication and Innovation

The Annual Report January 2016 to June 2017 of the Mauritius Research Council.

D. Ministry of Health and Quality of Life

- (a) The Public Health (Restrictions on Tobacco Products) (Amendment) Regulations 2019. (Government Notice No. 119 of 2019)

- (b) The Dental Council (Medical Institutions) (Amendment No. 5) Regulations 2019. (Government Notice No. 123 of 2019)

E. Ministry of Industry, Commerce and Consumer Protection

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 20) Regulations 2019. (Government Notice No. 121 of 2019)
- (b) The Consumer Protection (Control of Imports) (Amendment No. 3) Regulations 2019. (Government Notice No. 125 of 2019)
- (c) The Consumer Protection (Control of Sale of Imported Live Animals for Home Slaughter) (Amendment) Regulations 2019.
(Government Notice No. 126 of 2019)

F. Ministry of Youth and Sports

The Sports Complex and Stadium (Control) (Amendment) Regulations 2019.
(Government Notice No. 120 of 2019)

G. Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping

- (a) The Annual Report of the Seafares' Welfare Fund for the period 01 July 2017 to 30 June 2018.
- (b) The Merchant Shipping (Security of Ships) Regulations 2019.
(Government Notice No. 124 of 2019)

H. Ministry of Financial Services and Good Governance

The Annual Report 2017/2018 of the Financial Services Commission.

ORAL ANSWERS TO QUESTIONS

MAURITIAN SPECIALISTS - FRANCE - QUALIFICATION

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Minister of Health and Quality of Life whether, he will state if he is aware that highly trained Mauritian specialist medical practitioners having studied and qualified in France encounter impediments to practice in Mauritius thus impeding them from returning and offering their valuable services to the country and, if so, indicate if consideration will be given for the taking of urgent appropriate remedial actions in relation thereto.

Dr. Husnoo: Madam Speaker, may I, in the first instance, for the information of the House, provide a brief definition of a specialist as per the Medical Council Act 2000, as subsequently amended -

- (a) a postgraduate qualification in a medical speciality obtained from a medical institution after having followed a course of training of not less than three years and passed the appropriate examination pertaining to that particular course, or
- (b) a postgraduate qualification in a medical speciality issued by a recognised professional body, or
- (c) a recognised specific training in a sub speciality undertaken after obtaining a qualification under paragraphs (a) and (b), which I have just mentioned earlier.

Madam Speaker, as per section 23 of the Medical Council Act, as amended, a person shall be entitled to be registered as specialist if he:

- (a) is registered as a general practitioner in Mauritius;
- (b) holds a specialist qualification which is recognised by the Council acting after consultation with the Postgraduate Medical Education Board.

As per section 22 of the Council Act, to be registered as a General Practitioner, the applicant should hold a diploma in medicine and establish to the satisfaction of the Council that he has undergone not less than 18 months practical (including clinical) training in different medical specialities.

Madam Speaker, furthermore, section 24 of the Medical Council Act provides for pre-registration trainees, that -

- (1) the Council may require a person applying for registration as a general practitioner under section 21 to undergo such training as it may determine before registering him.
- (2) where a person who holds a diploma in medicine, is required by the country, or the medical institution where he is qualified, to complete a course of training, without which he would not be eligible for registration as a medical practitioner in that country, he may be registered as a pre-registration trainee until he has completed such course of training in an institution approved by the Council.

Madam Speaker, it is clear that, any Mauritian general practitioner or specialist who wishes to practice in Mauritius, has to satisfy the Council that he holds the required qualification, whether a diploma in medicine or a specialist qualification, and he has to produce evidence of any pre-registration training where he has completed a pre-registration training. Such provision of the Act is applicable to every Mauritian, without any distinction. Whether you are qualified from India, Russia or France, or any other country, you are subject to the same treatment under our prevailing legislation.

Madam Speaker, I am informed that any person holding a diploma or a degree in medicine has to undergo pre-registration training before being registered as a general practitioner unless he has already undergone such training obviously.

For a specialist, the person has to register as a general practitioner first and then register as a specialist.

For any Mauritian citizen who has undergone a specialist qualification abroad and who has worked for three years after registration can be registered as a general practitioner and as a specialist after going through the Postgraduate Medical Education Board provided he has obtained the clinical experience to the satisfaction of the Council.

For example, in France, the undergraduate course is of a duration of six years, that is, the completion of the second *cycle*. Some students, after finishing the *second cycle*, they go directly to the *troisième cycle*, that is, the specialist qualification, ranging from three to five years, but without undergoing any pre-registration training.

If somebody returns to Mauritius from France with a postgraduate degree, and if he has covered the different specialities, like medicine, general surgery, obstetrics and gynae, the Council would register him as a general practitioner, then he would be referred to the Postgraduate Board to assess his experience and register him as a specialist, eventually.

But if somebody who has come with a postgraduate qualification but has not done training in clinical medicine, then, the Council may require him to do such training in clinical medicine, as required by the Council, for him to be registered as a general practitioner. Then, after going through the clinical training, he would have to sit for the MRE, which is the Medical Registration Exams, then he is registered as a general practitioner. And eventually, after he has been duly registered as a general practitioner, he will be referred to the Postgraduate Board to be considered as a specialist.

Mr X. L. Duval: Madam Speaker, may I ask the hon. Minister whether the Medical Council has not written to him last year, asking him for changes in the law to accommodate these French doctors?

Dr. Husnoo: I have not received any letter personally. Maybe it has come; I have not received any letter personally, but, obviously if they have sent it, I am going to look into it.

Mr X. L. Duval: Can I ask the hon. Minister whether one Dr. 'M' - I will not say his name - wrote to him on 20 June 2018, pointing out the issues that are being raised in this House today, and that he has not even responded to that letter, not even an acknowledgement from a specialist doctor coming from France?

Dr. Husnoo: I am sorry, I do not even know the name of the doctor; it is a bit difficult for me to answer. Madam Speaker, I get so many letters. People write to me so many letters every day and I must say it is a bit difficult for me to answer each and every letter.

Mr X. L. Duval: Even the Prime Minister of England responds to all the letters sent to him because they have staff to do so, and I am sure you are not alone in the Ministry.

Madam Speaker, may I ask the hon. Minister whether he is aware - I have inquired from the French Embassy and they wrote to me last week - that there are 350 medical students presently in France? Most of these will finish as specialists and none of these will be able to register as doctors in Mauritius.

Dr. Husnoo: Madam Speaker, it is not that we do not want the specialist doctors who are trained in France to come back to Mauritius. On the contrary, we would like those people

who are so well trained to come back to Mauritius. But I have just explained, but if the hon. Leader of the Opposition wants I will explain it again. In Mauritius, after your undergraduate training, that is, your five years, six years, you have to do your pre-registration training, which is 18 months in Mauritius, and that pre-registration, what does it consist of? The pre-registration training in Mauritius consists of doing –

- 12 weeks in general medicine plus one week in AIDS Unit;
- 12 weeks in General Surgery;
- 12 weeks in Obs and Gynae;
- 8 weeks in Paediatrics;
- 6 weeks in Orthopaedic;
- 4 weeks in Cardiology;
- 4 weeks in Community Medicine;
- 4 weeks in Psychiatry;
- 2 weeks in ENT;
- 2 weeks in Ophthalmology;
- 4 weeks in Anaesthesia and ICU, and
- 2 weeks in Accident and Emergency.

So, as you see, this is training. Now, if we get somebody who is coming from France, who is duly registered in France and he has covered this, he will be registered in Mauritius. But if in his training he has not covered this, we cannot register him, he will have to complete this and then apply, and then we will consider how to proceed.

Mr X. L. Duval: Madam Speaker, what is the use of sending laureates and *boursiers* to France to study, when afterwards they cannot come to Mauritius to register as doctors? One Sohail Ahmad Sultangoss left Mauritius last year, going to *Université de Bordeaux* to specialise eventually and will follow exactly the same course as Dr. 'M', whom the Medical Council has refused from the same University to register in Mauritius. What is the reaction of the Minister to that?

Dr. Husnoo: Firstly, Madam Speaker, I would like to say that we send the student who has got the scholarship overseas and naturally we would like them to have a good training and to come back. Definitely, we want them to come back. We want to improve the care in our service. We want to upgrade the service. So, there is no question about this, that's number one.

Secondly, the hon. Leader of the Opposition just mentioned about Dr. 'M'. I don't know who is Dr. 'M'. If you let me know, maybe then I can answer. I don't know who you are talking.

Mr X. L. Duval: If the hon. Minister would read his letters, he would find out who Dr. 'M' is. But I will tell him later because I don't want to take it here. I will send it to him and I hope he will read it because the letter was sent to him. I have a copy. The hon. Minister should read the letters when he receives them from people who may not be – anyway, I will not talk about that.

(Interruptions)

I will ask the hon. Minister whether he is saying to this House that specialist doctors, trained and practising in one of the highest world respected countries, like France, practising as specialist *cancérologue*, *neurologue*, diabetes, all these really important specialisation that we need in Mauritius, these doctors - and the Embassy says 20 to 25 doctors a year of these highly trained specialists qualified in France, the most highly respected country in the world - they cannot come to practise here in Mauritius because they are not good enough, is that what the hon. Minister is saying to the population?

Dr. Husnoo: No, Madam Speaker, I am not saying that.

(Interruptions)

I am not saying that.

Madam Speaker: Order!

Dr. Husnoo: No, not at all!

Madam Speaker: Order, please!

Dr. Husnoo: I am telling you, if they are registered in France, they can apply to Mauritius, because for you to be registered in Mauritius, you have....

(Interruptions)

Let me finish, please. I asked you to give me the name whatever it is. Anyway, we have procedures. It's not that we don't want the doctors from France to come. We want them to come, but there are procedures we have to follow. If they have not done the training as we want them, we can't accept them; but if they have completed the training, they are welcome to apply. The Medical Council would look at the qualification and they will be registered as a

specialist. We are not refusing to anybody. If they are eligible, they apply, they go to the Council. They don't apply to me, they apply to the Council and the Council will take care of that.

Mr X. L. Duval: Madam Speaker, I am shocked. Even the Medical Council in the Press has asked for the law to be changed. Doesn't the hon. Minister even read the Press? In *Le Défi* recently, the Medical Council asked for the law to be changed to accommodate, because the law is badly drafted. We drafted the law in 2013. In 2017, issues came up. It has been three years and these doctors are suffering; this has even been in the Press.

Dr. Husnoo: Firstly, I do not go to what is said in the Press, that's number one. If I go according to what is said in some of the Press, well, I will not do any work. The hon. Leader of the Opposition said that the law was drafted in 2013 when he was there himself and it was badly drafted. Okay, I know. Since I came here about three years ago, we have been looking into it, we have been discussing about it, but it does not say that the Government is not doing things. There are so many laws that are coming. We have not closed the Parliament for nine months.

(Interruptions)

We have not done that. So many things, so many laws are coming; so many Bills are coming in this House. Now, we have some priority Bills and once we have looked after them, I am sure we are going to come with the Medical Council Bill.

(Interruptions)

No! I mean, this Government has its priority as well which you have to understand.

Mr X. L. Duval: The hon. Minister is changing his stance completely now. From being perfect, now he is going to bring the law on the eve of the election! Madam Speaker, I'll take the case – this is a public case - of one Dr. Vimal Gunness. He qualified in Germany. He is working in Luxembourg as a *neurologue*. God knows - a neurosurgeon, I presume it is - that we need these people. He is a fellow of the European Board of Neurological Surgery. It was in the Press - 2017! This young lad could not be registered in Mauritius and left the country although it takes about Rs15 m. to his family and himself to qualify, and to the State, no doubt. It has cost so much. This boy left Mauritius; he could not practise, although he is a fellow of the European Board of Neurological Surgery. You are not aware of this case either?

Dr. Husnoo: From what I have been told just now, he is already registered as a specialist with the Medical Council.

(Interruptions)

Mr X. L. Duval: That's good! I did not know about this one, but I am sure, Madam Speaker, that it took him years and years; articles like that are indecent and I would, therefore, raise also the question....

(Interruptions)

Yes, of the doctor...

Madam Speaker: Order!

Mr X. L. Duval: ...of the doctor...

Madam Speaker: Order on this side, please! Yes!

Mr X. L. Duval: ...of this doctor, 'M', who has been refused the right to register, Madam Speaker. So, what I am going to ask the hon. Minister is this. We had, a few weeks ago, a change to the Medical Council Act, didn't we? No mention of this was made to enable these Mauritian doctors in France to register. No changes, although the law of the Medical Council Act was changed only a few weeks ago! The Finance Bill changed 50 Acts; the Business Facilitation Bill changed another 20 Acts. And all these Acts, you found no time to deal with the issue of 350 students who are qualifying as doctors in France?

Dr. Husnoo: I have just explained. I will repeat it. The Leader of the Opposition is making as if we are trying to refuse people from coming to work in Mauritius. No! We should not say things that are not true. We said that if they are fully qualified, they write to the Council - and the Council is not controlled by me, it is an independent body - and they are going to be registered by the Council. Once they are registered - I have said we would like to have qualified people here. Why on earth are we going to refuse them? We are not going to refuse them, but there is a procedure to go through. In every country, even in France you have procedures to follow. In Mauritius, we have procedures to follow. So, everywhere you have this. They have to follow the procedures. And why not, we would like to get these people if they are so well qualified to come and work in Mauritius. We are not against that. We should not play on this kind of thing again. Mauritius would appreciate if they can come to Mauritius, but there are procedures which we have to follow.

Mr X. L. Duval: Madam Speaker, I repeat, even the Medical Council has, in the Press publicly, and wrote to the Minister to ask for changes to the Act. He has not seen the letter, he has not seen the Press, he has not seen anything!

Madam Speaker, exceptionally, I will table this letter from the Medical Council relating to Dr. Nitesh Mosawah. He is, in fact, a specialist. I think he studied for 10 years in Bordeaux, France. He is a *boursier* from the State of Mauritius. So, we paid for part of his studies there. And this specialist doctor, Madam Speaker, has been refused the right to register and they have asked him to go to a school for one and a half years - although he is a specialist - to train under GPs in a hospital, and then, taking exams and come again. Do you think this is normal?

Madam Speaker, this is just an example. Even the French Embassy concurs that there is a huge problem with all the students who are studying there. Open your eyes, open your ears Minister, listen to what I am saying, it is a real problem. I am tabling this letter.

Dr. Husnoo: I think the hon. Leader of the Opposition should open his ears as well to what I am saying. For that particular doctor...

Madam Speaker: You should be a little bit more courteous towards the Minister, Leader of Opposition!

Dr. Husnoo: For that particular doctor, when did he apply to *l'Ordre des médecins* in France to be registered? Because for you to come and work as a GP in Mauritius...

(Interruptions)

Listen!

(Interruptions)

But why did you not correct it...

Madam Speaker: Hon. Leader of the Opposition! Please!

Dr. Husnoo: Why did you not correct it when you were here for 10 years? It's wrong! You were there for 10 years, you did not correct it, and now you are blaming me! Yes, the usual, *pareil, typique, comme toujours!*

(Interruptions)

Madam Speaker: Order! Last time you had the floor and you had the legitimate right to be heard, and I think the Minister also should have a fair hearing when he has the floor.

Dr. Husnoo: Madam Speaker, from what I was told, Dr. Nitesh Mosawah applied for registration to *l'Ordre des médecins en France* on 02 February 2017. It is not three years yet, that's what I was told. I am telling you the information that I was told...

(Interruptions)

Now listen, please, and I will let you talk!

Madam Speaker: No! Hon. Leader of the Opposition! Please! Calm down!

Dr. Husnoo: He applied to the Medical Council in Mauritius on 21 November 2017. For you to be registered in Mauritius, you have to be three years qualified - which he did not have by that time. He did not have it according to the date of application, that's why he was not registered for three years in France only nine months by the time he made his application, and that's why I am told that he was not registered by the Medical Council. Now, it is very important. I have explained earlier what pre-registration training is. You have to do training in medicine: Surgery, Obs Gynae and different specialities. Dr. Mosawah studied microbiology, which is not clinical medicine. The fact that he has not done clinical medicine in his training, that's why the Medical Council tells him, look, we are prepared to accept you, but you have to complete the clinical period that you have not done. That's what it was.

(Interruptions)

That's all we ask. He is going to be registered, but, obviously, he will have to consider. Because according to the Medical Council, you have to do training in so many different branches. So, I think we have to accept that.

Mr X. L. Duval: It is still the attitude of the Medical Council! Has the Minister known that this doctor applied in December 2017 and his case was only studied by the Board of the Medical Council on July 18, 2018, seven months later? Do you find it normal to keep a doctor waiting seven or eight months before responding to him? You seem to know a lot. Do you know this?

Dr. Husnoo: If that's the case, I do not know that, but I am going to take it up with the Council. I am sure that's not acceptable and I don't condone it as well. I will take it up with the Council.

Mr X. L. Duval: You should know that because you are responding. Madam Speaker, does the hon. Minister know...

(Interruptions)

Li pas konn nanien, ki to le mo fer ? Li pas konn zero!

Madam Speaker: Please! Order!

Mr X. L. Duval: Madam Speaker, the Prime Minister is talking to me, what can I do? I have to respond. I have to be polite and respond.

Madam Speaker, I am going to ask the hon. Minister whether he is aware that this doctor can show proof that since 2016 he is registered as a medical specialist in France. You are saying he just – I am saying, I have seen information, documents that since 2016 this person is a medical specialist in France and cannot be registered in Mauritius.

Dr. Husnoo: I have given the dates that have been given by the Council, that's number one. Secondly, I have just explained to you just now that for him to be recognised in Mauritius, he has to do not just microbiology, but he has to do clinical medicine. That's what I have said just now.

(Interruptions)

That's what I have said. Because he has not done that, that's why the Council tells him, look, you have to complete so many months in these clinical specialities before you can be registered – which he has not done.

Mr X. L. Duval: Madam Speaker, I will refer the Minister to Campus France. This is what they show as a *Cursus* in medicine. You will see clearly there, that all medical students, all of them, in the first six years, firstly, they study in a *Centre Hospitalier Universitaire*, and so, they have their *internat* there. After the six years, they have four years where they practise as doctors. And this is what I am going to say: the junior doctors even issue prescriptions. It's here. What I am asking the hon. Minister, I am not even trying to make a stupid political point, I am just trying to make him understand. There are 350 medical students there. The Medical Council has publicly said the law needs to be changed. The French Embassy is concerned about this issue.

As you said, something may happen before the next election because we still have time. What I am saying to the hon. Minister is: it is clearly wrong that medical specialists from Germany, from France, from the highest institutions in the world have trouble, have

issues, have problems practising in Mauritius when we need people to look after cancer, diabetes, renal problems and all these issues. So, what I want from the hon. Minister today is to tell me that he will come up with a change in the law to make sure that this, which is the topmost qualification in the world, is recognised as it should be, here, in Mauritius.

Dr. Husnoo: I think the Leader of the Opposition is confused again. What he has said just now is that he has done training in general medicine, general speciality as a student. All universities you would do training in general medicine and general speciality as a student, but he has not done the *internat* where the training is different. From a student, *un internat c'est différent*. That is what we are trying to tell you, which you are not making the difference.

(Interruptions)

As a student, it is different; as *un internat c'est différent*. That is what we are telling. I can assure the House, Madam Speaker, we, in Mauritius, are working to improve the quality of care. We are doing a lot and we are not going to prevent doctors from coming to Mauritius. The Leader of the Opposition may shake his head or whatever, but we know what we are doing. We are working in that direction. He is trying to blame us, the usual, 'you have not done anything for the last three years'. But what I can't understand when people talk like that, they have been there for ten years, they know the problem; there were doctors in France, in Germany for ten years.

(Interruptions)

He just mentioned for ten years they were there. Did he not know about them? What have you done for ten years? You did not do anything, but now we have to do it immediately? Just on the eve of the election, I have to change, I have to come with a Bill?

(Interruptions)

No, be fair! Just be a bit fair, don't blame. Just don't blame!

(Interruptions)

It is not for you to talk to me, please!

(Interruptions)

Madam Speaker: Hon. Thierry Henry!

(Interruptions)

Dr. Husnoo: The hon. Member addresses to me like that.

Madam Speaker: Please, order! Yes!

Dr. Husnoo: And we know our responsibility, Madam Speaker. We are working in that direction. What I cannot understand, Madam Speaker, people who have been so many years in the service as Ministers, they have not done anything. *Maintenant ki zott trouve tout!*

(Interruptions)

I don't know what happened before.

(Interruptions)

Exactement! Now, they are seeing the problem. For ten years, they did not see the problem? What did they do for so many years? They did nothing, but now, suddenly, they come to criticise when we are working. When they did not do anything, now, they come and criticise us.

(Interruptions)

I don't think that is fair.

Mr X. L. Duval: Madam Speaker, I...

Madam Speaker: Leader of the Opposition, you have three minutes more. If you want, you can leave the floor to others.

Mr X. L. Duval: If they wish, yes. It is more than enough three minutes, Madam Speaker. Madam Speaker, I am trying to explain to the Minister that this problem arose in 2017, not ten years ago. Before that, all these doctors, Dr. Joomaye and all that, qualified in Mauritius and practise. He does not understand the situation. So, this is one thing. And, secondly...

(Interruptions)

This is so. This is a recent thing; two and three years and he has slept on the file. I don't know what he does with the file.

Madam Speaker, this is what Campus France says: 'These junior doctors are considered doctors and are authorised to prescribe medication.' They are paid a salary of Rs80,000 – I am converting – per month when they work as doctors. Do you think in France they would allow these doctors to issue prescriptions, *comme si ce sont des charlatans?*

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Here, it is Dr. Husnoo or whoever is going to tell us that these highly qualified specialists are not, in fact, doctors?

(Interruptions)

I will table this, you read it.

Dr. Husnoo: You can table whatever you want. We are not saying that they are not qualified doctors, but there are rules. Now, let me say, the law was not changed in 2017; the law was amended in 2000.

(Interruptions)

Exactement! The Medical Council Bill was amended in 2000.

(Interruptions)

Madam Speaker: Please! Hon. Leader of the Opposition, calm down, please!

Dr. Husnoo: What I am saying is that a lot of doctors who are trained in France are working in Mauritius. I have got a long list of doctors who are trained and, even now, we are sending doctors to be trained in France. Now, we have a specialist in France...

(Interruptions)

Non narien pa bon pou twa. Comme d'habitude narien pa bon.

Madam Speaker: Hon. Adrien Duval, please! Hon. Baboo!

Dr. Husnoo: Madam Speaker, we have so many doctors who have been trained in France who are working in Mauritius. We have sent doctors last year to be trained in France, now they can...

(Interruptions)

We send them...

Madam Speaker: He has the floor!

Dr. Husnoo: Madam Speaker, the Ministry sent these doctors to be trained in France only last year. If we did not recognise these degrees, why would we send our doctors to be trained there? We sent them there; they are coming. Why? Because they have done their pre-registration; we have sent them for further training and they will be coming. We recognise their degree. We recognise their qualification. So, to come and say that we do not recognise is just a load of...

(Interruptions)

Madam Speaker: Time is over!

Mr X. L. Duval: Madam Speaker, one last question. I need to make this...

(Interruptions)

Madam Speaker: Time is over! Hon. Leader of the Opposition, please, resume your seat! I don't think I will give extra time because I have said several times that questions also should be brief and the same for answers. However, I have observed several times that in asking questions, lengthy statements are made, thus taking the time of the House. So, time is over!

Hon. Ameer Meea!

Mr X. L. Duval: Madam Speaker, on a point of order. May I just make a point of order?

Madam Speaker: You have a point of order.

Mr X. L. Duval: Yes. Because in the last reply, Madam Speaker, the Minister is talking about doctors being sent to France for training, we are not talking about doctors, we are talking about students being sent ...

(Interruptions)

Madam Speaker: No, but I am not going to allow this. I have said time is over. Hon. Ameer Meea!

SIC/YIHAI INVESTMENT LIMITED - SMART CITY PROJECT - JOINT VENTURE

(No. B/674) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Domaine Les Pailles Ltd., he will, for the benefit of the House, obtain from the State Investment Corporation, information as to if the sale thereof is being envisaged and, if so, indicate where matters stand.

The Prime Minister: Madam Speaker, the process for the disposal of nine *arpents* of land and five restaurants owned by Domaine Les Pailles Limitée started in 2012.

However, in January 2015, the State Investment Corporation Ltd decided not to proceed with the outright disposal of the plot of land and the restaurants.

In August 2015, SIC entered into a Shareholders' Agreement with Yihai International Investment Management Limited whereby SIC would bring 97 *arpents* of land, including the nine *arpents* and five restaurants belonging to Domaine Les Pailles Limitée as equity in a Joint Venture company, namely Yihai Investment Limited. The Joint Venture would implement the Yihai Smart City Project at Les Pailles.

I am informed that it has taken quite some time for Yihai Investment Ltd to obtain the EIA licence. The procedures to obtain the Smart City Certificate are being completed.

As matters stand, Domaine Les Pailles Limitée has transferred all of its immovable properties comprising nine *arpents* of land and five restaurants to SIC, which was brought as equity by the latter in the Joint Venture company. The remaining assets of Domaine Les Pailles Limitée include investment of 138,000 ordinary shares, representing 6.27% of the Ordinary share capital of Le Grand Casino du Domaine Limitée.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, in 2015, answering to PQ B/345, the then hon. Minister of Finance mentioned to the House that SIC will contribute 30% of the equity of the joint venture and that 70% will be held by Yihai, as the hon. Prime Minister just stated. And this will form part of a deal, and using his own words, 'Rs11 billion project investment for the Smart City'. Can I ask the hon. Prime Minister if we are talking of the same thing or the project has been changed?

The Prime Minister: Yes, we are talking of the same project.

Mr Ameer Meea: So, if we are talking about the same project, I refer to the same PQ whereby, concerning the land, it was a question of 78 *arpents* of land which would have cost Rs441 m., which would have been the share capital representing the 30%. Now, we are being informed by the hon. Prime Minister that only nine *arpents* is being given by SIC. So, has there been a change, again, in this issue?

The Prime Minister: No, there has been no change. If the hon. Member would have listened carefully, I said, in my reply, 97 *arpents*.

Mr Ameer Meea: No, but the hon. Prime Minister said nine *arpents* and five restaurants, and then the rest would remain with Domaine les Pailles Ltd, is it?

The Prime Minister: No. The hon. Member should have been very attentive. I said 97 *arpents*, but that includes the nine *arpents* of Domaine Les Pailles Limitée, plus the restaurants.

Madam Speaker: Next question, hon. Osman Mahomed!

(Interruptions)

No! Five minutes already for this question, I think that's enough.

NON-STRATEGIC GOVERNMENT ASSETS - DISPOSAL

(No. B/675) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the public sector debt repayment, he will state the procedures that will be put in place in relation to the disposal of certain non-strategic Government assets.

The Prime Minister: Madam Speaker, as I stated in my reply to Parliamentary Question B/562 for the sitting of 09 July 2019, we have already identified two non-strategic assets to be disposed of, namely MauBank Ltd and the casinos.

Government will set up a Steering Committee to identify other non-strategic assets to dispose of. Once the assets are identified, the approval of Cabinet would be sought. The Committee will handle the whole operation relating to the disposal of the identified assets.

Transaction Advisers with relevant experience and expertise will be recruited to assist in -

- (a) getting the best deal on the disposal of the assets;
- (b) preparing the relevant documents for launching expression of interest and tenders;
- (c) carrying out due diligence and evaluating the bids received, and
- (d) finalising the disposal of the assets in the best interest of Government.

Madam Speaker, let me reassure the House that the process for disposal of assets will be effected in a transparent manner. All aspects will be looked into, in particular to safeguard the interest of employees.

Mr Osman Mahomed: In that reply that the hon. Prime Minister just referred to, he also mentioned about the NIC. Now, can I ask the hon. Prime Minister whether, being given that Government has invested tens of billions of rupees in these companies to make them afloat, an evaluation exercise will be carried out to know their real value or will it be that Government will just sell out these companies to recoup money to be repaid back to Government coffers, which would tantamount to a catch-22?

The Prime Minister: Of course, Madam Speaker, proper evaluation will be done.

Mr Osman Mahomed: At one point in time, it was mentioned that a Transaction Adviser was approached to get these two companies, namely NIC and the MauBank to be taken over by the Hinduja Group. I think it was Grant Thornton. Can we know from the hon. Prime Minister where matters stand as regards this endeavour to sell these two entities to the Hinduja Group?

The Prime Minister: Nothing has materialised, Madam Speaker.

Mr Osman Mahomed: Can I ask the hon. Prime Minister what is going to be the difference now? Because in the past, nothing has materialised. What will be done in order to sell these companies and the timing for the sale, being given that the debt will have to be repaid by the end of this financial year?

The Prime Minister: I have stated in my reply that a Steering Committee will look into the matter.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Two years ago, the then Minister of Good Governance mentioned that there were plans to sell NIC to SICOM. So, may I know from the hon. Prime Minister whether there is any intention of disposing NIC or MauBank to other Government-owned companies like SICOM?

The Prime Minister: This, I must say, is not being envisaged.

Madam Speaker: Hon. Bhagwan!

MAURITIUS PORTS AUTHORITY – CHAIRPERSON

(No. B/676) **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

Chairperson of the Mauritius Ports Authority (MPA), he will, for the benefit of the House, obtain from the MPA, information as to the name of the incumbent, indicating the -

- (a) qualifications held;
- (b) date and terms and conditions of appointment, and
- (c) overseas missions effected, indicating the countries visited and expenditure incurred in terms of air fares and *per diem* allowances.

The Prime Minister: Madam Speaker, Mr Ramalingum Maistry is the Chairperson of the Mauritius Ports Authority.

As regards part (a) of the question, I am informed by the Director General of Mauritius Ports Authority that the Chairperson holds a Post Graduate Diploma in Public Relations and a Certificate in Strategic Port Policy, Governance and Stakeholders Management.

In regard to part (b) of the question, the Chairperson of the Mauritius Ports Authority was appointed with effect from 27 February 2015. Upon expiry, his contract was renewed with effect from 03 August 2018 and the fees payable to him was revised from Rs70,000 per month to Rs95,000 per month against the abolition of cashable leaves and payment of gratuity. The other terms and conditions of his contract are –

- Duration of two years.
- Entertainment allowance of Rs15,000 per month.
- Use of an official car refuelled by the MPA up to Rs20,000 per month.

Madam Speaker, as regards part (c) of the question, I am tabling the information requested by the hon. Member.

Mr Bhagwan: I have a few supplementary questions. Can I know from the hon. Prime Minister whether this person is a full-time Chairperson of the Board or a part-time?

The Prime Minister: I believe he must be a part-time Chairperson.

Mr Bhagwan: Can I know from the hon. Prime Minister whether, according to the terms and conditions of his employment contract, he is allowed to be engaged in political activities on a full-time basis as well?

The Prime Minister: Well, I am not aware of his whereabouts outside his chairing the meetings of the MPA.

Mr Bhagwan: It is well known that he is engaged in full political activities. Many of them are shown on MBC/TV, especially, and the Press. Can I know from the hon. Prime Minister whether this Chairperson is being provided with an office and all amenities on a full-time basis and whether this office also is used for political activities, meeting political agents and engaged in full political activities? If the hon. Prime Minister is not aware, whether he is prepared to ask and conduct an inquiry on that?

The Prime Minister: Well, I do not know whether he has an office at the MPA. Probably, they can provide me with the information. But I know the office is used generally for any activities in connection with the Ports Authority's dealings. His office is not allocated full-time to him. So, he must have at least a place when he is there. But it is not a permanent office.

Madam Speaker: Next question, hon. Ameer Meea!

SECRETARY TO CABINET & HEAD OF CIVIL SERVICE – OVERSEAS MISSIONS

(No. B/677) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Secretary to Cabinet and Head of the Civil Service, he will state the number of overseas missions he has effected since his appointment to date, indicating the –

- (a) countries visited and duration thereof;
- (b) composition of delegations, and
- (c) total expenditure incurred in terms of air fares, *per diem* or other allowances

The Prime Minister: Madam Speaker, the information sought by the hon. Member is being compiled. However, given the numerous details requested and the period involved, the exercise will take some time. The information will be placed in the Library of the National Assembly as soon as the exercise is completed.

Madam Speaker, the House will appreciate that, by virtue of his position, the incumbent in the post of Secretary to Cabinet and Head of the Civil Service is very often

required to proceed on official mission abroad, either as part of the Prime Ministerial delegation or for other official business.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, I am a bit surprised to learn that there is so much information that needs time to be compiled, because the incumbent has been appointed by Government after the General Election, if I am not wrong. May I ask the hon. Prime Minister how much time does he need for this information to be compiled?

Madam Speaker: He needs some time.

The Prime Minister: Well, Madam Speaker, I am not surprised that the hon. Member is surprised. But, anyway, I have stated in my answer that you will see before - at least, given some time, we shall table the information.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, before attending Parliament, I have gone to the Library. As at now, *217 ou 220 questions parlementaires n'ont pas été répondues*. So, I am taking...

(Interruptions)

Madam Speaker: Hon. Bhagwan, please!

(Interruptions)

Yes, please, resume your seat!

(Interruptions)

I think...

(Interruptions)

Hon. Bhagwan, please!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, why is it that you are intervening in a question?

(Interruptions)

Hon. Jhugroo, I am warning you!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, I will order you out. I have given you a warning, I was addressing myself to you and you did not seem to mind. Okay? So, I am ordering you out.

(Interruptions)

Yes!

Mr Bhagwan: The point I am making ...

Madam Speaker: You can raise this at Statement Time.

(Interruptions)

Mr Bhagwan: *Alle do ta! Zouiser!*

Madam Speaker: Hon. Bhagwan, please, mind your language! You can raise this matter at Adjournment Time. So, I don't think that matter can be raised now. We will pass on to the next question.

Mr Bhagwan: I am asking, following the reply of the hon. Prime Minister. He has said he was going to table it in Parliament.

Madam Speaker: No! The hon. Prime Minister has said that this will be compiled and tabled. Hon. Henry!

(Interruptions)

Hon. Henry, you don't want to ask your question? Do you?

CONSTITUENCY NO. 12 - NDU - PROJECTS

(No. B/678) 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 projects implemented by the National Development Unit in Constituency No. 12, Mahebourg and Plaine Magnien since 2016 to date, he will state if same were approved in 2016.

The Prime Minister: Madam Speaker, the list of projects proposed for implementation by the National Development Unit in all Constituencies during a financial year is worked out by the Parliamentary Private Secretaries in consultation with different stakeholders prior to the start of the financial year and, subsequently, submitted to my Office for approval.

Based on funds budgeted for a particular financial year, projects are implemented in order of priority in all Constituencies following obtention of relevant clearances from the Local Authorities and from such other institutions such as the Central Water Authority, the Central Electricity Board, the Wastewater Management Authority, Mauritius Telecom, amongst others.

Madam Speaker, since 2016 up to date, 108 projects have been completed in Constituency No. 12, out of which 23 were approved in 2016.

Mr Henry: Merci, Madame la présidente. De cette liste *approved* en 2016, peut-on savoir ce qu'il en est? Parce que dans cette liste, il y avait trois endroits qui ont été dits comme étant des endroits d'inondation, tels que Trois Boutiques, Cité Paul Langlois, Mare Tabac et Ville Noire. Peut-on savoir quel genre de travaux de drains ont été faits dans ces endroits-là ?

The Prime Minister: Madame la présidente, l'honorable membre doit être réaliste. Il me pose une question générale concernant le nombre de projets faits dans sa circonscription - 108 projets - et maintenant il veut me demander qu'est-ce qu'il faut faire sur tel projet.

(Interruptions)

I do not have a memory like the hon. Member. He has a memory that can store so much information. But if he can come with a substantive question with regard to that particular project, of course, I shall answer.

Madam Speaker: Next question, hon. Mrs Selvon!

HIS HOLINESS POPE FRANÇIS - VISIT

(No. B/679) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the visit of His Holiness Pope Francis, he will state where matters stand as to the preparation thereof, indicating if all the Members of the Assembly and prominent leaders of the local

Catholic and other officially recognized religious communities will be invited to the welcoming ceremony on his arrival and to the other public ceremonies held in honour of His Holiness.

The Prime Minister: Madam Speaker, as the House is aware, His Holiness Pope Francis will, upon the invitation of Government, pay a visit to Mauritius on Monday 09 September 2019, which has already been declared a public holiday. He is expected to arrive from the Republic of Madagascar at 10.40 hours and expected to leave Mauritius at 19.00 hours.

The programme of visit of His Holiness The Pope will comprise -

- (i) welcoming ceremony at the airport;
- (ii) mass at Marie Reine de la Paix;
- (iii) homage to the shrine of Blessed Father Laval, and
- (iv) official function at the State House.

With a view to ensuring that the momentous visit of His Holiness The Pope unfolds under the best auspices, a National Organising Committee under the chair of the Secretary to Cabinet and Head of the Civil Service has been set up to look into and coordinate all the preparations and logistic arrangements. The National Organising Committee comprises members of the Diocese of Port Louis and representatives of Ministries/Departments concerned. Dedicated sub-committees have also been set up to look into specific arrangements for the different functions.

Madam Speaker, the arrangements being made by the Government in the context of the visit include, amongst others -

- (i) the construction of a vehicular access road behind the monument of Marie Reine de la Paix to facilitate access of His Holiness The Pope to the altar;
- (ii) a Media Centre with all facilities will be set up at Le Labourdonnais Hotel, to cater for both local and foreign journalists and live coverage of the events by MBC and Eurovision;
- (iii) various upgrading and infrastructural works are being carried out at the shrine of Blessed Father Laval and adjoining areas;

- (iv) Air Mauritius will operate a special flight to convey His Holiness The Pope and his delegation back to Madagascar, and
- (v) a special security deployment and traffic arrangements plan will be put up by the Police, in view of the huge public gathering anticipated at Marie Reine de la Paix.

Madam Speaker, I am informed by the Diocese of Port Louis that all the Members of the National Assembly, leaders of the local catholic and officially recognised Christian communities and members of the Council of Religions which includes representatives of all the recognised religious communities in Mauritius, will be invited for the mass at Marie Reine de La Paix, which is the sole public ceremony being organised in the context of the visit.

Madam Speaker, given the solemnity of the event, the public can seize the opportunity to attend the mass to be officiated by His Holiness The Pope at Marie Reine de la Paix.

As regards invitations for the arrival ceremony and the function at the State House, the lists of invitees are still being worked out by my Office in consultation with the Diocèse de Port Louis.

Madam Speaker, an amount of Rs50 m. has been specifically provided in the budget of my Office to meet expenditure related to the visit. Moreover, Business Mauritius has been approached to look for sponsors to top up expenses to be incurred by the Diocese for upgrading works at Marie Reine de la Paix.

Mrs Selvon: L'honorable Premier ministre dira-t-il si les effectifs de la police sont parfaitement équipés et prêts pour assurer la sécurité de l'illustre visiteur?

The Prime Minister: Madam Speaker, I must say that delegations have been coming, at different times, from the Vatican to discuss with authorities in Mauritius, also in regard to security aspects so that all the necessary arrangements and precautions are taken, to see to it that we do, I must say, as much as we can in terms of security organisation.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Being given that this is a very special visit which the whole population is welcoming, can I ask the hon. Prime Minister to make a request that local authorities, in general, be it Municipalities and District Councils be directed to upgrade the various sites

where we have Father Laval Road and so on, even street name plates, being given the visit of His Holiness Pope Francis during that specific activity of Father Laval?

The Prime Minister: I have said in my reply that there are upgrading works which are going to be done at the shrine of Blessed Father Laval.

Madam Speaker: Next question, hon. Ameer Meea!

MR A. I. M. – FOREIGN IMAM – RESIDENCE PERMIT

(No. B/680) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to one Mr A. I. M., he will, for the benefit of the House, obtain from the Passport and Immigration Office, information as to why his application for the issue of a residence permit thereto for the purpose of taking up employment with the Zamzam Zakaat Fund Movement has been rejected.

The Prime Minister: Madam Speaker, foreign religious workers of different faiths have been allowed to come to Mauritius and serve local religious organisations. These organisations apply for residence permits to enable foreign priests to work and reside in Mauritius.

Foreign priests coming to serve local religious organisations are granted a residence permit of five years. The residence permit is issued on an annual basis, subject to the following conditions –

- (i) foreign priests are granted residence permits annually for a maximum period of five years;
- (ii) foreign priests serving a society will not be allowed to switch to another society during the term of five years, except where they have left Mauritius before that period and there is a gap of not less than one year as from the date of their last departure and date of fresh application for work and residence permits, and
- (iii) foreign priests who have or will reckon a cumulative period of work and residence for four years should swear an affidavit to the effect that they will not apply for registration or naturalisation as a Citizen of Mauritius.

Social visas are also granted to foreign priests for religious visits for a maximum period of 45 days to groups of persons not exceeding 10, upon invitation by socio-cultural organisations.

Madam Speaker, I am informed that, on 26 December 2018, the Secretary of Zamzam Zakaat Fund Movement addressed to the Ministry of Labour, Industrial Relations, Employment and Training a request for a work permit for one year in respect of one Mr A. I. M., a Bangladeshi national, to take up employment as Imam.

The latter Ministry then sought clearance for a residence permit from my Office. However, my Office has been advised to turn down the application. The Secretary of Zamzam Zakaat Fund Movement was informed of the decision in April 2019.

I am also informed that in May 2019, an appeal was made by the Secretary of Zamzam Zakaat Fund Movement for reconsideration of its application. The decision to turn down the application was maintained.

Madam Speaker, I wish to point out that there are many instances where applications for residence permits in respect of foreign priests have been turned down for all communities indiscriminately.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, the reason for my question was to ask the hon. Prime Minister why the application for this Imam has been turned down, because it was an application for Imam for only five times daily prayer and also to conduct prayers during the month of Ramadan and Taraweeh. And it is the first time that this Zamzam Mosque has applied for one foreign Imam because as we are aware, in Mauritius, it is getting very difficult to get local Imam.

Madam Speaker: Hon. Ameer Meea, please don't make a statement. I think the hon. Prime Minister has understood the question.

Mr Ameer Meea: So, my question to the hon. Prime Minister is what is the valid reason why this application has been turned down? Because no valid reason has been given.

The Prime Minister: Madam Speaker, maybe the hon. Member is not aware. I can understand, he has never been in Government; so, he would not know. The practice in such cases, whenever they are turned down, is that no reason is given. This practice has not started

with this Government. It had even been that of former governments, and I can say even of the MSM-MMM Government. Maybe he should know about that.

Secondly, there are a number of investigations that are carried out before a residence permit is given. And, of course, the hon. Member, I hope, will understand that I cannot, and it would not be appropriate for me to say for what reason this application has been turned down.

Now, thirdly, let me state the quota for Muslim priests. In fact, in 2013, it was 32; in 2014, it was increased to 35. This Government, in August 2017, has increased the quota from 35 to 50. We are referring only to Muslim priests.

(Interruptions)

The quota, my dear hon. Member! You don't know!

(Interruptions)

Madam Speaker: Hon. Ameer Meea!

(Interruptions)

Hon. Ameer Meea, I will not allow ...

(Interruptions)

Hon. Ameer Meea! I will not allow you to ask questions from a sitting position.

(Interruptions)

Are you arguing with me, hon. Ameer Meea? I think you should tender your apologies to the Chair for the remarks that you have made.

Mr Ameer Meea: Apologies for what?

Madam Speaker: You don't think you should apologise?

(Interruptions)

Mr Ameer Meea: I said...

Madam Speaker: Please, sit down! You are arguing from a sitting position with the Chair. Do you think this is acceptable? I am giving you a last warning. If, next time, you argue with the Chair from a sitting position, I will take action. Yes!

The Prime Minister: And I can say to the House that, again, there have been other instances where for other religious beliefs, applications have been turned down. But it is good for this hon. Member to know that in 2014, that is, the year when Parliament was not sitting for nine months, where there was *koze kozé*, 13 applications for Muslim priests were turned down. 13! And then, he did not find out why 13 applications were turned down! Now, he is talking of one application that has been turned down!

Madam Speaker: Time is over!

Hon. Members, the Table has been advised that PQ B/688 in regard to persons in condition of homelessness and rough sleeping will be replied by the hon. Minister of Social Integration and Economic Empowerment. PQ B/726 has been withdrawn.

Hon. Rughoobur!

TOURISM INDUSTRY - MAJOR SOURCE MARKETS - REVENUE

(No. B/681) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Minister of Tourism whether, in regard to the tourism industry, he will state the four major market sources wherefrom Mauritius generated its highest revenue over the past five years.

Mr Gayan: Madam Speaker, I am informed that Statistics Mauritius conducts the surveys with regard to revenue spent by departing tourists. In respect of revenue by source market, this exercise has been conducted as from year 2015 and I am informed from the results of the survey that the four major source markets where Mauritius generated its highest revenue from the years 2015 to 2017 are France, United Kingdom, Germany and China.

Regarding the year 2018, I am apprised that Statistics Mauritius is still compiling the data in respect of departing tourists to generate data on revenue per source market for that year.

However, based on the number of tourists’ arrivals and latest figures on average spent per tourist obtained from Statistics Mauritius, the four major source markets for the year 2018 are France, United Kingdom, Germany and South Africa.

Mr Rughoobur: Madam Speaker, there has been some sort of confusion lately. May I know from the hon. Minister, in relation to the revenue in terms of approach, the category of tourists that Mauritius is promoting during the recent years, whether he can confirm that it is *le tourisme haut de gamme*?

Mr Gayan: Well, Madam Speaker, it has always been the policy of Government that Mauritius has been positioned as an upmarket tourist destination and we always target the *touristes haut de gamme*, and this is why most of our resorts in Mauritius are mostly 4 or 5-star plus resorts.

The *touriste haut de gamme* is a higher spender and he avails himself of all the facilities and activities that are provided on the island, and they engage in outside activities more. So, they spend Hazel increase because they go out of the hotels to participate in the life of the nation.

Mr Rughoobur: Thank you, Madam Speaker. As per statistics, the average amount spent by tourists per day, on average it is almost USD 115-120. May I know from the hon. Minister the measure that has been taken lately to increase upon this amount spent per day per tourist?

Mr Gayan: Madam Speaker, we are continuously diversifying and upgrading the tourism portfolio because the tastes and preferences of tourists tend to differ. And we are also, in that context, organising world class events like AfrAsia Golf Tournament, Kite Jam, and more recently, we organised the World Travel Awards, the Gala Ceremony for the Indian Ocean and Africa. And the MTPA draws up a calendar of events which is uploaded on its website so that the tourists know at any one point in time what are the events that they are capable of attending. We are also encouraging groups or companies to set up mega shopping malls with premium brands and also encouraging the setting up of world class restaurants. Government, as the House is aware, has recently authorised 4 and 5-star hotels to set up shisha lounges within their premises to meet the demand from the Middle East tourists, primarily.

Madam Speaker: Hon. Ms Sewocksingh!

Ms Sewocksingh: Thank you, Madam Speaker. Can the hon. Minister inform the House what actions are being taken by the MTPA to promote the Mauritian tourism products, local products, to encourage tourists to spend more in the country?

Mr Gayan: I have just indicated in my reply, Madam Speaker, that we are encouraging tourists to go out, to meet the people, to go to local restaurants and Mauritius is known for its street food. We are organising events. As the House is aware, Divali will be celebrated soon and we are inviting all the hotels to send their guests to attend the mega

events that will be organised in the context of Divali as well as for the event that will be organised during the week of Festival International Kreol.

Madam Speaker: Next question, hon. Rughoobur!

HOTELS (NEW) - CONSTRUCTION

(No. B/682) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Tourism whether, in regard to the construction of new hotels, he will state the number of applications received therefor over the past two years, indicating where matters stand in each case.

Mr Gayan: Madam Speaker, I wish to inform the House that in the year 2015, the then Deputy Prime Minister and Minister of Tourism decided to bring an end to the vicious downward spiral by allowing only hotels which were under construction to open in the following 24 months with a view to restoring a sustainable balance between supply and demand. That policy was to encourage the refurbishment of existing hotels and the taking-over of existing flagging properties by foreigners. The brutal fact of that policy was that it impacted adversely on the construction of new hotels.

After the lifting of the two-year moratorium, my Ministry received over the past two years, 10 applications for the construction of new hotels.

I am tabling the information on where matters stand with regard to hotel project.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. It is known to everybody that these few years, there have been extreme delays in the construction of these hotels. Based on the projections in the considerable increase in the amount of tourists we are expecting, may I know from the hon. Minister what are the measures that have been taken to ensure that we have adequate accommodation?

Mr Gayan: Madam Speaker, there has been set up a Fast Track Committee which is coordinating with all relevant ministries and organisations to expedite the processing of licences and permits for new hotel projects, to increase the room capacity and to cater for the expected increase in tourist arrivals for the next three years. Furthermore, at the level of my Ministry, processes have been streamlined to facilitate the construction of new hotels.

Mr Rughoobur: Thank you, Madam Speaker. In terms of cancellations of booking, during the recent months or during recent years, may I know from the hon. Minister whether

there is, at the level of the Ministry, a mechanism in place to evaluate what has been the impact on the figures due to the shortage of accommodation?

Mr Gayan: Madam Speaker, I am informed that there is no such mechanism. However, my Ministry works very closely with AHRIM to monitor forward hotel bookings and in specific situations, incentives are provided by private service providers to redirect bookings to where there is availability.

Mr Rughoobur: Thank you, Madam Speaker. I have also seen from research work that there was an application for a 5-star hotel in the Jin Fei region. May I know from the hon. Minister why is it that until now, in spite of the fact that a letter of intent issued, but nothing has been started yet?

Mr Gayan: Madam Speaker, I am informed from the promoter of Jin Fei, in fact, I have been myself very closely monitoring the development of that project. I am informed that there were initially some problems with the designs because the target market is China and the Chinese customers did not like the designs that had been prepared initially, but now that problem has been addressed. I am informed that the tender for the construction of the hotel has already been launched, and the plan is to start construction in September 2019.

Mr Jhuboo: Concerning the project in St Felix by Clear Ocean Limited, can we know from the hon. Minister where matters stand?

Mr Gayan: Well, this is a question that should be addressed to my colleague, hon. Minister of Housing and Lands, who, unfortunately, is not here.

Madam Speaker: This is a new question. You should come with a substantive question. Next question, hon. Rughoobur!

MTPA - MARKETING STRATEGY

(No. B/683) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Tourism whether, in regard to the tourism industry, he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to the initiatives undertaken for the sustainable promotion thereof over the past four years.

Mr Gayan: Madam Speaker, in view of our geographical location, air connectivity, as the House is aware, is critical to sustain tourism growth. Since this Government has come to power, it has adopted a gradual opening of the sky which resulted in a surge of air seats from 1.8 million in 2014 to 2.4 million in 2018. This has greatly contributed to the

consolidation of our traditional markets and the penetration of new markets where air connectivity is now available.

The Mauritius Tourism Promotion Authority has, accordingly, re-oriented its marketing strategy to optimise the potentials of our traditional markets with growth potential and tap into promising new markets.

I am informed that the MTPA has adopted a six-pronged destination promotion approach over the past four years as follows –

- (i) consolidation of traditional markets like France, the UK, Germany, Switzerland and Italy;
- (ii) aggressive penetration of proximity markets, namely Reunion Island and South Africa;
- (iii) the rekindling low season strategy to transform Mauritius into an all-year-round destination. As a matter of fact, tourist arrivals increased by 12.5% in 2015, 10% in 2016, 5.2% in 2017 and 5.4% in 2018 during the low season;
- (iv) increasing our presence on markets with hub potentials such as Dubai, Istanbul, Schiphol and Nairobi. This strategy has boosted tourist arrivals from cities not served by Air Mauritius. For instance, Eastern European countries registered an increase of 13%;
- (v) development of new markets where air connectivity exists. Saudi Arabia is an example from where tourist arrivals which was 2,390 in 2014, increased to 16,507 in 2018, representing a massive increase. Eastern Africa is another region where the MTPA is directing its marketing efforts; as now, Kenya Airways and Air Mauritius are operating daily flights, and
- (vi) intensification of the destination's visibility through digital and e-marketing actions across markets, MTPA has developed MyMauritius mobile application, setting up of e-learning platforms for travel agents and user-generated contents.

Madam Speaker, I wish to reassure the House that my Ministry, together with Air Mauritius, is revisiting its strategy to re-dynamise the Chinese market which remains an important plank in our strategy for diversification.

I am tabling a list of the marketing activities carried out by the MTPA over the past four years.

Madam Speaker, the different destination promotion initiatives taken by the MTPA, over the last four years, have greatly contributed to enhance the visibility of our destination and it has also generated additional tourist arrivals of 248,156. The benefits accruing to the country in terms of tourism earnings amounted to an additional Rs11.3 billion, taking into account the average spend per tourist as per the data of Statistics Mauritius.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Yes, thank you, Madam Speaker. I thank the hon. Minister for his reply. In terms of sustainable tourism, following the Conference last year, if I can quote very quickly, Madam Speaker – “the objective was to promote and diversify sustainable tourism by including the development of eco-tourism, agro-tourism, medical tourism and cultural tourism.”

At the level of these different priorities, may I know from the hon. Minister, what has been the initiative that has been taken lately?

Mr Gayan: Madam Speaker, I am informed that the Tourism Authority has set up a panel, comprising of experts in the field of eco-tourism, to work out the guidelines for the sustainable and orderly development of eco-tourism and adventure created activities. The guidelines are currently being finalised and will be gazetted shortly.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Le ministre pourrait-il nous indiquer la raison pour laquelle le budget de la MTPA est de R500 m. pour attirer 1.4 million de touristes, alors qu'aux Maldives, le budget est de R100 m. pour attirer un peu plus de 1.2 millions de touristes. Quelle est la raison pour laquelle nous avons un aussi gros budget ? Est-ce parce que nous avons raté notre processus de digitalisation de nos outils marketing?

Mr Gayan: Madam Speaker, I do not know what is the exact figure for the promotion of tourism in the Maldives, but there is one thing that we need to understand, Maldives is a different tourism product. There are hotels on all the islands. I have been to tourism fairs and also my hon. friend has been and when you look at the promotion of Maldives, each one is marketing its own products. So, apart from the destination promotion which the MTPA is doing, our local hotels are also doing the marketing but when we look at the Maldives, the size of the stand that they have is much more. So, I do not know exactly what is the amount that is being spent in terms of promotion of the destination and the tourism product.

The other thing that I need to say also, Madam Speaker. We are far remote from the major population centres. Maldives is just a couple of hours away from India. It is, at least, three hours closer to China from Asia, from Europe and they have lots of charter flights. So, that also adds to the situation in the Maldives which should not be compared to what is the situation in Mauritius. We tend to just lump everything together but the product is different.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Recently, we have heard that there are two versions - one of the MTPA (Government) and one of l'AHRIM. Recently, we have had one of the *assemblée générale* of l'AHRIM. The Minister was giving one speech and the director of l'AHRIM was on the other side. Can we know exactly whether there is some coordination between l'AHRIM at higher level and the Ministry?

Mr Gayan: Well, of course, there is, in fact, tomorrow, I am meeting the President of l'AHRIM in my office at noon.

Madam Speaker: Next question, hon. Rughoobur!

TOURISM INDUSTRY – POTENTIAL MARKETS – HIGHEST EXPENDITURE

(No. B/684) Mr S. Rughoobur (Second Member for Grand Baie & Poudre d'Or) asked the Minister of Tourism whether, in regard to the tourism industry, he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to the three potential markets wherein the highest expenditure was incurred for the promotion thereof, over the past three years, indicating the respective returns thereof.

Mr Gayan: Madam Speaker, the primary responsibility of the MTPA is the promotion of the Republic of Mauritius as a tourist destination.

I am informed by the MTPA that the three markets where the highest expenditure was incurred in terms of promotion are –

- (1) France with an expenditure of Rs73.4 m.;
- (2) UK with an expenditure of Rs51.6 m.; it varies from year to year;
- (3) Germany with an expenditure of Rs48 m. and this amount has been going up constantly year on year.

The returns from these markets in terms of tourist arrivals were as follows –

- (1) France registered a growth of 6.9% in 2016, 0.5% in 2017 and 4.3% in 2018. The total number of tourists from France reached 285,271 in 2018 as compared to 243,655 in 2014, representing an increase of 41,616 tourists over the last three years;
- (2) UK recorded a growth of 9.4% in 2016, 5.6% in 2017 and 1.4% in 2018 and the total number of tourists from the UK increased to 151,846 compared to 115,239 in 2014, which represents an increase of 36,607;
- (3) Germany also registered a growth of 37.9% in 2016, 14.5% in 2017 and 11.7% in 2018. The tourists on Germany surged to 132,815 in 2018 compared to 62,212 in 2014, representing an increase of 70,703.

Madam Speaker, the results obtained from these markets indicate clearly that the investment made by the MTPA was worthwhile and produced the expected results, particularly since France was having a negative growth during the year 2011 to 2014. After the investment, that changed and there was a positive growth of 4.4% in 2015, and this has been maintained. Germany as well registered growth over the last three years and we believe that Germany will continue to be a very important source for our tourism.

On the whole, Madam Speaker, these three markets generated an increase of 148,926 tourists over the last three years and the country benefitted from an additional Rs6.9 billion in terms of tourism earnings taking into account the average spend per tourist from Europe.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. Let me thank the hon. Minister for these valuable information. The hon. Minister mentioned an amount of almost of Rs170,000 spent only on these three markets by the Government.

(Interruptions)

Yes, per year, as a facilitator. May I know from the hon. Minister, question that I have often being asking myself, what has been the contribution of the private sector in this exercise of promotion and what has been the collaboration with the Government, in what form?

Mr Gayan: Madam Speaker, I have been informed that the private sector contributes less than 10% on the total promotional costs for the three markets such as France, the UK and Germany.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. In terms of priority areas where these investment were undertaken - well, let me rather come to this supplementary that I have a last one, in terms of the changes that we had in destination by our national carrier, may I know from the hon. Minister, how had this impacted on the returns from these three or four potential markets?

Mr Gayan: Madam Speaker, as I have said and no one will be able to dispute that. Air connectivity is central for the growth of tourism. Now, whenever we have seen more services on any destination, we have seen an increase. Unfortunately, Air Mauritius has had to cancel a number of flights and I do not know what will be the strategy adopted by Air Mauritius after the report of the consultants which is still awaited. So, it is a bit premature for me to say what will be the impact because we do not know what will be the strategy of Air Mauritius because Air Mauritius is very important for the tourism sector. At present, it brings about 43% of our tourists and I hope this will increase, but it will all depend on the report of the consultants.

Madam Speaker: Hon. Sewocksingh!

Ms Sewocksingh: Thank you Madam Speaker. In line with this question, can the hon. Minister inform the House the names of the PRs or companies that represent our destination in these three markets that the hon. Minister is talking about and the terms of the contract, and if there has been any breach of contract lately?

Mr Gayan: Madam Speaker, I need notice of this question.

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

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

On resuming at 2.36 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Osman Mahomed!

CEB – FIBRE OPTIC PROJECT

(No. B/685) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Supply, Installation and Commissioning of the Dense Wavelength Division Multiplexing Based Optical Transmission Network, he will, for the benefit of the House, obtain from Central Electricity Board Fibernet Ltd., information as to –

- (a) the contract value and variation costs thereof, if any;
- (b) if delays have occurred in the implementation thereof and, if so, indicate the -
 - (i) reasons therefor, and
 - (ii) amount of liquidated damages applied, if any and
- (c) if same will be extended to Rodrigues and, if so, indicate the costs thereof.

The Deputy Prime Minister: Madam Speaker, in 2001, the CEB installed an Optical Ground Wire network over its transmission towers. I understand that the Optical Ground Wire network, which is the acronym OPGW, is a tubular structure containing optical fibers and these fibers are surrounded by layers of steel and aluminum wires. The project was completed in 2003. This structure, that is, the OPGW, is found along CEB's overhead transmission lines around the island and it is used for its internal communication and control of sub stations remotely.

In the beginning of 2015, while I was in the process of discussions with the Chairman and General Manager of the Central Electricity Board, I was informed that the OPGW was being used only at 5% of its capacity and that it had to be optimised to be used to meet the growing demand for large data bandwidth.

In March 2015, the Ministry of Technology, Communication and Innovation made a proposal to the Central Electricity Board to optimize that OPGW network so as to provide ultimate backhaul network capacity to existing telecom operators.

After discussions, CEB, in September 2015 appointed a consultant which concluded that it was quite feasible to use the OPGW for development into a telecommunications network.

In February 2016, the CEB formed a steering committee on CEB's fibre optic project.

The committee recommended that a project consultant be appointed to manage the project.

In June 2016, my Ministry approved the implementation of the project which would consist in building a high speed data network using CEB's existing fibre cable infrastructure, that is the OPGW network. My Ministry also decided that the unutilised part of the fibre optic assets of the CEB would be transferred to a subsidiary company.

On 17 June 2016, Government approved the proposal of the Ministry and agreed to the implementation of the Fibernet project which had originally been initiated by the Minister of Technology, Communication and Innovation. The approval was that CEB, through its subsidiary company, would be able to build a high speed data network using the existing fibre network. Cabinet decided that a Ministerial Committee would be set up to look into the implementation of the project and Cabinet took note that the project would be implemented over a period of 18 to 24 months.

In October 2016, CEB incorporated CEB (Fibernet) Co Ltd that was to implement above project. Upon recommendations of the Consultant appointed by CEB, it was decided to adopt a specific technology. That technology, Madam Speaker, goes by the name of “Dense Wavelength Division Multiplexing Based Optical Transmission Network” which we see reproduced in the question. This is an optical transmission technology which I understand is widely used in the telecommunications industry for transmission of high speed data.

Now, with regard to part (a) of the question, the House will recall that I answered to this question on 25 April 2017. In my reply to that question, I stated that CEB (Fibernet) Co. Ltd. had awarded the contract to ECI Telecom on 15 April 2017 for active equipment and on 14 March 2017 for telecom shelter. In reply to the same question and to another question on 11 April 2017, I informed the House of the contract value which is of a total of 5,838,094 USD.

I am informed by the CEB (Fibernet) Co Ltd that it issued three variation orders, within the margin of 25 % of the contract value, authorised by the Public Procurement Act.

The total variation cost amounts to USD222,878, i.e. 4% of the initial price. The reasons for these variations were -

- (i) upgrading from 10 GB to 100 GB bandwidth for a cost of USD 59,948 ;
- (ii) supply and installation of three additional sites for USD120,399 namely Ebène head office, Curepipe and Vacoas, and
- (iii) supply and maintenance of network accessories for six additional sites in Rodrigues for USD42,531.

With regard to part (b), I am informed by the CEB (Fibernet) Co Ltd that the initial contract was awarded on 14 February 2017 and the duration of the contract was 10 months.

There has been a delay of approximately 7 months. The reasons were that -

- (i) the initial project design for the telecommunication shelter was for 220 km/hour wind speed, based on telecommunications industry standards. As these shelters were located within the premises of CEB stations, CEB advised for security reasons that the wind load factor be increased to 280 km/hour. As a result, instead of factory manufactured structures, more solid foundations had to be built.
- (ii) The second reason was that a number of sites needed additional works before they could be released on time.

Since the delays were not the doing of the contractor, the question of liquidated damages did not arise.

With regard to part (c), CEB (Fibernet) Co Ltd is envisaging the implementation for the project on 6 sites in Rodrigues. The estimated budget is USD74,000.

Mr Osman Mahomed: Thank you. Can I ask the hon. Deputy Prime Minister whether the scope of work of ECI – ECI Telecom is the company that is implementing this project. ECI Telecom is from Israel - has been enlarged to include phone and internet surveillance? I am to refer to a Press article, Madam Speaker, title ‘Snooping on Citizens’. How an Israeli Company might come ...

(Interruptions)

Madam Speaker: One by one, please! You have asked your question. I think your question was well understood by the hon. Minister.

The Deputy Prime Minister: Whether the scope of works include surveillance of telephones? No.

Mr Osman Mahomed: The article’s name is ‘Snooping on Citizens’.

The Deputy Prime Minister: Madam Speaker, I am sorry, an article may write whatever it is. The question is whether the scope of works has been extended to include phone and surveillance whatever.

Mr Osman Mahomed: Internet.

The Deputy Prime Minister: The answer is 'no'.

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister whether - we have just heard investment is being made in Rodrigues, small market, 30,000 people, I like Rodrigues a lot - this company which is a new entrant, CEB (Fibernet) Ltd which is a new entrant in the ICT domain, whether it makes commercial sense to tap this market when My.t and Emtel are also aggressively wooing this market?

The Deputy Prime Minister: First of all, what do we want to achieve? That, in Mauritius, we have, first of all, efficient high speed internet service. Secondly, we want internet to become accessible to the small people and that we lower the cost as much as possible. This is why the Minister of Technology of the time, who is now the Prime Minister, had initiated that project. I agree, but I am not here to belittle Rodrigues. It probably will not make of CEB (Fibernet) Ltd a huge profitable organisation, but they are not there to fleece the Rodriguans. They are here to provide a service, so is MT and Emtel.

Now, there is Mars cable. The Mars cable will provide that connectivity between Mauritius and Rodrigues. So, it makes sense that we have all the operators, not only business sense, not only political sense, not only social sense, but mere common sense.

Mr Osman Mahomed: The contract started in February 2017 and it was to be of a duration of 10 months. Can I ask the hon. Deputy Prime Minister whether the project is completed and that 25% of variation is all that we are going to have or there could be more variation to this project?

The Deputy Prime Minister: Well, all the equipment having been installed, I can't think there can be any question of variation now. All equipment has been installed. In fact, now, there have been trial periods as I will mention in the following answer. There have been trial periods. Well, I can't imagine what variation there could be, but it is very difficult to say: no, there will not be any variation. I cannot give guarantee.

Madam Speaker: Next question!

**CEB FIBERNET LTD - BACKBONE OPTICAL GROUND WIRE NETWORK
PROJECT**

(No. B/686) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Backbone Optical Ground Wire Network Project, he will, for the benefit of the House, obtain from Central Electricity Board Fibernet Ltd., information as to –

- (a) the name of the consultant employed in April 2016 therefor, indicating the –
 - (i) criteria and procedure followed for the selection, and
 - (ii) terms and conditions of appointment thereof, and
- (b) if any other consultancy firm has been paid fees in regard thereto and, if so, give details thereof.

The Deputy Prime Minister: Madam Speaker, as I explained in my reply to the previous question, - this is why in my previous question I took some time - the Backbone Optical Ground Wire Network Project was initiated and completed in the years 2001 to 2003 that was when hon. Ganoo was the Minister of Energy and CEB was then trying to go one step forward in the communication sector.

Now, the consultant appointed in 2016 could not obviously have been involved in that project. I assume, therefore, that the hon. Member is not referring to the project mentioned in the question, but he is referring to the Dense Wavelength Division Multiplexing Based Optical Transmission Network Project which was referred to in the previous question.

Now, that consultant was appointed in May 2016, not April, in order to advise CEB as to the best technology to be adopted to optimise the OPGW network so as to develop that network into a telecommunications network.

With regard to part (a) the Project Consultant who was appointed in May 2016 is Mr Rajesh Kumar Babu, an Indian citizen.

I am tabling the criteria for the selection of the Consultant.

Now, the CEB approached one local recruitment agency, that is, Alentaris, but it also appointed four foreign recruitment agencies for a list of potential candidates. The agencies were -

1. PentaConsulting, United Kingdom

2. Hays Recruiting Experts Worldwide, United Kingdom
3. Deltareco, India
4. Shella Consultants, India.

By the closing date, only Hays Recruiting Experts Worldwide and Penta Consulting had provided lists of candidates. Five candidates were shortlisted for an interview, which was conducted through Skype and by telephone on 01 April 2016. The interview was conducted by a panel which comprised Mr Rajcoomar Bikoo, a Board Member, but also the Director General of my Ministry, Mr Ally Damree, was then a Board Member and Mr Gérard Hébrard, then General Manager.

With regard to part (ii), the terms of appointment of Mr Babu were that he would be paid remuneration amounting to USD 11,000. I have to point out that Mr Babu is now performing the duties of General Manager.

With regard to part (b), I am informed by CEB that in accordance with the terms of engagement of Penta Consulting Limited, it was required to pay 20% of the annual salary of the Project Consultant as “Finder’s fee” for the first year of contract. CEB has, therefore, paid a professional fee of \$ 24,000 to Penta Consulting, UK.

Mr Osman Mahomed: Thank you. Can I ask the hon. Deputy Prime Minister whether in appointing project consultant to Ag. General Manager of CEB Fibernet Ltd, Mr R. Babu is drawing the same salary, meaning with all-inclusive about half a million rupees per month on the same terms and conditions or the salary is different?

The Deputy Prime Minister: Well, 11,000 dollars is not half a million rupees.

(Interruptions)

Well, it depends how you gross up. 11 multiply by 34 is far from half a million, but that is not the point. I do not have the exact information, but my understanding is that it is the same information. I shall ask - yes, the nodding is in approval, it is the same salary of 11,000 dollars.

Mr Osman Mahomed: That monthly fee of 2,000 USD that is being paid for the services of Mr Babu to Penta Consulting, the hon. Deputy Prime Minister has said it was over a period of 12 months, it’s about Rs70,000 per month. That is still being paid or it has stopped already?

The Deputy Prime Minister: My understanding is that it was for one year and that the fee paid was 24,000 dollars. This is what I said in my reply. Yes, CEB has paid a total of 24,000 USD. With regard to the salary, I just flick for my file. Yes, the salary is still 11,000 dollars, but I do not know what could happen in the future with added responsibilities, what is going to be his salary.

Mr Osman Mahomed: I am sure Mr Babu must be a good professional. It is my duty to ask the hon. Deputy Prime Minister whether an assessment has been made on his performance, being given after three years the company has not generated any income, has made huge operational losses and also, the contract that is being managed by the company has known delays and huge variations? Has an assessment been made on the performance of Mr R. Babu, so far?

The Deputy Prime Minister: I am not aware of huge delays. With regard to the performance of Mr Babu, I am not an engineer, and I listen to him, it appears to me that he understands what he is talking about, but I rely, of course, on the Director General of my Ministry who has always been impressed by him. So, I cannot do otherwise.

Madam Speaker: Next question, hon. Osman Mahomed!

CEB FIBERNET LTD - FUNDS

(No. B/687) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to CEB Fibernet Ltd., he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the –

- (a) quantum of funds advanced thereto as at to date, and
- (b) claims received therefrom for services provided thereto, indicating in each case the –
 - (i) nature and scope thereof, and
 - (ii) quantum of funds paid to Mauritius Telecom for the provision of similar services over the past two years.

The Deputy Prime Minister: Madam Speaker, with regard to part (a) of the question, I am informed by the Central Electricity Board that as at 30 June 2019, it has provided to its subsidiary, CEB (Fibernet) Co Ltd an amount of Rs363 m.

As regards part (b) (i), no service is being provided at this stage and no claim has been submitted.

There are trial connections operating on a pilot basis but I am informed that the CEB has not received any claim from CEB (Fibernet) Co Ltd for these trial connections.

Consequently, the last part of the question does not arise.

Mr Osman Mahomed: Thank you. The business and strategic plan of the CEB (Fibernet) Co Ltd is based on the premise that it will be a wholesaler of Telecom Services to namely: Mauritius Telecom, MTEL and MTML. Can I ask the Deputy Prime Minister whether any conclusive and binding agreement have been signed with these service providers prior to the Board of CEB investing so much, *valeur du jour*, the amount that you have just said in this company?

The Deputy Prime Minister: Well, a Consultant was appointed for a business proposal, that is, IDATE. I have referred to it in previous replies and they referred to the discussion which they had. I know that CEB (Fibernet) Co Ltd is entertaining discussions with whatever clients, and time will tell.

Mr Osman Mahomed: Therefore, no conclusive agreements have been signed so far with the main potential client?

The Deputy Prime Minister: None.

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister, again, not for Rodrigues this time, for the Island of Mauritius, what sense does it make to penetrate this market whereby the players already own their own fibre rollouts and high speed back links in this country for a new entrant in the ICT domain, will it not face challenges going forward?

The Deputy Prime Minister: All challenges are up for the taking. We are in a world which is ever changing. I do not want to be nasty, but between 2005, you were closely involved. Between 2005 to 2014, this cable was lying idle, we had to make good use of it. It had been made in 2000-2003, but these are the facts. We must capitalise it and we got to make best use of that cable and that is the whole purpose.

Now, what do I do? There is a *tabagie* in the street, so I do not open my *tabagie* because there is already one *tabagie* in the street. I mean markets develop and times change. We will see.

Mr Osman Mahomed: We are not talking about a *tabagie*, here we are talking about CEB Fibernet which has invested nearly half a billion rupees so far, with all expenses. Can I ask the hon. Deputy Prime Minister whether the CEB Fibernet Ltd., as at today, is still a going concern?

The Deputy Prime Minister: As what?

Mr Osman Mahomed: Is it still a going concern? Is it a company that will exist still in the foreseeable future?

The Deputy Prime Minister: Of course!

Madam Speaker: Next question, hon. Leopold!

HOMELESSNESS & ROUGH SLEEPING – POLICY

(No. B/688) **Mr J. Leopold (Second Member for Rodrigues)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to persons in condition of homelessness and rough sleeping in the Republic of Mauritius, he will state the policy of his Ministry in relation thereto.

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

Madam Speaker, the issue of rough sleeping is a complex one. It comprises of multi-faceted issues such as mental health, alcoholism, substance issues and family associated problems.

In addition, it is also important to note that many of these people are living at a different phase of their life, and therefore very often refuse assistance. At times, they are even happy with their homeless lifestyle and refuse to be enrolled in the various rehabilitation programmes available. Therefore, all the authorities concerned, service providers and NGOs should work together to provide rough sleepers with accompaniment advice, accommodations and referral to appropriate services.

Madam Speaker, I am informed that in Rodrigues the problem of homelessness and rough sleeping is inexistent. In Mauritius, all rough sleepers are referred to different NGOs that cater for the homeless. These NGOs provide rehabilitation services, economic empowerment and social reintegration of homeless, male and female, in the mainstream society.

For the information of the House, the National Empowerment Foundation which operates under the aegis of my Ministry, assigned an MoU with the NGO, *Association Pour Personnes En Larmes* (APPEL) for the running and management of a night shelter and Day Care Centre called the ARCH Centre which is located at Abattoir Street, Roche Bois. This centre can accommodate 16 homeless adults for rehabilitation and social reinsertion with the life transformation programme.

Moreover, the National CSR Foundation also funds NGOs that caters for the rough sleepers and the homeless. I am informed that since 2017 to date, the National CSR Foundation has disbursed around Rs9,655,300 to such organisation.

Madam Speaker, I am also informed that there are around 25 other organisations that provide residential care services, temporary shelter and half way homes to ex-alcoholic, ex-detainees, women in distress and elderly persons, including those who are in situation of homelessness.

Madam Speaker: Hon. Leopold!

Mr Leopold: Thank you, Madam Speaker. As the hon. Minister has stated, most of them are people from mental illnesses and they refuse help. I want to know what his Ministry is doing to help those people when we have harsh weather conditions like cyclones or severe winter?

Mr Wong Yen Cheong: Madam Speaker, we have programmes, when there are cyclones, refugee centres are open and people can go into it when we have disasters. But otherwise, NGOs who are there, those who are actually homeless still go to the same shelters that are offered by the NGOs.

Mr Leopold: Does your Ministry have any figure of any death due to the homelessness or bad weather? Have you any statistics on that?

Mr Wong Yen Cheong: Madam Speaker, unfortunately, we do not have any statistics of these people because I discover myself that some are like sailors, who come back home after a campaign of fishing for three months. When they come back, they have family problems and they are found homeless. When they go back on a campaign and come back again, they reinsert the family. So, it is a very dynamic figure and it is very difficult to have statistics on that.

Mr Baloomoody: On the same issue, can I ask the hon. Minister whether at the level of his Ministry there is a register where all these people are registered so that we know where they live, where they are? Is there any specific register for the homeless?

Mr Wong Yen Cheong: I reply, I think, one of the question, that we cannot have a register through the Government telling who the NGOs are because we do not have the register of NGOs about the people they are sheltering.

Madam Speaker: Next question, hon. Leopold!

MAURITIUS & RODRIGUES - FARMING COMMUNITY

(No. B/689) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Agro-Industry and Food Security whether, in regard to the farming community, he will state if an assessment of the population thereof has been made with a view to ensuring continuity of production of agricultural products.

Mr Seeruttun: Madam Speaker, the House may wish to note that on a bi-annual basis, the Small Farmers Welfare Fund which operates under my Ministry carries out a registration of growers of food crops, fruits and flowers, as well as livestock and poultry breeders, among others in both Mauritius and Rodrigues.

According to the last exercise carried out for the year 2017/18, Mauritius counted 9,060 planters and 1,452 breeders. Whilst Rodrigues had 93 planters and 34 breeders registered.

It is to be noted that these figures exclude sugarcane planters.

The registration for the year 2019-2020 is presently being carried out and is ongoing.

The information collected from this exercise which includes, *inter alia*, location and extent cultivated, the various crops grown, the animals being bred etc. is used to update the socio-economic database of the whole farming community in Mauritius and Rodrigues; also keep track of the demographic changes occurring in the farming community; evaluate and assess constraints and new challenges and come up with appropriate policies and strategies to ensure the sustainability of the agricultural sector as well as our food security.

Madam Speaker, in my replies to PQs B/368 of 03 May 2016 and B/573 of 09 July 2019, I gave details to the House of the measures recommended in the 2016-2020 Strategic Plan for the food crop sector elaborated by my Ministry and the package of support and

incentives being given to the farming community to enable it to stay in operation and thus sustain and scale up our agricultural production.

I also indicated the impact that these measures have had on our food crop production level which since last year has been on a rising trend and has reached 118,607 tons last year.

Madam Speaker: Hon. Leopold!

Mr Leopold: Thank you, Madam Speaker. May I ask the hon. Minister what is the average age of the farmers in the Republic of Mauritius, whether the farmers are facing the phenomenon of ageing population?

Mr Seeruttun: Well, this is a global phenomenon, Madam Speaker, where we see that the farmers is of the ageing population and that is why at the level of my Ministry we have been trying to attract young farmers into that sector. So, it is true that at the moment, the majority of the farmers are from the advanced age.

Madam Speaker: Next question, hon. Uteem!

RACIAL HATRED CASES – OFFENCES

(No. B/690) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the offence of stirring up racial hatred, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof since 2014 to 2018 on a yearly basis and since January 2019 to date, indicating the number of –

- (a) arrests effected in connection therewith, and
- (b) convictions secured in relation thereto.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that as from January 2014 to date, 16 cases of ‘stirring up racial hatred’ have been reported to the Police.

The yearly breakdown of reported cases is as follows -

- i. 2014 – 1 case;
- ii. 2015 – 5 cases;

- iii. 2016 – 1 case;
- iv. 2017 – 2 cases;
- v. 2018 – 4 cases, and
- vi. January 2019 to date – 3 cases.

Regarding parts (a) and (b) of the question, I am further informed that 8 persons have been arrested, out of whom 4 have been convicted. As regards the other 4 persons, enquiry is still on.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. It was widely reported that on 24 May 2019 at least two complaints were recorded against hon. Anil Gayan for allegedly stirring up racial hatred. Can I know from the Rt. hon. Minister Mentor whether there has been any arrest in connection with these reported cases to date?

Sir Anerood Jugnauth: Well, I do not have that information. If the hon. Member can come with a specific question, I will get the information and I will answer it.

Mr Uteem: You should know about the number of arrests. So, I just wanted to know, out of the 8 persons arrested, whether that included anyone from Government?

Sir Anerood Jugnauth: Well, I have a long list of people who are being arrested and inquiry is being made, but I do not know whether these two persons, their names have been included. If you want me to produce all the lists, I am prepared to do it.

Mr Uteem: In answer to a PNQ on 14 November 2017, the hon. Prime Minister mentioned that there were six cases which had been reported against hon. Soodhun in relation to alleged acts of stirring up racial hatred. May I know what happened to these six reported cases of alleged acts of stirring up racial hatred against hon. Soodhun?

Sir Anerood Jugnauth: Well, all these cases, so, as I have answered, how many, there have been inquiry, conviction, others, inquiry is still on. How can I say?

Madam Speaker: Next question, hon. Uteem!

PLACES OF WORSHIP - DAMAGES - CASES

(No. B/691) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues

whether in regard to damages to temples, churches, mosques, pagodas and other places of worship, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof since 2014 to 2018 on a yearly basis and since January 2019 to date, indicating the number of –

- (a) arrests effected in connection therewith, and
- (b) convictions secured in relation thereto.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that there have been 81 reported cases relating to damages, to temples, churches, mosques, pagodas and other places of worship for the period 2014 to date as follows -

- (i) 2014 – 8 cases;
- (ii) 2015 – 15 cases;
- (iii) 2016 – 11 cases;
- (iv) 2017 – 14 cases;
- (v) 2018 – 19 cases, and
- (vi) As from January 2019 to date – 14 cases.

Madam Speaker, as regards parts (a) and (b) of the question, I am further informed that there have been 16 arrests effected and 7 convictions secured.

Mr Uteem: On 07 September 2015, following the several temples, kovils, mosques were vandalised in the south, the Rt. hon. Minister Mentor who was then Prime Minister stated and I quote - "*Nous sommes un Etat de droit et la loi sera appliquée dans toute sa rigueur. Les coupables devront aller en prison.*" May I know from the Rt. hon. Minister Mentor, he mentioned that there were four convictions, does he have the details about anyone being sent in prison for these offences?

Sir Anerood Jugnauth: Well, what I said it was what I believe. But I do not try these people, I do not convict them and I do not sentence them. So, it is for the Court. I hope the Court is going to be very severe in such cases. Had I been a Judge or a Magistrate, I would have been very, very severe in such matters.

Mr Uteem: At the moment the punishment is relatively low under Section 185 of the Criminal Code, 'Outrage on religious worship', the maximum penalty is Rs100,000 and imprisonment for a term not exceeding 2 years. So, is the Government envisaging coming

forward with a legislation to toughen the sanction against perpetrators of these outrages to religious worship places?

Sir Anerood Jugnauth: Well, my own impression is that the Courts, in many cases, are very lenient. Already what is provided is not being applied. Two years, I am sure most of the Courts must not be applying it. So, making it more severe. Well, one thing we can do, put a minimum and a maximum. Then, the Court will be bound to put at least the minimum. I will look into this.

Mr Uteem: The Rt. hon. Minister Mentor mentioned 4 convictions. My question was, out of these four convictions, do you have the information whether anyone was sent to prison or does Magistrate just impose fine in relation to these convictions?

Sir Anerood Jugnauth: Well, I am trying to find out. Well, in one case, I see, accused sentenced to 6 months' imprisonment plus Rs300 costs. In a second case, accused had been sentenced to 2 years' probation, this is very gentle, and Rs100 costs. Well, in one case I see absolute discharge. So, you see how the Courts are lenient.

Mr Uteem: Madam Speaker, the Rt. hon. Minister Mentor has on a number of occasions stated that he has information about people who are deliberately and I quote - "*L'objectif de profaner des lieux de culte en vue de déstabiliser l'harmonie sociale du pays et d'attiser la haine*". He said that in many functions, and lately on the occasion of the Ugadi Festival on 06 April 2019. So, may I know from the Rt. hon. Minister Mentor whether he has any information whether the Police is inquiring into the statement made by the Police to the effect that he has information that there are groups of people in Mauritius trying to destabilise the country by attacking those places of worship?

Sir Anerood Jugnauth: Well, my own impression is the same, that these are being done purposely to make one community rise against another one. And information, or no information, I think, why all of a sudden? In the past, there never used to be such cases. Now, we have so many cases like this. There must be some motive behind it. And what motive other than creating trouble between communities?

Madam Speaker: Next question, hon. Uteem!

SME CRAFT SHOP - SSR INTERNATIONAL AIRPORT

(No. B/692) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to

the SME Craft Shop at the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain from SME Mauritius Ltd., information as to –

- (a) the volume of sales realised and the operating profit or loss thereof since 2014 to 2018 on a yearly basis and since January 2019 to date and
- (b) if alleged cases of malpractices thereat have been reported and, if so, indicate the actions taken in relation thereto, if any.

Mr Bholah: Madam Speaker, I wish to emphasise that Ex SMEDA was operating two shops, one at Caudan and another one at the Airport. However, due to poor sales performance at the Caudan Shop, SME Mauritius Ltd, at its inception, decided to close it down, that is, in May 2018.

With regard to part (a) of the question, I am tabling the requested information.

Madam Speaker, I am informed that the Ex SMEDA did not compute profit and loss figures for sales effected at its shops.

I also wish to inform that over and above the sales figures as provided in the worksheet, SME Mauritius Ltd has supplied the Mauritius Duty Paradise Ltd handicraft products for an amount of Rs3,570,060 during the period July 2018 to June 2019 for onward sales at its Duty Free outlets.

With regard to part (b) of the question, I am informed that three cases of malpractices had been reported to SME Mauritius as follows –

In the first case, it was alleged that an employee posted at the craft shop at the airport, had leaked confidential information, including pictures of handicraft products to unauthorised persons and suppliers, thus causing prejudice to the Organisation. Following an internal enquiry, the officer who was still on probation, had his contract terminated.

In the second case, it was reported that an officer had solicited money for services rendered such as allocation of Hologram, amongst others. An internal enquiry was conducted and due to the seriousness of the matter, the employee was dismissed.

The third case relates to an employee posted at the Coromandel warehouse being accused of accepting gifts from an entrepreneur. The internal enquiry revealed that the alleged gifts were, in fact, handed in as samples and were, in fact, placed at the warehouse. In that case, even ICAC independently conducted an enquiry and SME Mauritius Ltd has had no

further formal correspondence on the matter. I am informed that no disciplinary measure was initiated.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you. Is the hon. Minister aware - and I think he should - that there has been a sharp decrease in the sales figures at the airport craft shop and, if this is the case, has he tried to enquire from SME Mauritius the reason for this drastic reduction in sales?

Mr Bholah: There are two answers to that. Firstly, as I said, in the figures that I have provided in the table, an amount of around Rs3.5 m. of products has been supplied to Mauritius Duty Free Paradise.

Secondly, the drop in sales has occurred at the moment when the hologram was introduced on the products. It is alleged previously that there were products that were not manufactured locally or did not have considerable amount of value addition. Okay, this has created the drop in the sales because the allocation of hologram to the artisans undergoes very critical tests and many of them do not pass the tests.

Mr Uteem: Asking back on this, the hon. Minister just stated and this is what I wanted to hear that there were allegations that goods, which were not manufactured by SMEs in Mauritius, were being sold in the aircraft shop and this is the reason why these sales were not accounted for. So, may I know, in the light of this information that the Minister has, has there been any sanction taken against any shop assistant working in Airport of Mauritius, in airport craft shop?

Mr Bholah: Well, in as far as SME Mauritius has received information, appropriate inquiries have been conducted but we cannot pinpoint any artisan or any supplier with that particular problem that had occurred in the past over there.

Mr Uteem: Has the attention of the hon. Minister being drawn to the scandal around the missing tourist vouchers. As the hon. Minister is aware, tourists are supposed to get a Rs200 rebate whenever they spend Rs1,000 but, apparently, in the airport shop, the sale figure does not tally with the receipts and the reason for that is missing tourist vouchers.

Mr Bholah: I am not aware but I will inquire on that.

Mr Uteem: A last question, with regard to procurement, has the hon. Minister's attention been drawn to the fact that there used to be over 300 registered artisans, out of which 125 were regular suppliers of products at the airport craft shop but, today, the number

of artisans selling their products has been reduced to only 40. So, is the hon. Minister aware of this and, if he is not, will he inquire to find out why there has been a drastic reduction in the number of supplies?

Mr Bholah: Well, again, firstly, this is a question of hologram because each and every product which is offered for sale over there carries a hologram.

Secondly, there are new entrants, okay, by virtue of their creativity, aesthetic and uniqueness, there are new entrants and new products and then new artisans have come in the market now.

Madam Speaker: Next question, hon. Ameer Meea!

FATAL ROAD ACCIDENTS – APRIL 2018-JULY2019

(No. B/693) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to fatal road accidents, he will state the –

- (a) number of cases thereof since April 2018 to December 2018 and since January 2019 to date, and
- (b) measures taken to address same.

Mr Bodha: Madam Speaker, with your permission, I will answer this question. I have been informed by the Police that the number of fatal road accidents for the period April 2018 to December 2018 was 91 and for the period January 2019 to date, the number is 72.

It is to be pointed out that the number of fatal road accidents from January 2018 to July 2018 was 87, therefore, indicating a reduction of 17% this year. The rate of fatality per 100,000 population for the year 2018 was 11.7 as compared to 12.8 in 2017.

Madam Speaker, correspondingly, the number of killed was 143 in 2018 against 157 in the preceding year 2017. The trend toward this year, till now, is reducing and we hope that all our road safety efforts and tightening of the Road Traffic Act will bring even better results in the coming days.

Madam Speaker, it is to be highlighted that the road crash is the result of a change of events which involves multiple factors: driver behaviour; vehicle factors; road environment, and, from analysis of the road crash statistics, it has been observed that the most common contributory human factor that causes road crashes is the inability of the driver to cope with

the road traffic situation due to excessive speeding, wrong perception of risks particularly among young road users and drivers not possessing appropriate driving skills and knowledge. The more so consumption of alcohol and drugs may be considered as one of the leading factors contributing to road crashes in Mauritius.

Madam Speaker, the main measures being taken to bring a change in the mindset of road users and address the issue of road accident are –

- (1) Enforcement - Over and above the routine enforcement duties by the traffic branch of the Police, we have the operations which have been intensified during weekends where particular attention is given to accident prone areas;
- (2) Amendments have been made to the Road Traffic Act to provide stricter penalties for various road traffic offences such as excessive speeding, driving without licence, drink driving and drug driving against others;
- (3) Amendments have been made to the Road Traffic Regulations with respect to driver licencing for auto cycles and motorcycles;
- (4) Working sessions are being held with the Police to include the speed violations under the new Safe City project.

Madam Speaker, we are addressing the issue of education with regular road safety mass media campaigns; road safety education in primary schools and implementation of the continuum of road safety education in collaboration with my colleague, the Minister of Education; training of driving instructors and police examiners from motorcycles. Programme is being worked with Business Mauritius for the training of private sector employees commuting on motorcycles and implementation of a Road Safety Charter.

Furthermore, together with the TMRSU and the RDA, we are working on road safety audits so that we can analyse and investigate serious road crashes in more details. We are also setting up, Madam Speaker, a National Road Safety Observatory with the University of Mauritius and the Centre for Accident Research and Road Safety of Queensland, Australia. This will provide data for researchers, strategic actions on road safety, initiate support policy and programme development and capacity building and also the Observatory Office will manage and maintain a road safety observatory website which will be a repository of summaries and all the data available on road accidents.

Mr Ameer Meea: As the hon. Minister stated, one of the reasons for fatal accidents is drug consumption. Does the hon. Minister have the figures for drug related cases for fatal road accidents and also the age group of the victims of the accidents?

Mr Bodha: No, Madam. I do not have these figures and I have asked the Police. As you are aware, we came with a Bill and the equipment is being installed now.

Mr Ameer Meea: We also have the issue of illegal racing. So, will the hon. Minister agree with me that it is high time in Mauritius that we have an official racing track *pour les amateurs de courses de voitures et de motos*.

Mr Bodha: I totally agree with the hon. colleague. In fact, we have proposed a plot of 50 acres to the promoter who would be willing to come up with the project for a car circuit. We have not been able to have any promoter so far. There has been a request that the parking at Côte d'Or, opposite the equipment, could be used for some exercises. So, we are thinking about it, but I totally agree that there is room for proper infrastructure but it costs a lot of money and we are prepared to give State land for that, but we are still looking for promoters who will come up to do the investment.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Concerning accidents where people have lost their life, dangerous driving following – I would say – irresponsible drivers, can the Minister have the figure and give us the information? How many of these types, I would say, of these persons have been sentenced to jail and how many have had their licence suspended in cases where they have been found guilty and then sent to court? Can the Minister give us some figures?

Mr Bodha: I do not have these figures, but I think I can ask the Commissioner of Police to know how many cases. I think the Minister Mentor mentioned some figures, but we have to see how the cases have been to court.

Mr Bhagwan: Madam Speaker, does the Minister not agree that the MBC, instead of being engaged in more political activities, must be used *à bon escient*. It should, at least, give figures. The hon. Minister is an expert in communications; at least, he should use the MBC TV to see how many people have had their licence suspended; how many have gone to jail, if there has been any.

Mr Bodha: When we will have the figures, we will do that, Madam Speaker.

Madam Speaker: Yes, hon. Ms Sewocksingh!

NATIONAL DRUG SECRETARIAT – TERMS OF REFERENCE

(No. B/694) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the National Drug Secretariat, he will, for the benefit of the House, obtain therefrom, information as to the -

- (a) composition thereof;
- (b) number of meetings held as at to date, and
- (c) work progress thereof.

Sir Anerood Jugnauth: Madam Speaker, the National Drug Control Master Plan 2019-2023 provides for a Governance Structure for its implementation. One of the components of the structure is the National Drug Secretariat, chaired by the Permanent Secretary of my Ministry. The Terms of Reference of the National Drug Secretariat provide, inter alia, to ensure the coordination, implementation, monitoring and evaluation of the programmes involving a large spectrum of key actors at national, regional and international levels.

As regards part (a) of the question, the National Drug Secretariat comprises the Chairperson and representatives of the following Ministries and organizations -

- Ministry of Defence and Rodrigues;
- Ministry of Health and Quality of Life;
- The State Law Office;
- Independent Commission Against Corruption (ICAC);
- Mauritius Prison Service;
- Anti-Drug and Smuggling Unit;
- NGOs working with People Who Use Drugs (PWUD), and
- The Harm Reduction Unit of the Ministry of Health and Quality of Life.

As at now, the Secretariat is serviced by an Adviser and an officer under the Service to Mauritius Programme. Procedures have been initiated for the recruitment of 5 technical staff and officers of Administrative and General Cadre.

Madam Speaker, regarding parts (b) and (c) of the question, one technical meeting of the National Drug Secretariat was held on 08 March 2019. The National Drug Secretariat is working on the implementation of the four pillars of the National Drug Control Master Plan which are -

- (i) Coordination mechanism, legislation, implementation framework, Monitoring and Evaluation and Strategic Information;
- (ii) Drug Supply Reduction;
- (iii) Drug Demand Reduction, namely drug use prevention, drug use disorders treatment, rehabilitation and social reintegration, and
- (iv) Harm Reduction.

Working sessions are being carried out with specific Ministries/Departments/Organisations for the implementation of the four Pillars.

I must inform the House that implementation of certain of the recommendations have already started mainly -

(i) Drug Supply Reduction

Vigilance has been increased by ADSU. This is evident by the number of drug seizures and arrests effected.

(ii) Drug Use Prevention started in July 2019

- a. A Stress Relief Program has been carried out with the newly recruited 427 Police Officers, and
- b. A Prison Smart Program has been conducted with Prisoners and Prison Officers.

I must inform the House that the above two programs have been much welcomed by the Officers and Prisoners.

- (iii) The National Drug Secretariat is also looking for a building for the setting up of a residential rehabilitation centre. In this respect, the National Drug Secretariat is liaising with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research and a letter has been sent accordingly on 27 May 2019.

Madam Speaker: Hon. Ms Sewocksingh!

Ms Sewocksingh: Thank you, Madam Speaker. Can the hon. Minister Mentor indicate to the House when will the National Drug Secretariat be fully operational with an office, staff and terms of reference?

Sir Anerood Jugnauth: Well, all the steps are being taken in order to achieve this, but I suppose it will take some time.

Madam Speaker: Yes, hon. Ms Sewocksingh!

Ms Sewocksingh: In the reply, the hon. Minister Mentor mentioned that till now 5 technicians have been recruited, may I know from the Rt. hon. Minister Mentor how many staff in all will be employed under the National Drug Secretariat?

Sir Anerood Jugnauth: Well, I don't think I mentioned that they have been recruited. I said they are going to be recruited.

Ms Sewocksingh: So, is it only five or there will be more?

Sir Anerood Jugnauth: For the time being, I have been told five. There may be more in the future, I do not know.

Madam Speaker: Next question, hon. Ms Sewocksingh!

Ms Sewocksingh: Can I have a last question on this matter, Madam Speaker?

Madam Speaker: Next question!

POTATO, ONION & GARLIC - PRODUCTION

(No. B/695) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Agro-Industry and Food Security whether, in regard to the production of potato, onion and garlic, he will state the reasons for the decrease thereof since 2015 to date.

Mr Seeruttun: Madam Speaker, the production of potato from 2015 to 2018 was as follows -

2015 - 16,427T

2016 - 16,326T

2017 - 14,124T

2018 - 18,500T

I am informed that the shortfall in production in 2017 was because -

- (a) A lesser extent was planted in that year in view of unfavorable climatic conditions resulting in delay of harvest of sugar cane fields and thus late release of land to small planters for potato growing.
- (b) Dry rot problems and poor quality Delaware seeds accounting for a decrease in production by some 2,200T. It is to be noted that Delaware is the only variety that is planted in the second season from July to August.

As the House may have noted, the production picked up in 2018 to reach some 18,500T. A further increase of some 2,000T is expected this year, if agro climatic conditions are favourable.

Madam Speaker, with regard to onion, a drop in production was observed as from 2017. This is essentially due to -

- (a) adverse climatic conditions over the past few years jeopardizing plantation from the months of March to May;
- (b) occurrence of Stemphylium Blight disease especially at vegetative stage; which has been quite harmful;
- (c) phasing out in 2016 of the two most commonly grown varieties, NUN 7272 and Star 5529, resulting also in unavailability of early maturing red variety onions. The new varieties that have replaced them as from 2017 have still not yet been fully adopted by our local growers.

In view thereof, the AMB has, since last year, in collaboration with FAREI and local growers embarked on a programme aimed at producing some 500 to 700 kg of local onion seeds of Francia and Bellarose varieties.

These two locally bred varieties, I am informed, offer good storability and adaptability to our local climatic conditions and represent some 50% of our total local onion seeds requirement. We are hopeful that this will contribute largely in boosting our onion production in the coming years.

Madam Speaker, as far as garlic is concerned, the local production has been on a declining trend, not since 2015, but since the 80's because -

- (a) production is highly labour intensive and labour is short;
- (b) cost of production is high - around Rs200,000 per *arpent* and the crop cycle is relatively long - around 5 to 6 months;

- (c) shrinkage is high compared to imported garlic;
- (d) demand for local garlic is low. Imported garlic is preferred because the cloves are bigger in size and are easily peeled.

Madam Speaker, in order to palliate the problem of labour and facilitate farmers in the tedious task of clove preparation before plantation, the AMB has acquired a clove separator. It has also constructed a dedicated garlic seed storage facility in addition to the various incentives it is already providing to growers.

In parallel, FAREI is evaluating more than 23 local accessions with a view to coming up with varieties that will meet consumers' preference and hence create interest and demand for local garlic.

Ms Sewocksingh: Madam Speaker, we can notice that there is a decline in the production of these food crops. Can the hon. Minister indicate to the House the ratio between the local production and the importation of these products?

Mr Seeruttun: I do not have the ratio with me right now, but I know that with regard to potatoes, we import around 8,000 tons annually, but now that the production has increased from around 16,000 to nearly 20,000 this year. The importation will be reduced proportionately with that increase in local production. For the importation of onions, it is around 5,000 tons if my memory serves me well.

Ms Sewocksingh: Maybe to have a clearer idea of this issue, Madam Speaker, can the hon. Minister indicate to the House the amount of consumption of these food commodities per year?

Mr Seeruttun: Well, just for potatoes, it is about 20,000 to 21,000 annually, but it does vary also depending on tourist's arrival as well. So, for potatoes it ranges between 20,000 tons to 23,000 tons per year.

Ms Sewocksingh: Are we in line with the food security programme, Madam Speaker?

Mr Seeruttun: Well, Madam Speaker, we have to note that these are crops that are not able to be grown throughout the whole year. There are times during the year where we cannot produce potatoes. That is why we have to have recourse to importation. We do also allow storage facilities, but we cannot keep it for shelf life. That is why as far as possible, we

tend to store as much as possible until we need them. Otherwise, we have to have recourse to importation. But our aim is to increase the level of food security in Mauritius.

Ms Sewocksingh: Last question, Madam Speaker. We do understand that importation is being done by the AMB and some private stakeholders. Can the hon. Minister indicate to the House what are the schemes that are being given to small farmers so that they are being encouraged to do this plantation?

Mr Seeruttun: One of the schemes that we do provide to small farmers is what we call Seed Purchasing Scheme. This allows them to buy the seeds, to plant the potatoes and when they start to harvest, then they refund for the cost of the purchase of the seed. That is the major investment that they have to make when they embark in that kind of production. So, this is a big scheme which is allowed to farmers. It is a scheme which is provided as advance for planters to grow potatoes.

Madam Speaker: Next question, hon. Bhagwan!

METRO EXPRESS PROJECT – NHDC HOUSING ESTATE - REHABILITATION

(No. B/696) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Metro Express Project, he will, for the benefit of the House, obtain from the Metro Express Ltd., information as to the actions envisaged for the rehabilitation of the -

- (a) NHDC Housing Estate at Morcellement La Confiance Barkly/Maingard–Résidence Barkly;
- (b) football ground at Morcellement La Confiance;
- (c) construction site at Barkly, and
- (d) lateral roads and drains at Barkly/Maingard.

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

I am informed that the phase 1 of the Metro Express Project from Rose Hill to Port Louis, which will go through Beau Bassin, Barkly and Richelieu, is on track and is to be operational as from September 2019. This phase is reported to be 81% completed.

The rail track will pass along the Nelson Mandela Street up to the Barkly Police Station, with one lane for vehicular access and footpath for pedestrians. From the Barkly Police Station, the track continues across sugarcane field at grade up to the depot at Richelieu.

Madam Speaker, the Barkly Metro Station is to be located along Colonel Maingard Road and will be conveniently accessible for residents. The station designs and the setting promotes an interesting and distinctive visual character with elegant and contemporary architecture. Accessibility and safety for all passengers, comfortable, equitable access and easy connections to surrounding roads and footpaths will be provided. To promote cycling and active mobility in the Barkly area, 12 cycling racks will be placed at the station. Safety and security will be improved by lighting around the station and CCTV surveillance cameras.

Madam Speaker, along the Nelson Mandela Street, there was a children playground and a volleyball pitch which had to be removed to give way to the new modern Light Rail Transit system.

In line with the policy of Government to provide similar and improved facilities, for any facilities impacted upon by the Metro Express Project, the Municipality of Beau Bassin/Rose Hill has constructed for the inhabitants of Barkly and the vicinity an Open Sports Complex comprising basketball, volleyball, mini-soccer pitches, a children playground with dedicated parking slots and watchman shed. This open sports complex is operational since February 2019 and the inhabitants of Barkly of all ages are enjoying this facility.

Madam Speaker, with regard to part (a) of the question, I am informed that the NHDC Housing Estate at Morcellement La Confiance, Barkly/Maingard-Résidence Barkly is located outside the Metro Express Corridor and is not affected by the Metro Express Project alignment.

With regard to part (b) of the question, Madam Speaker, I am informed that the football ground at Morcellement La Confiance, Barkly/Maingard Beau Bassin has been put at the disposal of the contractor Larsen and Toubro Ltd for stacking of construction materials in connection with the project by the Municipal Council of Beau Bassin/Rose Hill. Larsen and Toubro Ltd will reinstate the football playground to its original state after completion of the project.

With regard to part (c) of the question, as for the project of this magnitude, the contractor Larsen and Toubro Ltd has constructed a precast yard adjacent to the Metro

Express Project alignment for the testing of materials and the construction of the I-Girders, which are now completed for phase 1. This land will be reinstated to its original condition by Larsen and Toubro Ltd.

Madam Speaker, with regard to part (d) of the question, I am informed that Larsen and Toubro Ltd will facilitate reinstatement of all pathways in connection of all lateral roads at the construction sites and the vicinity around the works, including the provision of -

- clear delineation of access path;
- clear orientation as part of the station design;
- adequate footpath/cycle widths, regularly spaced shade trees and rest stops at key locations, and
- upgrading of the drainage system for future developments.

Accordingly, all road infrastructures and related facilities along and near the Metro Express Project corridor is and will be upgraded to give way to a modern and well-integrated multi model system.

Mr Bhagwan: Madam Speaker, I have heard from the hon. Minister 'will be', 'will be' so many things he has announced. True it is that there is a construction site, there is a major project. I would have wished that the Minister - I was asking earlier - can effect a site visit. The inhabitants and we MPs are not against the project. We have constructed Barkly over the years. We have rebuilt Barkly. Now, it is another stage. Can the Minister give an assurance that time limits will be given? Not 'will be'! At least we will see the state of the football ground, public money was spent. Rs15 m. was spent to build that football ground at La Confiance, which is used as a construction site. Can the Minister at least give guarantee to the youth of the region that this football ground will not suffer the same fate as King George V stadium? It was number 1 stadium and now it is used for construction site, stocking materials. Can the Minister at least give the guarantee that works will be done within months? The hon. Minister has stated that in September it will be operational, the Metro. But, how, when the football ground would be operational?

Mr Bodha: I understand the problems being faced by the inhabitants of Barkly and some other areas. What I can say now, Madam Speaker, is that the structural works by Larsen & Toubro are in their very last stages, it is a question of weeks. As regards the huge problem of congestion at Gool, and the fact that we have closed the road near Barkly, this is going to

be a question of two or three weeks. As regards the re-engineering and upgrading of all the infrastructures, be it roads, sports infrastructure, I am taking the commitment that this is under the responsibility of Larsen & Toubro to reinstate in a better state the equipment which were existing. I talked to my colleague, the PPS of the constituency and also with the Municipality of Beau Bassin-Rose Hill to see to it that we take this opportunity to re-engineer the whole area of Barkly. But, there is something else, Madam Speaker, we are coming with the urban planning to extend Barkly towards Richelieu. This plan has already been worked out. *Aujourd'hui, Barkly est un cul-de-sac, Madame la présidente. Demain, ce sera une extension. Ça veut dire que ce ne sera plus la fin de Rose Hill, mais ça va aller jusqu'à Bambous. On est en train de travailler, le plan est prêt et sera présenté au Conseil des ministres très prochainement.*

Mr Bhagwan: I hope it won't be a *tireur plan*. The hon. Minister has stated, Madam, about La Confiance, new NHDC. This is a new NHDC complex, it is called Beryl. But I tend to disagree with the Minister. I am asking him to have a site visit. The housing estate is adjacent, next to the big construction site, the depot, the football ground of Barkly. So, there, there are lots of tracks with dust, some of the houses have been damaged, with lorries going there, even walls have been damaged. So, can I ask the hon. Minister to request the NHDC or his Ministry or Larsen & Toubro to have a complete site visit and assessment of the state of the houses, the roads to the new Beryl Complex. It was inaugurated, I think, last year.

Mr Bodha: *Confiance*, we will do that. I will also like to inform the House, Madam Speaker, that we are coming with a landscaping and embellishment of the whole alignment from Rose Hill to Port Louis. I am going to Cabinet to ask for commission for that soon

(Interruptions)

Mr Bhagwan: I won't listen only *tape la tab* - action. People are waiting and we are waiting for you. Action.

(Interruptions)

Yes, they are waiting for action, not *tireur plan*, not speech. And don't send the robber there...

Madam Speaker: No!

(Interruptions)

Mr Bhagwan:...the thief, *ce ki gagne kalot la, pas envoye li labas.*

So, can the hon. Minister, at least, give assurance to the House? I think, initially, he met some young of the region because they were asking about, not only employment, because the Metro is going through the Cité Barkly, not only that they are watching the Metro, they are not involved in terms of employment, but also there are stalls which should be given for selling goods. Can the hon. Minister, at least, give a commitment that the inhabitants of Barkly will have priority for the whole issue of employment and also operating the stalls, and not send people they dislike there?

Mr Bodha: Madam Speaker, I think we owe it to the people of Barkly, we will have a small minute terminal, around the station and all the facilities, the metre square that we are going to build for small businesses will be given to the people of Barkly.

(Interruptions)

Madam Speaker: Yes, but then I won't allow the other. I give you because it is your question. Okay then, hon. Quirin!

Mr Quirin: Merci, Madame la présidente. J'ai bien compris l'assurance qu'a donnée l'honorable ministre par rapport aux travaux qui sont effectués, et les délais dans lesquels ce sera fait pour satisfaire les habitants de la région. Mais, néanmoins, Madame la présidente, je dois attirer l'attention du ministre sur la sécurité des piétons, actuellement, à Barkly, qui est devenue préoccupante, principalement,...

Madam Speaker: That is your question?

Mr Quirin: Yes, the question is coming.

...principalement, à la rue Verveine qui se trouve à l'arrière de la station de Police de Barkly, une rue où la circulation est intense et aussi aux alentours des rues Schuman et Roses des Bois. Peut-on savoir de ce fait, ne serait-il pas souhaitable plutôt que la RDA fasse une descente des lieux pour rassurer les habitants et en même temps, venir avec des mesures appropriées pour remédier rapidement à cette situation qui est devenue pour le moins inquiétante?

Mr Bodha: La situation est difficile. D'ailleurs, c'est pour cette raison que nous avons mis un *squad*, pour cela avec la RDA et la TMRSU, mais j'ai aussi demandé au Commissaire de Police, c'est la présence policière qui peut aider au niveau de la fluidité du trafic. Je vais demander à la RDA de rester présente et d'être là tout le temps pour faciliter la fluidité du trafic.

Madam Speaker: Next question, hon. Bhagwan!

A1-A3 LINK ROAD

(No. B/697) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to Barkly and Chebel, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if it is working on a project for the construction of a link road between the two locations and, if so, indicate –

- (a) the outcome of the surveys carried out between the Barkly Football Ground and the Chebel Link Road, if any, and
- (b) if compulsory acquisition of land from the Médine Sugar Estate is contemplated and, if so, indicate where matters stand.

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority that currently there is no road project undertaken by that authority to link Barkly and Chebel. However, the A1-A3 road which is under construction will provide a direct connection between Port Louis, Saint Jean Road at Chebel near Gamma Civic and Rivière Noire Road at Gros Cailloux.

The contract for the A1-A3 road has already been awarded to Gamma Construction on 18 February for the sum of Rs294 m. and the works are expected to be completed by 27 June, next year.

As regards to land acquisition for the A1-A3 project, I am informed that the extent of land that has already been acquired stands at 200,000 metre square, out of which 116 metre square belongs to Medine.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: My question was not about this new project which is near Richelieu Prison. The purpose of asking the question was, there was an extension of a road starting from Mont Roches, Phase I from Mont Roches to Barkly, and there was a track, a listing track from Barkly to the turn at Chebel. There has been site visit by the RDA before, the extension of the road from Barkly Football Ground which is Barkly to Chebel, at least, to help with regard to traffic congestion.

Mr Bodha: A new urban extension will cater for that.

Madam Speaker: Next question, hon. Abbas Mamode!

GLOBAL BUSINESS LICENCES - FEES

(No. B/698) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to Global Business Licences, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to the reasons why the fees payable for the issue thereof have recently been increased in spite of a standing agreement signed between the stakeholders for same not to be increased.

Mr Sesungkur: Madam Speaker, as the hon. Member is aware, Global Business is an important pillar of the economy contributing more than 6% to our GDP.

Over the past months, the Financial Services Commission (FSC) has embarked on a rebuilding and consolidation of its structural organisation to properly and promptly respond to challenges faced from time to time and also to comply with new international norms imposed by the FATF, the OECD and other international standard setting bodies. In this respect, last year, Government abolished the Global Business Licence 2 regime, and subsequently introduced new product offerings.

Madam Speaker, all these developments and structural reforms which will ensure that our country becomes a robust, resilient and reputable International Financial Centre, require additional financial resources. Moreover, the compliance and the regulatory costs for the Commission to deliver efficiently as the Regulator is increasing. Accordingly, to enable the Commission to operate effectively and without pressure or hindrance whatsoever in the coming years, it has had to consider an increase in the licence fees payable, as provided by the Financial Services Act 2007 and the Financial Services (Consolidated Licensing and Fees) Rules 2008, in a holistic manner and without jeopardising our international competitiveness.

Madam Speaker, I am advised that the recent increase of approximately 12% in the Annual Fee payable for Global Business Licence has been made after seven years. As regards the approximate increase of 25% in the fees payable for Global Business activities, this change has been brought about after 11 years since its introduction in 2008.

The increase in the fees, as I mentioned earlier, was necessary and justified to enable the Commission to respond effectively to the increasing costs of operation and to meet the international norms.

Madam Speaker, I am further informed that prior to introducing the increase, the FSC had consulted the representatives of the industry on 24 May 2019 to discuss and consider the projected quantum of increase of fees pertaining to the Global Business Sector.

I am also advised that following the increase in the fees payable, the only representation made by the Global Management Companies is to extend the date limit for the payment of the quantum of increase in annual fees to 30 September 2019 and to which the FSC has agreed to.

Madam Speaker, I am informed by the FSC that according to its records, there is no standing agreement signed between the stakeholders to the effect that the fees for Global Business Licenses will not be increased.

Thank you.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Can the hon. Minister inform the House how many types of licences are involved and if there will be further consultations between the stakeholders and his Ministry.

Mr Sesungkur: Madam Speaker, there are very many types of licences issued by the FSC. I can mention a few of them, like for instance the authorised companies, global headquarters administration, global treasury activities, funeral scheme management, overseas family office, etc.

So, these are activities for which fees have not been increased. I cannot understand why the FSC should meet the stakeholders again because this has already been done and, as I said in my reply, there has not been any representation apart from the date of payment of the fees.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister has just mentioned that the increase in fees is to meet the increased cost of operation and to meet international norms by the FSC. But, isn't it the truth that, in fact, the reason why the FSC have to increase the fees is because the reserve of the FSC has been completely depleted by the Government's decision to transfer an additional Rs300 m. in this year's Budget to meet Government expenditures?

Mr Sesungkur: Madam Speaker, I don't agree with this because the reserves, the surpluses generated are for activities prior to this increase. So, the FSC cannot survive on past results, it has to forecast what will be the operating cost in the future and what sort of revenue it will have to generate to be able to meet the operating cost in the future, not in the past.

Madam Speaker: Next question, hon. Abbas Mamode!

WATER GAS HEATERS - SECURITY MEASURES

(No. B/699) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the Water Gas Heaters, he will state if consideration will be given for the taking of appropriate measures for the apparatuses being commercialized locally to be equipped with maximum security features and that the installation and use thereof be regulated.

Mr Gungah: Madam Speaker, I am informed that by the Mauritius Standards Bureau (MSB) that the European Standard EN 26:1997 defines the specifications and test methods for gas water heaters.

A revised EN 26:1997 has been published in 2015 as EN 26:2015 and the Mauritius Standards Bureau is in the process of its adoption. It is scheduled to be published as MS EN 26:2015 in December 2019, so as to make provision for adaptation to local conditions.

When MS EN 26:2015 will be adopted, my Ministry will initiate action to include same in the Consumer Protection (Safety Requirements) Regulations so that it becomes mandatory.

Regarding the installation and use of gas water heaters, the Consumer Protection (Safety Requirements) Regulations 2017 are being reviewed and a new updated set of regulations is being finalised and will be promulgated in the coming weeks. They will incorporate standards for tubes, pipes and hoses, for connecting LPG cylinders to domestic gas appliances, including gas water heaters.

The sale of gas water heaters is always accompanied by manuals which indicate the installation, use and security measures. However, I have been informed by the Mauritius Fire and Rescue Service that, during surveys, it has been observed that many consumers do not abide to the instructions contained in the manuals. For example, the apparatuses are installed

inside bathrooms without any vent pipes which would allow the evacuation of combustion outside the bathrooms.

The public should see to it that installation of gas water heaters is carried out by qualified technicians so that maximum security is ensured.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Can the hon. Minister inform the House whether the Ministry has received complaints concerning a particular make? A kid passed away in Vallée Pitot just recently concerning this particular make. So, what actions have been taken by the Ministry to enforce or to interdict this particular make?

Mr Gungah: Madam Speaker, there has been no complaint as far as I know, concerning any particular make of gas water heater that has been reported to the Consumer Affairs Unit of my Ministry. But I must say that we know that *un mort dans des conditions aussi atroces est un mort de trop*, and this has been the case for many years, unfortunately because of lack of professionalism in the installation or misuse of apparatus. But I must say that this Government has taken the initiative and the process of having standards for these apparatus are, of course, as I said very soon to be regulated and unfortunately it takes time, because standards are not easy to set.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: I understand by the reply of the Minister that there has never been any complaint concerning a particular make. Nevertheless, Madam Speaker, has there been any complaint from customers concerning gas water heaters?

Mr Gungah: No, Madam Speaker, there has not been any complaint.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: In regard to that particular case of a young boy who allegedly passed away because of the gas heater in Vallée Pitot, well we heard from the hon. Minister that standards will become mandatory in December 2019 and he has said important things. Can I ask the hon. Ministry whether in the meanwhile there can be a campaign to inform people about important things that he has just said, that ventilations pipes are not installed properly and this could be a danger to people, so that people are aware and life are at stake?

Mr Gungah: Yes, Madam Speaker, sensitisation campaigns are already being carried out by concerned bodies like the Mauritius Fire and Rescue Services.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Will the hon. Minister consider reducing or waiving the tax on gas detectors so that this can be affordable to people having gas water heaters in their home, which will give eventually an alarm to prevent accident?

Mr Gungah: This question, unfortunately, does not come under the purview of my Ministry because it concerns tax removal. So, if the hon. Member can come with a substantive question to the concerned Ministry, I am sure it will be answered.

Madam Speaker: Next question, hon. Abbas Mamode!

DIRECTOR GENERAL, HEALTH SERVICES - POST

(No. B/700) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the post of Director-General, Health Services, he will state if same has been filled and, if so, indicate the –

- (a) name of the incumbent;
- (b) qualifications held;
- (c) date of appointment, and
- (d) scheme of service thereof.

Dr. Husnoo: Madam Speaker, the hon. Minister wished to be informed that the post of Director General, Health Services has not been filled so far. Consequently, the information sought with regard to part (a), (b) and (c) does not arise.

With regard to part (d) of the question, I am tabling a copy of the scheme of service for the post.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. For about more than two years, the most senior specialist of the Ministry was assigned the post of Director General, Health Services and then suddenly it was discontinued. Can I ask the hon. Minister whether this is the case? Because there was any adverse report against her or any grounds because suddenly it was discontinued? And if there are grounds, what are they?

Dr. Husnoo: Actually, there was no particular adverse report, but actually, we were told by PSC that she been acting for about two years now. Nobody substantially has been appointed, we have to give the chance for other people to act up as well.

Mr Osman Mahomed: In the past, this post was occupied by the senior most specialist of the Ministry. Why is it different now?

Dr. Husnoo: I mean that is the PSC's decision. It is not my decision.

Mr Abbas Mamode: Can the hon. Minister inform the House when the post will be filled permanently?

Dr. Husnoo: Madam Speaker, my Ministry is seriously contemplating to fill the post as soon as possible. But, today, I am not in a position to provide any further information to the question asked by the hon. Member as the matter is *sub judice* before the Supreme Court following a case entered by the Government Medical and Dental Health Officers Association. There is presently an exchange of information between the parties concerned. The case is coming for argument on 12 August 2019. Any information revealed, at this stage, might prejudice the outcome of this case.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: I am rather perplexed by the reply given to us by the Minister. Am I to understand that it is the PSC which recommended that the post should be rotated or it was the Ministry which impressed upon the PSC to do the needful?

Dr. Husnoo: Madam Speaker, it was the PSC that asked for the job to be rotated.

Madam Speaker: Next question. hon. Dr. Boolell!

PRIMARY, SECONDARY & SPECIAL EDUCATION NEEDS SCHOOLS - SCHOOL FURNITURE ITEMS

(No. B/701) **Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the supply of school furniture items for 2019, she will state if tenders have been launched therefor and, if so, indicate the name of the successful bidder.

Mrs Dookun-Luchoomun: Madam Speaker, for the year 2019, bidding exercise for the supply of school furniture for Primary, Secondary, Special Education Needs Schools

(SEN) has been launched by my Ministry on 10 January 2019 through Open National Bidding. The closing date for the submission was 12 February 2019.

A Bid Evaluation Committee (BEC) was set up at the level of the Ministry to evaluate the bids received and make recommendations for the award of contract. Following endorsement of the recommendations of the Bid Evaluation Committee by the Departmental Bid Committee, the letter of award was issued to the lowest substantially responsive bidder, Estee Co Ltd on 02 July 2019. All the unsuccessful bidders were notified accordingly.

Dr. Boolell: I know one of the unsuccessful bidder has lodged a case before the Independent Review Panel. Does the Minister concur with her Ministry that everything has been conducted above board that the exercise has been conducted in full transparency?

Mrs Dookun-Luchoomun: Madam Speaker, the exercise was carried out by the Ministry and I believe in full transparency. And since it is in front of the IRP, I do not think I can make any comment on that particular case.

Madam Speaker: Next question, hon. Ms Sewocksingh!

NTA - TAXI SERVICE LICENCES

(No. B/702) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Taxi Service Licences, he will, for the benefit of the House, obtain from the National Transport Authority and table the list of the applicants who have been issued therewith since January 2015 to date, region-wise.

Mr Bodha: Madam Speaker, I am tabling the list of successful applicants for the Taxi Service Licences, region-wise, for the period 2015 to date, as submitted by the National Transport Authority. In fact, there are 33 cases.

I am informed that no Public Vehicle Taxi Licence was issued during the period January 2015 to December 2017. Applications received in 2018 and 2019 are currently being heard and are under process.

Ms Sewocksingh: Can the hon. Minister inform the House how many licences have been recalled?

Mr Bodha: I do not have this answer, Madam Speaker.

Madam Speaker: The Table has been advised that the following PQs have been withdrawn: PQ B/728, PQ B/729.

Time is over!

CHAGOSSIANs - CHAGOS ARCHIPELAGO - HERITAGE VISIT

(No. B/726) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the proposed Heritage Visit for Chagossians to the Chagos Archipelago by the British Indian Ocean Territory, he will state if his Ministry is in presence of a *Note Verbal* in respect thereof from the High Commissioner of the United Kingdom.

(Withdrawn)

INDIAN OCEAN ISLAND GAMES 2019 - COSTS

(No. B/728) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the sports infrastructures renovated for the Indian Ocean Island Games 2019, he will state the final costs thereof in each case, giving a detailed breakdown of the works carried out.

(Withdrawn)

NATIONAL BASKETBALL TEAM - LOCAL LEAVE & SALARY - REIMBURSEMENT

(No. B/729) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the players of the national basketball team, he will state if consideration will be given for the reimbursement of the salary and local leave cuts to which they have been subjected in their respective employment when they participated in a training in Serbia, prior to the holding of the Indian Ocean Island Games 2019.

(Withdrawn)

MOTION

SUSPENSION OF S.O. 10(2)

The Prime Minister: Madam Speaker, I move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

ANNOUNCEMENT

**HON. GAYAN - POINT OF ORDER - HON. S. MOHAMED - MOTION OF NO
CONFIDENCE IN GOVERNMENT**

Madam Speaker: Hon. Members, I have an announcement to make.

In the course of the proceedings of 16 July 2019, when the time was reached for the hon. First Member for Port Louis Maritime and Port Louis East, hon. Shakeel Mohamed, to move the motion standing in his name on the Order Paper, the said hon. Member being absent, the Deputy Speaker stated the following, I quote –

“Hon. Members, in the absence of hon. Shakeel Mohamed, the motion standing in his name lapses, in accordance with the provision of Standing Order 31(1).”

Thereafter, the hon. Minister of Tourism raised a point of order, drawing the attention of the Deputy Speaker that he ought to have asked the Assembly, I quote –

“(...) whether there is a direction that it”

meaning the motion, I quote –

“shall be moved at some other time (...)”

as provided for under Standing Order 31(1).

The hon. Minister of Tourism further sustained, I quote –

“Our point is that it (...)”

meaning the motion, I quote again –

“should not be moved at some other time because a motion of no confidence can be moved only once in a session.”

Moreover, the hon. Attorney General rose and seconded.

The above issues call for an interpretation of Standing Order 29(2) and Standing Order 31(1). In the present case –

- (i) Hon. Shakeel Mohamed gave notice of the motion of no confidence in the Government and same was circulated and appeared on the Order Paper of Tuesday 16 July 2019 as a motion standing in his personal name.
- (ii) However, at the proper time, the hon. Member was not present in the House when this item was called nor did he give written authorisation to any other hon. Member to move same in his stead.

In the circumstances, the Deputy Speaker was right to have ruled that the motion had lapsed. I wish to inform the House that hon. Shakeel Mohamed had given me prior notice of his intention not to move the said motion.

With regard to the point of order raised by the hon. Minister of Tourism as to the Chair having to ask the Assembly to give a direction as to whether the motion should be moved at some other time, I wish to point out that inasmuch as at the stage of notice of motion, the motion is still in the possession of the Member in whose name it stands. And being given that the Member did not authorise, in writing, some other Member to move the motion in his stead, there was no opportunity for the Chair to ask the Assembly to direct that it shall be moved at some other time. In other words, the right to move that the motion of no confidence in the Government be moved at some other time is personal to the Member in whose name the motion stands, and no one else.

Consequently, the question of the Chair seeking the direction of the Assembly did not arise. With regard to the point made by the hon. Minister of Tourism that there is a bar for the motion of no confidence in the Government to be moved at some other time, inasmuch as the motion had lapsed, that is, only notice was given and the motion still needed to be moved and debated, and that since none of these had materialised, any hon. Member may bring a similar motion before the Assembly in the present session, to be debated not later than one month after notice thereof has been received by the Assembly.

I rule accordingly. I thank you.

(4.18 p.m)

STATEMENTS BY MINISTERS

MIE - RECRUITMENT & PROMOTION EXERCISE

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madam Speaker, with your

permission, I proposed to make a statement on a matter raised by hon. Veda Baloomoody, on the 16 July 2019, regarding the recruitment and promotion exercise at the MIE and to set the record right.

The undertaking of the quality audit exercise of the public higher education institution is a regular and on-going exercise. The MIE, as the higher education institution, is accordingly subject to this periodic external audit that is carried out every five years. This is done by an independent team appointed by the Tertiary Education Commission and the team that carried out the exercise last year comprised three international assessors as well as two local ones.

Madam Speaker, the third cycle quality audit carried out in October 2018 underscored that there has been an overall significant progress in following up on the 2013 quality audit recommendations, particularly in areas where the Mauritius Institute of Education has institutional autonomy to address them. The quality audit 2018 made 13 recommendations which depict the MIE as an institution of quality in its areas of expertise. I am providing some of the recommendations as follows –

- Implementation of in-house communication channels;
- In-house capacity building sessions for academic staff;
- Well defined organisational structure;
- Development of level descriptors and professional standards for undergraduate and graduate programmes;
- A number of strong and efficient partnership with national and international institutions;
- Its maturity in relation to its recently gained degree awarding powers.

Madam Speaker, the audit report also makes a list of 28 recommendations. The hon. Member referred to one recommendation to further transparency, clarity and quick feedback for all HR processors at the MIE. The recommendation of the external auditors, Madam Speaker, pertains to further transparency which clearly implies improvement to the process.

This is not worthy that the MIE has already taken the initiative to keep all staff informed through its website including matters related to promotion, staff development and recruitment. This information is available for internal circulation and accessible only to the staff.

In the light of any high educational institution, Madam Speaker, continuous improvement towards excellence remains a permanent goal and this is always an aspiration across all high education institutions globally. The reported paragraph 5.37, page 37, highlights that and I quote: “Staff are very positive about the working climate at the MIE” and there is a sense of community and commitment to the educational mission of the institution. Further, the staff turnover values are rather low.

Madam Speaker, with regard to the issue of recruitment and promotion, this exercise is carried out in line with sections 8 and 11 of the MIE Act and is a well-defined and structured process which I will, with your permission, elaborate –

- funded vacancies are approved by the Council;
- the posts are advertised;
- screening is carried out in line with the scheme of service to shortlist eligible candidates;
- eligible candidates are then called for interviews;
- interviews are carried out by an Appointment Committee, and
- all candidates are marked on the basis of specific criteria in line with the scheme of service.

The recommendations of the Appointment Committee are submitted to the Council for approval. Thereafter, the recommendations are sent to the Ministry for final approval in line with the MIE Act. This process is well entered in the organisational structure of the Mauritius Institute of Education and is followed to the letter.

Madam Speaker, reference was also made to a young lady, one Ms K. who allegedly is close to the Minister and who, according to the hon. Member, has been selected. I must report to the House that there is no Ms K. who has been offered appointment as lecturer at the MIE and I repeat no one close to the Minister has been appointed.

Further, the hon. Member referred to a candidate who is a PHD who was not selected; I will not make any comment on the matter as the case is before the Supreme Court.

Madam Speaker, with regard to the appointment of one, Mr A. A., who, according to the hon. Member, is not qualified, I wish to point out that he does have all the necessary qualifications for the post. He is a holder of a Bachelor of Fine Arts, a postgraduate diploma in Brand Management, a postgraduate certificate in Education and MA in Educational Leadership and Management. This candidate, Madam Speaker, who had applied for the post

of senior lecturer, was interviewed around July 2018 by an Appointment Committee on the basis of existing vacancies. 10 candidates were offered appointment on the 30 August 2018 and there was a reserve list of two candidates. Following the resignation of one senior lecturer, in January 2019, MIE offered appointment to the next candidate on the reserve list, that is, Mr A. A. on the 08 July 2019. Moreover, the second candidate on the reserve list is also being appointed following the retirement of another senior lecturer.

Madam Speaker, there is a single post of Registrar at the MIE as it is the case in other higher educational institutions. As for the position of Assistant Registrar, the MIE currently has only four in post and all four incumbents have well defined functional responsibilities. It is worth highlighting that there are four funded posts the Assistant Registrars at the UTM, at the University of Technology as well.

Madam Speaker, I wish to remind the House that the MIE is already a degree award institution as per MIE Act, which was amended, and subsequently proclaimed on the 16 April 2018. The MIE has already a long record of teaching and postgraduate masters and doctoral levels.

I thank you, Madam Speaker.

(4.24 p.m.)

10TH EDITION OF THE INDIAN OCEAN ISLAND GAMES – CASH REWARD

The Minister of Youth and Sports (Mr S. Toussaint): Madam Speaker, with your permission, I will make the following statement.

Madam Speaker, Mauritius hosted the 10th edition of the Indian Ocean Island Games from 19 to 28 July 2019. This 10th edition coincided with the 40th Anniversary of the Indian Ocean Island Games. The organisation of the games has, according to the different athletes, foreign and local, been a real success.

For the first time ever, the Republic of Mauritius won the games.

(Interruptions)

Madam Speaker: Order!

Mr Toussaint: Our local athletes have reaped a total of 224 medals...

(Interruptions)

...made up of 92 gold, 79 silver and 53 bronzes, followed by Madagascar with 49 gold medals and Reunion Island with 46 gold medals. The Government had allocated a considerable budget for the preparation of the athletes. The renovation of sports facilities, the construction of a multi-sport complex at Côte d'Or and for the organisation of the games. The success of the games has been possible due to the efforts of our athletes for their performance and also to the Mauritian people, who have throughout, accompanied our athletes...

(Interruptions)

...in the different activities and, at all times, been a source of encouragement to them. In recognition for the efforts, dedication and sacrifices endured by the athletes, Government had already taken the decision to increase the cash reward for the Indian Ocean Island Games from –

- Rs30,000 to Rs50,000 for gold medal winners;
- Rs20,000 to Rs30,000 for silver medal winners, and
- Rs10,000 to Rs20,000 for bronze medal winners.

(Interruptions)

This represents an increase of around 60% in each case. Madam Speaker, we will now build on this success and continue to make Mauritius proud on the world stage.

I thank you.

(Interruptions)

(4.27 p.m.)

PUBLIC BILLS

First Reading

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

- (i) The National Land Transport Authority Bill (No. XX of 2019)*
- (ii) The Light Rail Bill (No. XXI of 2019)*
- (iii) The Road Traffic (Amendment No. 2) Bill (No. XXII of 2019)*
- (iv) The Victoria Station Overhead Pedestrian Bridge (Authorised Construction) Bill (No. XXIII of 2019)*

Second Reading

THE INDUSTRIAL PROPERTY BILL**(NO. XV OF 2019)***Order for Second Reading read.*

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha): Madam Speaker, I beg to move that the Industrial Property Bill (No. XV of 2019) be read a second time.

Madam Speaker, the Industrial Property Bill denotes the commitment of the Government to modernise the industrial property framework in Mauritius, to create an investment friendly environment and to transform our economy into a modern and dynamic one. It is also a further step to honour our commitments at the level of the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) regarding the protection of Intellectual Property Rights.

Mauritius has a long-standing tradition of legal protection of Intellectual Property Rights (IPR). On that score, the first industrial property legislation, namely, the Trade Marks Act was adopted in 1868. It was followed by the Patents Act of 1875 and subsequently, new laws were enacted in 2002, namely -

- (i) The Patents, Industrial Designs and Trademarks Act (PIDTA) 2002; and
- (ii) The Protection Against Unfair Practices (Industrial Property Rights) (PAUP) Act 2002.

The Geographical Indications Act 2002 and the Layout Designs (Topographies) of Integrated Circuits Act 2002 were never proclaimed in view of capacity constraints to implement them. As for the Copyrights Act 1997, it was reviewed in 2014 and subsequently amended recently, in 2017. Currently, the Patents, Industrial Designs and Trademarks Act and the Copyright Act are the main legislations regulating Intellectual Property Rights in Mauritius.

Madam Speaker, Government is determined to overhaul the foundation of our economy and put it on a growth path based on innovation and research and creativity. To adopt a holistic approach regarding intellectual property development, an Intellectual Property Development Plan (IPDP) has been developed with the assistance of the WIPO.

The IPDP seeks to ensure, amongst others, that the organisations involved in Intellectual Property enforcement, the potential users as well as generators of Intellectual

Property have the technical capacity and know-how to use Intellectual Property as a tool to promote research, innovation, investment and economic growth.

The IPDP recommends, amongst others -

- a revision of Intellectual Property laws to comply with the latest developments on intellectual property;
- the establishment of a mechanism to ensure proper coordination among the various agencies dealing with intellectual property matters and the creation of an empowered intellectual property Office.

I wish to inform the House that Intellectual Property Rights encompass both copyrights, which fall under the purview of the Ministry of Arts and Culture as well as the Industrial Property Rights which are dealt with by my Ministry.

Madam Speaker, the adoption, some weeks back, of the Mauritius Research and Innovation Council Act and appropriate provisions in the 2019/2020 Budget to promote research and development are key steps towards the implementation of the IPDP. The next step is the adoption of the new Industrial Property Bill.

Madam Speaker, the underlying objectives of the Industrial Property (IP) Bill are to modernise the industrial property framework in Mauritius, promote innovation, facilitate the registration of industrial property rights and create better conditions to attract high quality investment.

The Bill extends protection to all the components of industrial property namely Patents, Trademarks, Industrial Designs, Utility Models, Plant Breeders' rights, Geographical Indications and Layout Designs of Integrated Circuits. It provides for adequate enforcement mechanisms through civil, administrative and criminal procedures needed to combat and to deter piracy or counterfeiting.

Madam Speaker, we are also seeking to create an empowered Industrial Property Office to manage intellectual property and for it to play a more prominent role in mainstreaming intellectual property in economic development. Hence, provision is made in the Bill for the creation of the Industrial Property Office of Mauritius (IPOM), which will be the lead Government agency to advise on and administer industrial property laws, promote industrial property awareness, provide the infrastructure to facilitate the development of

industrial property in Mauritius and to undertake a better enforcement of intellectual property rights.

The new office, Madam Speaker, will also coordinate with economic agencies and business community to formulate and review industrial property policies and practices to keep abreast of changes taking place at international and regional levels.

The functions of the IPOM will span well beyond those of the existing Industrial Property Office, which are currently focused almost exclusively on the registration of trademarks, patents and industrial designs. The new office will have powers to define strategies, programmes and action plans for the development of industrial property, compile and maintain databases on industrial property and devise and assist in the preparation of educational and sensitisation programmes, amongst others. In short, the IP Office will play a meaningful role in embedding intellectual property in our development strategies.

Madam Speaker, in order to ensure effective implementation of the Bill and to allow the new Office to operate efficiently, it is imperative that we empower officers of the Office in terms of capacity building and training. This would involve acquiring knowledge and skills on the new issues which have been covered by this Bill and to meet its objectives, in terms of delivery of services. In this context, Government will provide the necessary financial assistance to implement a comprehensive capacity-building programme. I also wish to inform the House that, with the support of the European Union, a capacity-building programme on Geographical Indications and Layout Designs of Integrated Circuits Technical Assistance has been implemented.

The Industrial Property Bill also makes provision for the creation of an IP Council. This Council will coordinate all matters relating to intellectual property development and ensure a coherent and cohesive approach to the whole issue of IP Rights in Mauritius.

The Council will comprise representatives of various institutions from the public and the private sectors involved in the generation of IP and enforcement, namely, the Ministry of Agro-Industry and Food Security, Arts and Culture, Education, Innovation, Health, the Attorney General's Office, the Customs Department, the Anti-Piracy Unit of the Police Force, the Mauritius Research Council, the Economic Development Board and two representatives of the private sector.

Madam Speaker, let me inform the House that the European Union has agreed to provide financial support to the tune of Euros 250,000 to Mauritius to hire the services of a

high calibre expert in intellectual property to help implement the recommendations of the IPDP, restructure the IP Office and establish the Council. It will also assist Mauritius in its accession to the different WIPO-administered treaties and devise a sensitisation campaign on intellectual property.

Madam Speaker, I would also like to highlight that my Ministry has obtained financial assistance to the tune of Euros 300,000 to modernise the Industrial Property Office. The first phase of the project consists of the acquisition of necessary hardware to adequately equip the Office to enhance delivery of services. The second phase comprises of digitalization at existing records of the office and this will help facilitate the e-processing of applications and hence, substantially streamline the processing of files.

Madam Speaker, in the same vein, the Industrial Property Office is one of the stakeholders involved in the establishment of the National Electronic Licensing System (NELS), a project initiated by the Economic Development Board. This system aims to be a single point of entry for application, payment, processing and determination of business-related licenses in Mauritius. This system will eventually be extended to the IP Office.

Madam Speaker, as I mentioned earlier, the Industrial Property Bill was drafted with technical assistance from WIPO. In December 2016, the Bill was published on the Ministry's website, inviting observations and comments from the public. The comments received have been generally taken on board, as appropriate. However, there was a divergence of views on the issue of exhaustion of trademark rights. Some stakeholders were in favour of a regime of international exhaustion of trademark rights, while others were in support of the maintenance of the existing regime of national exhaustion.

Madam Speaker, exhaustion of IP rights refers to the extent to which IP rights holders can control the distribution of their branded goods.

According to the concept of international exhaustion, once Intellectual Property rights holders sell, in a particular jurisdiction, a product to which their IP rights are attached, they must allow the resale of that product in other jurisdictions. The IP rights covering the product have been "exhausted" by the first sale. This implies that an importer will be allowed to import a branded, genuine product from sources other than from the company's main branch, which means that genuine products may be available on the market at a much lower price.

Some stakeholders were of the view that such a regime would have a negative impact on Mauritius. According to them, a number of international brands currently present in

Mauritius may no longer directly supply the Mauritian market in view of parallel imports from other sources. They also argue that international exhaustion of rights would cause inefficiencies on the market and a 'free rider' situation for parallel importers who would benefit from a brand image and marketing built over a number of years by existing IP owners/ licensees.

Madam Speaker, they believe that importers that source their products from companies other than the IP owner will not be in a position to ensure a strong efficient after sales service that the official IP owner/licensee would normally provide such technical and warranty services.

In contrast, the proponents of the national exhaustion regime argue that such regime allows consumers to benefit from branded goods at much lower prices.

As a result of these divergent views, the regime of national exhaustion of trademark rights is being maintained. However, a study has been commissioned to assess the socio-economic impact of the adoption of the international exhaustion of trademark rights with the technical assistance of the European Union, which means that we are going to move incrementally.

A consultant has already started work on the project and has had several consultations with relevant companies that represent the brands sold in Mauritius, as well as with consumer associations. The finding of the study will determine the future course of action with regard to this issue.

Madam Speaker, another area where there was some contention relates to the accession of Mauritius to the Madrid Protocol, which provides for the international registration of trademarks.

Accession to this Protocol would provide a one-stop solution for trademark holders to obtain and maintain protection in multiple jurisdictions. The IP owner has only to file one application, in one language, and pay one set of fees instead of filing separately in the Trademark Offices of the various Contracting Parties in different languages and paying a separate fee in each Office. This implies, Madam Speaker, that the process is less burdensome for the IP right holder and it will be a cost effective way of protecting the rights of our Mauritian trademark owners on international markets.

Madam Speaker, the amount of trademarks filing in Mauritius has remained almost constant for the last 2 years. However, by joining the Madrid Protocol, we expect the number

of trademark filings in Mauritius to increase by at least 30% for the next four years. It will keep on increasing given that more and more countries are joining the Madrid Protocol.

The matter was raised by some legal practitioners/IP agents in Mauritius who feel they might be worse off due to a decline in the number of clients that would seek their services for application of trademarks.

However, the Madrid Protocol will create other opportunities for these legal practitioners, due, amongst others to -

- (a) the potential for development and diversification of attorneys' practices with the increasing number of international applications and registrations;
- (b) the need for the IP Office to adopt a more stringent regime of substantive examination of trademark applications, hence refusing more applications, which will result in more work for attorneys by way of representations with the Office on behalf of their foreign clients, and
- (c) more litigation work in terms of oppositions and invalidations leading to more remuneration and compensation for the decrease in revenue resulting from fewer representations.

Madam Speaker, the Bill, therefore, provides for the accession to the Madrid Protocol, as well as to the Patent Cooperation Treaty and the Hague Agreement relating to the International registration of industrial designs.

Madam Speaker, the Industrial Property Bill is also making provision for Mauritius to join the Patent Cooperation Treaty (PCT), a treaty administered by the World Intellectual Property Organisation (WIPO).

The Treaty provides a unified procedure for filing of patent applications to protect inventions. It makes it possible to seek patent protection for an invention simultaneously in each of the Contracting States, out of a total of 152. Such an application may generally be filed with the national patent office (the Receiving Office) of the Contracting State of which the applicant is a national or resident or as per the applicant's decision with the International Bureau of the World Intellectual Property Organisation in Geneva.

Section 37 of the Bill, Madam Speaker, explains all the different functions of the Industrial Property Office of Mauritius as a Receiving Office for international patent

application. The different procedures for filing an international application with the Office are dealt with in sections 38 to 41.

Madam Speaker, this Government is sparing no effort to create a framework on Intellectual Property that would favour development and innovation.

We have already, as I mentioned, obtained €300,000 from the EU to assist in the computerisation of the IP databases and the modernisation of the existing Industrial Property Office. Furthermore, as I explained earlier, the EU has also provided a technical assistance for capacity building.

Madam Speaker, I will now comment on the main features of the Bill. The Industrial Property Bill repeals and replaces the existing Patents, Industrial Designs & Trademarks Act of 2002.

The new provisions relating to patents concern the non-protectable subject matter under section 10 of the Bill. Computer programs have now been explicitly mentioned. This provision complies with Article 10(1) of the TRIPS Agreement and Article 4 of the WIPO Copyright Treaty. Both Treaties state that computer programs should be protected as literary works and that the protection should be the same as that granted to such works under the Berne Convention.

This section also excludes known substances for which a new use has been discovered and not applicable to the use, itself, where they constitute a patentable invention. The basis for exclusion of new use of already known substances from patentability is that it might lead to “evergreening” of that entity, thus promoting the development of unfair means of competition and related abuse.

Madam Speaker, under the current legislation, the right of the patent of any invention made in the execution of, or under, an employment contract belongs to the employer. Such a situation acts as a deterrent to employees to create or innovate since they are not entitled to any additional remuneration for their inventions. Many companies rely on their employees’ inventiveness to fuel research and development effort to generate patents. It is a fact that successful patents can generate significant revenue for the company.

An important feature of the Bill is that employees who are creative or innovative would be eligible to a fair share of benefits which the employer would derive from successful patents that have commercial value. Employees would also have the right to file for patents in the event employers fail to do so.

Another important feature of the new Bill (Section 13) is that an applicant should indicate the best mode as opposed to “at least one mode known to the applicant” for carrying out the invention. Normally, an application for a patent should be accompanied by a description of the invention which must be sufficiently clear for a person skilled in the art to carry out the invention without any difficulty. This requirement is an important part of the bargain between the patent applicant and the State that underpins the patenting process.

Madam Speaker, in order to conform to the existing international framework on protection of genetic resources which is essentially set by the Convention on Biological Diversity, the Nagoya Protocol on Access and Benefit Sharing and the International Treaty on Plant Genetic Resources for Food and Agriculture, a new feature is being incorporated in the IP Bill for the disclosure of genetic resources and prior informed consent. The Industrial Property Bill stipulates that a patent applicant in the field of biotechnology should disclose the source of genetic resources which will eventually be used as raw material in the production of goods. The argument for this requirement is that companies from developed countries are using genetic resources extracted from biodiversity-rich developing or least-developing countries without appropriate authorisation in order to develop new products. This provision will, therefore, protect Mauritian genetic resources from “biopiracy”. The *brède mouroum* will fall here, I think.

Madam Speaker, in order to motivate SMEs and small inventors to innovate, the Bill makes provision for a new type of protection for small and incremental innovation. This type of protection is called the utility model.

Small and incremental inventions are usually cheaper and faster to protect since they have less stringent requirements to meet. Moreover, there is no substantive examination of the application. A Utility Model Certificate is granted once the formality requirements of the application are met including payment of applicable fees. This new feature will help SMEs to maintain their competitive edge in the market.

Utility models are similar to patents to the extent that they provide an exclusive right to prevent unauthorised commercial use of the invention without the authorisation of the right holder for a specific period of time. The period of protection under this Bill is 10 years.

Madam Speaker, protection of layout-designs of integrated circuits is provided for under Sections 42 to 50 of the Bill. A layout-design is the three-dimensional layout of an integrated circuit, that is, the arrangement in a chip of active and passive electronic

components. Nowadays integrated circuit products are at the heart of modern technology. Integrated circuits are essential elements for a wide range of electrical products, including articles of everyday use, such as watches, television sets, washing machines, and cars, as well as sophisticated computers, smart phones, medical apparatus and other digital devices. Whilst creating a new layout design for an integrated circuit involves a major investment, it is possible to copy such a layout design for a fraction of that cost. The high cost of the creation of such layout designs and the relative ease of copying are the main reasons why layout designs need protection, in order to foster sustainable investment and innovation in the field.

Another salient feature of the Bill, Madam Speaker, pertains to Sections 51 to 72 and provides for the protection of new plant varieties. Plant variety protection, also called a plant breeder's right, is another form of intellectual property right granted to the breeder of a new plant variety. According to this right, certain Acts concerning the exploitation of the protected variety require the prior authorisation of the breeder. The development of new improved varieties with yields of higher quality or better resistance to pests and diseases, increase the value and marketability of the crops. The tremendous progress in agricultural productivity in various parts of the world is largely based on improved plant varieties. The more so, plant breeding has benefits that extend beyond increasing food production.

My Ministry proposes to work in close collaboration with the Ministry of Agro-Industry and Food Security for the protection of this IP right.

Madam Speaker, Section 84 of the Industrial Property Bill extends the duration of the Industrial Designs and provides for a longer term of protection, to be precise, 20 years instead of 15 years.

Part VI, Sub-Part B of the new legislation provides for the protection of Industrial Designs under the Hague Agreement, which is a WIPO-administered treaty, relating to the international registration of Industrial Designs. Like the PCT, the Hague system allows users to seek protection for their designs in the various Contracting Parties by means of a single application filed with the WIPO's International Bureau.

The Hague System lowers transaction costs for design registrations through the filing of a single application in one language, with one set of fees in a single currency denomination. Applicants are thus not burdened by having to apply at multiple Offices, which would subject them to different formalities in different countries, in languages.

The new provision regarding trademarks covers certification marks (Section 102). Madam Speaker, by definition, a mark is a visibly perceptible sign or combination of signs, capable of distinguishing the goods or services of one enterprise from those of other enterprises. A certification mark is a specific

type of mark used to identify goods or services that are of a defined standard or possess a particular characteristic. The owner of the mark establishes standards for certification but is not allowed to certify his own goods or services. The mark is used by third parties to indicate that the goods or services being offered conform to the standards established by the mark's owner. Such marks are usually registered in the name of the trade associations, Government departments, technical institutes or similar bodies. Indeed, certification marks are an efficient way to distinguish the superior craftsmanship or quality of traders' goods and services from those of competitors.

Section 103 of the Bill, Madam Speaker, provides for the voluntary cancellation of a trademark in respect of some or all of the goods or services for which it is registered.

This Bill also provides for the protection of Geographical Indications.

A geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin – think that the champagne falls here. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production - *ce qu'on appelle l'appartenance au terroir*. Geographical indications are typically used for agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products. A number of products in Mauritius and Rodrigues may qualify to be geographically labelled such as the rum, the honey and special sugar from Mauritius and the lemon from Rodrigues.

Geographical Indications can be misused by producers with no link to the designated place of origin who try to profit from the reputation of the original goods. Protecting a geographical indication will ensure fair competition for producers and will provide consumers with reliable information on the place of production or specific characteristics of a product. The protection that geographical indications give helps to preserve traditional, high-quality products and know-how. It is also an incentive for investment in innovation to protect and enhance the high quality of protected products, while maintaining a competitiveness.

Finally, Madam Speaker, Sections 142 and 144 of the new Bill respectively provide for the consequential amendments to the Protection against Unfair Practices (Industrial Property Rights) Act, the repeal of the Geographical Indications Act of 2002, the Layout-Designs (Topographies) of Integrated Circuits Act of 2002 and the Patents, Industrial Designs and Trademarks Act 2002 and for the transitional provisions to allow a smooth implementation of the proposed legislation.

Madam Speaker, I wish to thank all the Members of the House for their support and I hope that the Industrial Property Bill will be sufficiently popularised and necessary action will be taken to make sure that the provisions of the proposed legislation are implemented.

May I, now, Madam Speaker, commend the Bill to the House.

I thank you, Madam Speaker.

Mrs Dookun-Luchoomun rose and seconded.

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 Madam Speaker in the Chair.

Madam Speaker: Hon. Uteem!

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. Madam Speaker, the Protection of Industrial Property Rights in Mauritius is not new. We have been having laws to protect patents, copyright, trademarks for well over a century now. The Trademarks Act was enacted as far back as on 01 November 1868, 150 years ago. The first Patent Act followed suit and was enacted on 22 May 1875. The Copyright Act came much later in 1997. But really it is in 2002 under the MMM-MSM Government that the law on Industrial Property was completely revamped for Mauritius to meet up with its international commitment, namely the Trade-Related Aspects of Industrial Property Rights, commonly known as TRIPS and our commitment under the World Trade Organisation. There were four pieces of legislation enacted in 2002, the Patents, Industrial Designs and Trademarks Act, the Layout Designs (Topographies) of Integrated Circuits Act, the Geographical Indications Act, which unfortunately was never proclaimed and perhaps more importantly the Protection Against Unfair Practices (Industrial Property Rights) Act was enacted.

I said perhaps more importantly because that piece of legislation was revolutionary because for the first time it allowed well-known marks to be protected in Mauritius, even if they were not registered. And soon enough, after the new piece of legislation was enacted, it was put to the test in the Ralph Lauren cases. That was the case, Madam Speaker, you would recall where a lot of local manufacturers in Mauritius were in factories having apparels of Ralph Lauren which they were selling and passing off as a genuine Ralph Lauren product and many tourists felt to the trap.

So, Ralph Lauren came and brought proceedings in Mauritius and landmark decision, Mr Justice Lam Shang Leen, after referring extensively to the Hansard, held that the intension of the legislature was to afford protection to well-known names even if they were not registered in Mauritius. And accordingly Mauritian manufacturers were not allowed to manufacture products with the Ralph Lauren Polo label without the authorisation of the trademark owner.

And the rationale for protecting industrial property, Madam Speaker, is a plea summarised by the learned Judge as follows –

“No person must be allowed to steal and reap the fruits of those who, through their skills, judgement, expense and know-how, had created a work which seemed to appeal.”

So, Madam Speaker, there is a long established practice in this country to protect industrial property and this Bill has the same philosophy behind it which is to consolidate the right of inventors, the right of people who has come up with an imaginative product to get the protection.

This Bill is interesting because it extends protection to certain types of intellectual property that was not previously governed by the exiting legislation, namely utility models, layout-designs of integrated circuits, breeder’s rights and plant varieties. The Bill also protects products which have specific geographical origin, like the hon. Minister mentioned, like the *limon de Rodrigues* or the *canne à sucre de Maurice*. And I really hope that this provision relating to geographical origin will not suffer the same fate as its predecessor before. You will recall, Madam Speaker, the Geographical Indications Act which was enacted in 2002 was never proclaimed.

Madam Speaker, of particular interest to breeders would be the protection that will be afforded now to breeders to have come up with a new variety of plants. Under the existing

legislation, plants and animals were expressly excluded from the protection of patent. And, in fact, even under this current Bill, Section 10 still excludes plants and animals from patent protection. But there is a whole new section, Part V of the Bill devoted to the Protection of New Plant Varieties, breeders of new plant will now be able to protect plants, provided the plant is new, distinct, uniform and stable. This is in Section 55 of the Bill.

Now, the obvious advantage of protecting new plant of variety is that the exploitation of those varieties would require the prior authorisation of the breeder. This is definitely a welcome decision for all those researchers, especially, in the cane industry, which has worked on improving our sugar cane, making it more resistant to cyclones. But not just sugar cane, the hon. Minister of Agro-Industry and Food Security mentioned earlier, today, answering to a PQ, how we are developing new seeds for potatoes and onions. So, it is important that those people who spend time and research and develop these new varieties, which are resistant to climatic changes, resistant to pests, be having the protection afforded by the law.

And with the challenges facing the cane industry, Madam Speaker, it is important that we need to diversify. Our land is limited, so we need to make optimum use of our arable land. We have been talking about cane, but there may be scope for the development of a kind of variety of plant with is high in fibre. And this plant will then be used to generate renewable energy through biomass. Now, once the inventors come with this special high fibre variety of plants, they would want to have the protection of the law and, probably, they would want to be able to export that technology, that know-how, that variety of plant to Madagascar or Africa or other countries.

So, the potential is there, Madam Speaker. But a word of caution because the Act extends protection to national of a member of the Union for the Protection of New Varieties of Plants (UPOV), founded by the International Convention for the Protection of New Varieties of Plants. Now, Mauritius is not a signatory to the International Convention for the Protection of New Varieties of Plants of 1961. And yet, what we are doing, today, is affording protection to any person who is a Member of the State which is signatory to the UPOV.

Madam Speaker, the hon. Minister did not mention, did not explain why we are now going to implement the UPOV when we are not a signatory. So, I do not know if we have already negotiated, what is the stage, whether we have signed - we have not signed because it is not on the website. But, I do not know if there has been any application made by Mauritius

to become part of the Convention. But if we have made this application, then a big word of caution, because many civil societies around the world have criticised UPOV as being detrimental to small farmers.

In fact, the main criticism is that instead of protecting plant variety, UPOV ends up protecting the interest of large plant breeders and biotech companies. I will give an example; in Mauritius, many small farmers who have flour plantation or vegetables, they import seeds. So, when they import those seeds from abroad, they pay a royalty to the person who has come up with those seeds. But once they have planted the flowers and the vegetable, usually, after the first harvest, they would collect some *boutures*, which they will use again for the next harvest. And sometimes they will even exchange it with other farmers to get new breed and sometimes they would even sell those breeds. And this is totally acceptable because they have already paid for the seeds and what they are doing now is recovering their investment.

But, unfortunately, Madam Speaker, if we ratify UPOV, each time we will reuse that plant, even after the first harvest, we will have to pay a royalty to the owner, the original breeder who came up with this variety of plant. So, I do not know how much research work has been done at the level of the Ministry or the IP Office to see the cost benefit of adhering to UPOV, but if we do decide to go and ratify the UPOV, then, I will ask the Minister to make sure that we have sufficient reservations to the Convention to protect the interests of our local farmers.

Madam Speaker, although generally we are in favour with the content of the Bill, there are three aspects of this Bill where we have reservations. The first one is the Intellectual Property Council which is being set up under Section 7 of the Bill. Now, this Intellectual Property Council will consist of 14 members and their primary duty would be to advise the Minister on any matter relating to intellectual property and ensure coordination among the public and private sectors in the formulation of intellectual property policies and enforcement of intellectual property rights.

Now, we have put in a Council, 14 Members who will be paid such remuneration, as the Minister will determine, which will consist mainly of civil servants. My question is, do we need such a Council? We are already signatory to many conventions, there is already a department in the Ministry of Foreign Affairs dealing with intellectual property, we already have a Second Secretary or First Secretary in Geneva full-time looking after all these conventions. So, why have this Council? The more so is we are providing for the creation of

a new Industrial Property Office in Section 3 of the Bill. And funny enough, the object of that Office is to assist in the protection, promotion and development of industrial property governed by the Act. So, already this Office is going to do what the Council is supposed to do. And the Office will have a full-time Director, a full-time staff, so we have really serious reservations, Madam Speaker, as to *la raison d'être*, and the justification of having a full-time Council set up of 14 members.

The second reservation that we have on the Bill relates to the Madrid Protocol. The Madrid Protocols relates to the Madrid Agreement concerning International Registration of Marks adopted in 1989. There is a whole new section about Madrid Protocol in this Bill, it is in Sub-Part D of Part VII of the Bill. Let me point out, at the outset, Madam Speaker, that Mauritius is not a party to the Madrid Protocol. Yet, we are being asked to vote a Bill to give effect to a convention, a protocol to which Mauritius is not a party.

Now, if, today, an international trademark owner wants to register its mark in Mauritius, let us say Adidas wants to register its mark in Mauritius, what it has to do is it has to appoint a trademark agent or an attorney in Mauritius to do the necessary filing with the Industry Property Office in Mauritius. So, the local staff, the trade mark agents and the Attorney go, do the search, make the application, get the registration. With the Madrid Protocol, Adidas will first have to register its mark with its local IP Office, which is in Germany. And then, its IP Office in Germany will make an application for international recognition to an Office of WIPO (World Intellectual Property Office) in Geneva. When they make this application for international recognition, they would indicate which countries they want this mark to be recognised. So, if, for example, Adidas wants it to be recognised in Mauritius, they won't have to come directly to Mauritius they would just file the application through WIPO. WIPO will then contact the Mauritius Intellectual Property Office and if there is no objection, the mark gets registered. So, obviously what we are doing here, we are bypassing all the local trademark agents and all the attorneys.

And when the Bill was circulated or rather an earlier version of the Bill was circulated, there was consultation and a letter dated 30 of January 2017 was addressed to the Ministry of Foreign Affairs and Regional Integration and International Trade by several, at least 20 registered trademark agents and attorneys, including senior attorneys. And, in that memorandum, they consider Madrid Protocol. They consider all the advantages that we will get if we adhere to Madrid Protocol but also all the disadvantages and drawbacks if we adhere to the Madrid Protocol. I am not going to go through all the advantages and

disadvantages but I am just going to read what was their conclusion: “As a matter of fact as at date, the Ministry or the WIPO representative has not demonstrated with the support of figures that Mauritius, including the trademark agents and attorneys will gain if the country gives effect to the Madrid Agreement and Protocol”. And then they go on to state: “Out of 200 trademark applications made monthly, approximately 80% of such applications are submitted by trademark agents and attorneys. In case Mauritius adheres to the Madrid Protocol, there will be most likely in a very difficult situation leading to job loss”. Therefore, that the implementation of the Madrid regime will bring more work to Mauritius is illusory having regard to the reason given above. They conclude: “We therefore, earnestly request the Government not to give effect to the Madrid agreement and Madrid protocol”. So, these are our experts in the trademark sector, well known senior attorneys and trademark agents making a plea to the Government not to enforce, not to ratify the Madrid Convention, the Madrid Protocol and, in fact, listening to the hon. Minister, I am also not convinced personally that it will be in the interest of Mauritius to ratify the WIPO, the Madrid Protocol. So, I do not know again if a study has been made to assess what would be the impact of ratifying the Madrid Protocol, especially in terms of the job losses for trademark agents who would become obsolete if we adopt the Madrid Protocol.

But the real cause of concern, Madam Speaker, that we have with this Bill is the restriction on parallel imports, what the hon. Minister referred to as national exertion right against international exertion right. As the law currently stands, anyone, who wishes to import any registered mark, requires the consent of the owner of the mark. That is very important that we bear in mind that we are not talking about counterfeited products. We are not talking about illegally importing goods that are being passed off as branded goods. We are talking about importing genuine products, whether it is apparel, designer shirts, designer suits, designer shoes, whether it is cosmetics but even toothpaste. You know even toothpaste or foodstuffs, you know the chips that you like to eat, equipment, computers, cameras, branded good, all these genuine products, we cannot import them in Mauritius without the consent of the registered owner of the trademark. And I am repeating it because generally in the mind of the public, as long as it is genuine, we should be able to import. What is prohibited is counterfeited product but if I am going to South Africa and I am able to import the spare part of a car which is cheaper than what I can get in the local market and if it is a genuine spare part, why cannot I import that? Surely it is for the benefit of the consumers that we are able to import genuine products. This will increase competition among trademarks,

you know among dealers in genuine products and the trend, everywhere in the world, is to allow what you call parallel import, allowing products in the country where they are, provided that they are genuine. What is the logic? The logic is when the trademark owner has put the product on sale; he has already received his royalty. So, when, for example, Nissan decides to sell his spare parts to a distributor in South Africa, Nissan has already received royalty from that South African distributor.

Now, what is the harm for a Mauritian importer to go to South Africa and buy these genuine products if they are cheaper than in Mauritius? That is what exactly happened in Mauritius a few years ago. One of the dealers in spare parts in Mauritius decided to bring a container of Nissan parts. Why did he do that? He did that because a lot of owners of cars were having problems getting spare parts. Why? Because the agents, what we call *l'agence*, the registered distributor, when he imports spare parts, he keeps a very small, tiny stock of spare parts and he will take spare parts only for those cars that he is selling. What about the second-hand cars that are imported? When those second-hand cars are imported, the Nissan, the- whatever make, Subaru, Honda, they come to Mauritius and they breakdown, they need spare parts. When they go to *l'agence*, *l'agence* not only take them months before giving them a spare part but the price that they charge, you cannot say anything, you are obliged to buy it at whatever price they ask you to pay.

So, this importer, Zario, decided to import the spare parts, and they came to Mauritius and the customs blocked the spare parts. Nissan, the registered owner, brought proceedings in Mauritius. Again, Mr Justice Lam Shang Leen was the one sitting on that case and he said no. The effect of the law, as correctly drafted in 2002 with the passing of Unfair Practice Act and the Patent Trademark Act, meant that you could not import even genuine product without the consent of the owner. And I have to say, I am sorry but this situation is being exploited by a lot of unscrupulous agents. You know the number of times I receive a call because the custom has seized goods, genuine products, apparels and then you know what we have to do? We have to go and beg the registered owners, agents in Mauritius and then they charge us. Okay, we will allow your client to remove his goods from customs but you have to pay us X amount of money which very often is more than the actual profit that is expected to be done by the sellers.

It was not just Nissan, we had the same thing with Ralph Lauren, same issue which was decided on the same date. What is more, Madam Speaker, is that the person, who acted for that importer who was being prevented from importing Ralph Lauren products, is the

senior counsel who is now in Cabinet, he is in this Government. He pleaded the case - well pleaded; very well argued that you needed to allow apparel import because the trademark owner has already received his due, there is no sense in preventing him from importing. But why is it then when the Bill comes to Cabinet that senior counsel keeps quiet. He forgets all that he has pleaded in Court; all the advantages for the consumer.

Because at the end of the day, Madam Speaker, what we are doing is making a choice. Either we are in favour of consumers or we are in favour of the distributors in Mauritius. So, either we are *Lepep* or we are with the rich. The choice is clear because the TRIPS agreement does not tell you one way or the other whether you should allow or restrict parallel import. It is left to every country to decide for itself.

Madam Speaker, the hon. Minister knows that this is a sore issue national exhaustion against international exhaustion. I have referred to cars, spare parts. I have referred to apparels but the same logic applies for pharmaceutical products. Today, you have big pharmaceutical products. Because they have invested a lot in research and development, once they come up with the medicine cure, they obviously put a high price tag. It is okay. Once they have already sold it, they have already recouped their investment. Why are we prohibited from importing those medicines? A report was carried out in Africa on HIV and the report showed that the fight against HIV in many African countries would have benefited greatly if these countries had adopted an international exhaustion of rights which would have allowed them to import HIV drugs sold in India at low prices. Because the Government chose to have a restrictive application, the national exhaustion right, banning parallel import, millions of people in Africa had been suffering through inability to get generic drugs.

Today when we have the chance to change the law, to learn from our mistakes, they are using again the national exhaustion, why? Because no doubt, lobby from private sector. We know. I have seen the report from the Mauritius Chambers of Commerce & Industry, saying that no, we should have national exhaustion role. We should prevent parallel import. Yes, because they benefit, they make millions of profits, every year, at the expense of the consumers. Obviously, they will not want to have a liberalised economy where import of genuine products are allowed.

Madam Speaker, where I am really surprised is when the hon. Minister refers to a consultant who has been retained by Mauritius to assess the socio-economic impact in the event Mauritius adopts an international regime for exhaustion of trademark. He mentioned

that this report is being funded by the European Union and he went as far as saying that we are now adopting the national exhaustion but if the report says otherwise, we will see later. I am really shocked, Madam Speaker, because I have in my hand the report of Dr. Ana Maria Pacón 'Study to assess the socio-economic impact of the international exhaustion of trademark rights in Mauritius', funded by the European Union framework contract. Extremely interesting reading, Madam Speaker. This lady, who is an academic, came to Mauritius and had meetings with different stakeholders and she prepared a report - very comprehensive report - where she considered all the arguments pro-national exhaustion, all the arguments pro-international exhaustion. She then considered the socio-economic benefits, the impact on pharmaceutical industry, the impact on textile and clothing industry, foreign brands, food and beverages, perfumery, cosmetics - very detailed. And this report was submitted in June 2019, last month; not today, not yesterday, last month before the Bill was introduced in this House. Let me tell you what the recommendation of that lady consultant is, it is at paragraph 15 - "Recommendation 15.1 - Exhaustion regimes of trademark law. The estimated annual benefit of adopting the international exhaustion regime is close to Rs1.4 billion" - the annual. The estimation made with a short-term partial equilibrium model leaves aside long-term benefit, *bla-bla-bla*. And then, she goes on to say that the majority of the adaptation cost implies an investment that is not repeated while the social benefit is repeated and increases each year along with the growth of the economy. So her recommendation cannot be clearer. We should get rid of the national exhaustion regime and adopt an international exhaustion regime. This would bring an annual benefit of close to Rs1.4 billion - billion rupees in the pocket of the consumers; Rs1.4 billion are not going in the pocket of the dealers. So, when we already have that report which is very comprehensive, Madam Speaker. It is 79 pages, analysing sector by sector - cosmetic, pharmaceutical, spare part. She had gone all through and, today, we come to the House and do exactly what she has recommended against. Where is the logic? Why? The hon. Minister says that he is going to follow the recommendation. There is the recommendation and I am sure he has a copy of this. Truly, Madam Speaker, there is already in the Bill parallel import permitted when it comes to patented article, for example, in section 21(2); again international regime for exhaustion of right with respect to utility model in section 31(2)(a); international regime for exhaustion of right for layout-design in section 47(2) (e); international reserve for exhaustion of rights with respect to industrial design in section 83(a). So, whether it is patent, whether it utility model, whether it is layout-design, whether it is industrial design, all of these already have international exhaustion rules, already allow for parallel import, except for trademark. Why?

Because trademark is big business in Mauritius. Lots of money, you have to protect the monopolistic situation of the *agence d'automobiles*, of the apparel, a tiny few. That cannot be right, Madam Speaker and it is not too late. It is not too late, all we need is a tiny amendment to section 98(4) by adding the words 'or abroad' after Mauritius so that, that section would read –

- (4) The rights conferred by the registration of a mark shall not extend to acts in respect of articles which have been put on the market in Mauritius or abroad by the registered owner or with his consent.

Madam Speaker, the choice is very clear. If Government accedes to the request of the Opposition to make this tiny amendment to allow parallel export, the Government would be acting for the benefit of the consumers. If the Government chooses not to do that, then clearly they would be siding with the private sector, those who have the money to finance political campaigns.

Madam Speaker, I will end here by just saying that, for me, this Bill is a missed opportunity because we had an opportunity to correct something which ought to have been done since last year. You will recall, Madam Speaker, that last year when the Prime Minister introduced the partial exemption tax system, there was a series of income which was going to be taxed at the preference rate of 3% as opposed to 15%. And in the annex to the Budget Speech, it was announced that the partial tax exemption regime will also be applicable to royalties so that if you have a trademark owner who assigned its right to a Mauritius company and that Mauritius company receives royalties, that Mauritius company will have paid only 3% tax on the royalties instead of 15%.

Unfortunately, I do not know for what reason this was not in the Finance Bill of last year and this was not in the Finance Bill of this year. But surely, if we amend the law, that would be a boost for foreign trademark owners, patent owners to come and set up in Mauritius.

Thank you.

Madam Speaker: Hon. Sawmynaden!

(6.08 p.m)

The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden): Madam Speaker, Let me first of all congratulate my colleague, hon. Nando

Bodha, the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade for bringing such an important Bill to the House.

The debate that we are having, and the subsequent adoption of this new legal framework, is paramount to our country's venture in modernism and its high-income earning ambitions.

Madam Speaker, Industrial Property legislation is part of the wider body of law known as intellectual property which refers broadly to the creations of the human mind. IP rights protect the interests of innovators and creators by giving them rights over their creations.

It is worthwhile to know that the importance of protecting IP was first recognised in -

- the Paris Convention for the Protection of Industrial Property in 1883
- and the Berne Convention for the Protection of Literary and Artistic Works in 1886.

Both treaties are today administered by the World Intellectual Property Organisation.

Countries generally have laws to protect Intellectual Property for two main reasons -

- First, to give statutory expression to the rights of creators and innovators, of course balanced against the public interest in accessing these creations and innovations.
- And, secondly, to promote creativity and innovation throughout the country, thereby contributing to economic and social development.

Madam Speaker, we have all recently noticed, as reported in the news, a substantial number of inventions by our students. I am personally amazed by their creativity. It is in that spirit that, last December, we launched the Inter Village Innovation Competition. The competition has started in the Moka district and our intention is to have it in the other eight districts as well as, of course, Rodrigues, within the next few months.

Villages have been encouraged to create Innovation Clubs, consisting of those people with a willingness to solve a problem faced by the villagers, as identified by them. These innovators, some young and some older, have been offered guidance and mentoring by the National Computer Board (NCB) and the Mauritius Research & Innovation Council (MRIC), both of which fall under the aegis of my Ministry, to come up with their solutions.

An independent Jury has been setup, comprised of people in Government as well as the private sector, to evaluate each solution and determine which village is the most innovative in the district. I believe that, with such a competition, the creativity shown by the villagers can be channelled into the development of concrete products and goods, synonymous with the establishment of viable business ventures.

Naturally, these creations and innovations will benefit from the protection offered by the Industrial Property Bill being debated today.

Madam Speaker, some weeks back, I was also the guest of honour at the prize-giving ceremony of Royal College Curepipe where I was delighted to launch the Royal E-Card. Incredibly, a group of RCC students have created a smart card from scratch to allow fellow students to make cashless transactions at school. Is it not our duty to protect this invention? Is it not the role of a responsible and caring Government to offer protection for such creativity?

Another example I would like to highlight is EatWell, a smart plate, “*une assiette intelligente*”, invented by students of the Queen Elizabeth College in Rose-Hill. This intelligent plate can be used to count the number of calories being placed on it. This count is then shown on a mobile application called Calorrate, thus helping us to eat better. This kind of initiative, if properly nurtured, can have a positive impact on the well-being of the whole population. Is it not our moral duty to protect this invention and help these young girls become entrepreneurs and further develop their products into flourishing businesses?

As a matter of fact, this Bill is intended to offer the maximum amount of protection for all such inventions.

Madam Speaker, the Bill also makes provision for the setting up of -

- an Industrial Property Office at the Ministry of Foreign Affairs, Regional Integration and International Trade;
- an Industrial Property Tribunal for those who feel aggrieved by decisions made by the Director of the Industrial Property Office, and
- an Intellectual Property Council, broader in scope, and whose role will be to advise Government on all matters pertaining to Intellectual Property, which includes both Industrial Property and Copyright.

The Intellectual Property Council will also ensure coordination among Government and the private sector in the formulation of policies and the enforcement of IP rights. I am happy to note that among those who will constitute the Intellectual Property Council are -

- (1) a representative of my Ministry, with the responsibility in Innovation;
- (2) a representative of the Mauritius Research and Innovation Council, which operates under the aegis of my Ministry as well.

Madam Speaker, most laws dealing with the protection of inventions do not actually define what an invention is. A number of countries, however, define inventions as new solutions to existing problems. The problem may be old or new, but the solution, in order to be considered an invention, must be a new one. Merely discovering something that already exists, for example in nature, does not generally qualify as an invention. An adequate amount of ingenuity and creativity must be involved. But, it is also important to understand that an invention need not be technically complex: for example, the safety pin, “*une épingle*”, is definitely an invention.

Madam Speaker, by granting an exclusive right, patents provide incentives to inventors, offering them recognition for their inventiveness and potential material reward for their inventions. These incentives encourage innovation, one of the major growth enablers identified in Vision 2030 of this Government.

In return for exclusive right for a certain duration, the inventor knows that, on expiry, the invention will be completely disclosed to the public, leading to further innovation.

The disclosure of inventions is thus an essential consideration in any patent granting procedure.

Madam Speaker, allow me now to speak on the industrial design, which is defined in the Bill as the appearance of a product resulting from its features, shape, lines, contours, colours, texture, material or its ornamentation. By rewarding industrial designers for their efforts, this Bill also serves as an incentive to invest in design activity.

It is interesting to note that, in some cases, industrial designs may also qualify for protection under copyright, for example where the design can be categorised as a work of applied art.

Madam Speaker, this Bill is also important because there is an urgent need for our country to be compliant with international conventions, such as -

- the Patent Cooperation Treaty for the filing of international patent applications,
- the Hague Agreement concerning the international registration of industrial designs
- and the protocol related to the Madrid Agreement concerning the international registration of marks.

Mauritius is a country that has moved forward in its development cycle, with services, today, being the main driver of the economy. As such, Mauritius now needs still more of this spirit of inventiveness that has characterised our ascent into one of the most successful countries in the region.

The next step is to bring innovation across all sectors, to create a knowledge-based economy. It is essential to boost our productivity and unleash the potential of emerging technologies such as the Internet of Things, the Blockchain, Big Data and Artificial Intelligence.

It is then that we will move up from where we are today, an upper middle income economy, to a high income economy. This is why our Government, under the leadership of the Prime Minister, is working hard to provide the ideal environment for creative people to excel. This is what will trigger a paradigm shift in our country. Instead of simply being users, we want a nation of creators!

Madam Speaker, one important aspect of this Bill is the fact that Mauritius will maintain the *status quo* concerning the exhaustion regime.

However, Government has commissioned a study with the assistance of the European Union to assess the impact of any form of International Exhaustion of Trademark Rights on the economy at large.

Today, our legislation does not authorise parallel imports which is defined thus -

“A parallel import is a non-counterfeit product imported from another country without the permission of the intellectual property owner. Parallel imports are often referred to as grey product and are implicated in issues of international trade, and intellectual property.”

There are some countries and regions where parallel imports are allowed. Examples are the USA, Australia and Hong Kong. But, you will agree, Madam Speaker, that you will

find enormous markets there, which is not the case in our country. Mauritius is such a small market.

Mauritius is about companies which have grown from tiny seeds through efforts of three to four after generations to reach where they are today.

Today, some of our companies represent well-known brands. But one should not forget that this process took years. It is not something which happened overnight.

Following the obtention of the right to represent a brand, these companies have put in lots of efforts, spent lots of money in terms of marketing for their products to be recognised.

Do we want to see everything crumbling with parallel imports? Do we want our local companies to be threatened? Do we want to impose unfair competition on them? Do we want those employees who have been working with them for ages losing their jobs? No, Madam Speaker.

Most of our well-known companies are family businesses, as well. Do we want to put these families at stake? No, Madam Speaker, because they have been working very hard to reach where they are today.

This is why I am happy that Clause 98 of the Industrial Property Bill prohibits parallel imports for the time being. We also need to take into account the social aspect of it, because Mauritius is a very sensitive environment. We are completely different from other countries; we are such a small island. Everyone knows everyone and we need to protect those people who at that time had the courage to import, had the courage to represent, had the courage to market these products. We cannot just kill them overnight.

With this clause, some importers and traders are also asking some questions, as I have seen in the local press, *Le Défi Quotidien* of Thursday 25 July 2019. For example, dealers in imported vehicles think that they will be penalised because, according to the new law, they would have to provide after-sales service. They believe that preventing grey imports from entering Mauritius might make some companies in Mauritius become monopolistic.

But, in the same article, a representative of the Ministry of Foreign Affairs, Regional Integration and International Trade was quick to point out, in the local press, that this is not true. He stated that there will be no monopoly situation because the law only requires traders to obtain permission from the Registered Owner before selling a product.

In other words, someone who wants to be a dealer can do so provided that he or she seeks the necessary permission from the rightful owner, which is only natural. Because the customer in Mauritius has the right also to be protected.

Madam Speaker, I trust that the Minister of Foreign Affairs took into account the current environment with which we live in. Toute décision on doit prendre en considération la réalité mauricienne qui n'est pas comme tout pays au monde.

Madam Speaker, as you are aware, the Mauritius Research and Innovation Council (MRIC) Bill was passed on 07 May 2019, and will soon be proclaimed.

The new law has created a legal framework to give the creators of an invention full intellectual property rights on what they have created. This is a major breakthrough in our laws and will, surely, incite a lot of our researchers and entrepreneurs to engage with the MRIC for different kinds of assistance, including financial.

Research and development and innovation are being encouraged across various sectors, and we are providing support to increase their linkages with universities, academia and students. This is being done through the introduction of laws such as the MRIC Act, but also this Industrial Property Act, among others.

Madam Speaker, it is clear to everyone that intellectual property impacts on nearly every aspect of our lives.

Whether we are talking about the knowledge economy, the digital sector, high-tech manufacturing or renewable energy, intellectual property is a key component.

Intellectual property is the catalyst for growth and the creation of sustainable jobs and, consequently, a successful transformation of our economy. This is becoming increasingly apparent in our quest to increase prosperity among our citizens.

We have seen that protecting intellectual property is fundamental. Our country, Mauritius, has already enacted several laws to protect IP. These include -

- the Copyright Act,
- the Protection Against Unfair Practices (Industrial Property Rights) Act,
- the Competition Act, and
- the Customs Act.

With the promulgation of Acts, such as the Mauritius Research and Innovation Council Act and this Industrial Property Act, our country will be prepared to move up a level in its development.

Madam Speaker, innovation and creativity have to be at the heart of our education system, our small and medium companies and our large groups. With the promulgation of this Industrial Property Act, we anticipate many economic and societal gains.

Intellectual Property is the basis for technology transfer and ensures sharing as well as open innovation. I am happy to inform Members of the House that the MRC has recently launched a new intellectual property assessment tool called IP HealthCheck.

IP HealthCheck is based on a similar tool at the UK Intellectual Property Office which has granted authorisation to the Mauritius Research Council to adapt the tool for our local context. This assessment tool covers guidance on key IP issues covering patents, trademarks, industrial designs and copyright. Right now, this tool is installed at the MRC.

Anyone coming to the Council requesting information on IP can use IP HealthCheck and answer a series of simple questions. Based on the responses made, a tailored report is created by IP HealthCheck and the report includes -

- a list of actionable items to implement to better benefit from intellectual property rights,
- an explanation of each recommendation,
- further guidance on how to put each recommendation into practice, and
- links to useful online resources.

Madam Speaker, last year, my Ministry published the National Innovation Framework, which places major emphasis on the need to strengthen applied research being made locally and the optimal use of technology by our local enterprises. The framework also promotes a wide spectrum of meaningful relationships between industry and academia.

This framework calls for the implementation of measures across areas such as technology development, access to funding, support for enterprises, the integration of new technology for societal benefits and, very importantly, the protection of intellectual property.

At the same time, Madam Speaker, and, as announced by the Prime Minister, in the Budget Speech, Government is increasing funding for research and development and innovation through the National Research and Innovation Fund.

At the level of Government, we want to encourage commercialisation of products and services created through Industry - University partnerships.

If we are to have the best minds working in Mauritius, if we are to attract foreign investment, if we are to build a resilient high-income and inclusive economy in line with Vision 2030 of the Government, then a strong set of regulations for Intellectual Property is absolutely essential.

However, we also need to be able to be flexible to adapt and respond to changes happening around us. As the technological revolution continues to unfold, we need to ensure that our intellectual property framework remains responsive to these changes, so that it can deal with issues raised by, for example, Artificial Intelligence (AI).

Allow me, Madam Speaker, for the last part of my intervention, to talk about another important aspect of the Bill, the one pertaining to the protection of products which have a specific geographical origin and possesses qualities, characteristics or a reputation which are essentially due to that origin, similar to "*Les produits du terroir*" as used in France. We tend to think of foodstuff or wines in this context, but this concept of geographical origin can be generalised to all kinds of products.

It is a good thing that this Bill provides that geographical indications are protected in accordance with national laws in a wide range of ways, such as under laws against unfair competition, consumer protection laws, laws for the protection of certification marks or special laws for the protection of geographical indications or appellations of origin.

In essence, unauthorised parties may not use geographical indications where that use is likely to mislead the public as to the true origin of the product.

Madam Speaker, during the economic boom of the mid-eighties, triggered by the genius Rt. hon. Sir Anerood Jugnauth, one of our emerging sectors was the textile industry. The label 'Made in Mauritius' was on T-shirts and other garments, helping putting our island on the world map.

Textile industry became one of the pillars of our economy and at the same time that Mauritius developed a mastery craft in designing outfits that international customers craved for. Today, due to stiff and challenging competition from countries offering lower wage structures to investors, that industry needs to reinvent itself.

The ‘Made in Moris’ initiative is gathering momentum. I personally think that opportunities are there to be grasped. With access to the vast African markets, we need to produce suitable products for the people in these countries, thereby benefiting from these fast double-digit growing economies.

The ‘Made in Moris’ label is one that can outshine its competitors due to the inventiveness of our population. We are already exporting a lot of products but we can and we need to do more. We need to be able to have an edge compared to our immediate competitors thanks to our political stability and the sense of “*débrouillardise*” shown by all Mauritians.

Our vast maritime zone, of 2.3 million square kilometres, can be a formidable asset, both as a sure way to ship our products but also as a fantastic reservoir of riches, most notably, fish.

Tomorrow, we can be in a position to conquer African markets with our ‘Made in Moris’ *tuna* or *capitaine*. Let us think and achieve big!

Madam Speaker, on a concluding note, I would state that intellectual property will play a crucial role as Mauritius forges new economic relationship with other countries. It is therefore encouraging to note that the Industrial Property Bill makes clear provisions for the country’s accession to key international treaties relating to patents, industrial designs and marks. Such accession will open up a wide range of possibilities for our inventors, entrepreneurs, researchers and enterprises in reaching new markets – all within well protected boundaries and frameworks that recognise their creativity and innovation.

Once again, I would like to thank my colleague, hon. Nando Bodha, for bringing such an important Bill to the House.

Thank you Madam Speaker.

Madam Speaker: Hon. Jahangeer!

(6.31 p.m.)

Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac): Thank you, Madam Speaker, for giving me this opportunity to opine on this Bill.

Madam Speaker in 1995, I was licensed by a Swiss company to market a product. I was the licensee of a logo, of a trademark and I started to work in Mauritius. Six months elapsed, no sales; one year elapsed no sales, but still that product was available in some

hardware shops in the vicinity and I was about to be kicked out from my job because I could not sell anything. So, what happened actually, by chance a friend of mine called me at the airport and told me that he found some boxes with the logo on the boxes. I immediately asked him to find the addressee of these boxes, and I found that they were all counterfeit products. This is what this Bill is about, it is about protection against counterfeits, against patent infringement.

Madam Speaker, with the advent of the internet, it has become very difficult to avoid misuse of copyright and industrial property rights for the development greatly overlaps across the worldwide market. And if we start with what is the intellectual property, it is what my mind creates, that is why I have to protect it. It is unique. What I think of is unique, so I need a protection. This is my creation. But it can have a patent only when this idea is put into a practical use, unfortunately.

Now, the intellectual property you have two subsets, one is the industrial property which encompasses invention, trademark, geographical indication, industrial design and then you have another subset which is the copyright which is related to literary works, songs, artistic works, music, film etc.

Madam Speaker, we have witnessed famous patent infringement and plagiarism. If I start with George Harrison using the same melody in his song, 'My Sweet Lord', as the Siphons did in 'He's So Fine'. Then you have the famous First Lady Melania Trump, in her speech 2016, speech at the Republican National Convention used some exact wordings of a speech of Michelle Obama which she made in 2008 at the Democratic National Convention.

Of course, we have also witnessed plagiarism in our own august House. We have Mattel which was a case against MGA Entertainment for the Barbie Dolls, and they paid heavily, USD100 m. fine. We have Adidas America for 3-stripes, they had a big fight against the incorporation in America, and they also paid around USD305 m. As for patent infringement, it is a very recent one, you have Nintendo was forced to pay a large sum to Tomita Technologies for its 3-Dimensional gaming system technology.

Madam Speaker, this Bill provides the setting up of an Industrial Property Office, an Intellectual Property Council and an Industrial Property Tribunal. When it comes to the Industrial Property Office, we have a Director, and the Director is supposed to be an officer from the hon. Minister's Office. But, in the Bill it does not say what is the qualification of the Director, it is very important that the qualification of the Director is defined, we have it in the

Intellectual Property Council. There the Chairman is defined, he needs five years' experience; he needs to be a lawyer or an MSC in Economics; five years' experience in Industrial Property Rights, whereas for the Director of the Industrial Property Office, nothing is mentioned about his qualification. This is very important because he is the one who will receive all requests for application for patent or whatever, for trademark, he is the one and he needs to be at least a technocrat with a background in law. That is how it is important that this Director's qualification is defined.

Madam Speaker, also the Bill does not say if an agreed person, he or she, requests for a patent, it has been rejected and then he refers to the Industrial Property Tribunal for justice, does he have to pay for such fee, for such service when he applies to the Tribunal? Will it be free or we will have to pay a sum for such service? It is not defined in the Bill.

Madam Speaker, in 1975, two dropouts from college, Steve Jobs and Steve Wozniak; they were sitting in the garage of Steve Jobs, and they were dropped out from college, but still they were using, they are assembling - at this time electronics was growing - blocs of electronic. For example, they use a CPU, Central Processing Unit from Intel, they use some parts, an adder from Motorola, and then they assembled and they made the first Apple Computer. This is the gist of my intervention.

I would like the hon. Minister to clarify it for me, because nowadays all electronics are in block and they are patented. The transistor is patented, the microprocessor is patented. What happens, if, tomorrow, I have the idea to come with an invention, but this invention inside has hundreds of pieces of electronics which are patented? Should I pay royalties to each of these holders of patents? I cannot know who are the owners of this patent. It is so immense. The electronic, nowadays, is so immense, it is very difficult to define who is the owner of such printer circuit or other electronic devices. Now, what happens, if I am granted the patent and only after that the owner of a patent discovers that it has been a successful invention and then, he comes to me and says - "Oh, you know, in this device you have my parts there and I have patent", it will be too late. It is at this stage that you have to define how by assembling block - we have the case of a student from the QEC, they built up a solar - what you call it - a handbag to charge their mobile phone. But the charger is not theirs. The solar plate is not theirs, but, then again, they want now to have a patent for such invention. So, this has to be defined. How do you tackle this issue? Where it is not their invention, yet, they come up by assembling this block, they come up with a new invention.

Ceci dit, Madam Speaker, without worldwide patent protection industry, we are unable to afford a global oriented market strategy for new products and future investment will be discouraged. We need to protect our properties, to promote economic growth.

I must congratulate the hon. Minister to come up with this Bill which is very important. Of course, it is this Government, under the leadership of the Prime Minister, hon. Pravind Jugnauth, he lays a lot of emphasis on innovation and artificial intelligence. Hence, this Bill is rightly timed to protect the future design and invention and literary works of our local geniuses.

I thank hon. Bodha and I recommend this Bill to the House. Thank you.

Madam Speaker: Hon. Shakeel Mohamed!

(6.41 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Thank you, Madam Speaker. I have listened very carefully to the hon. Minister talking about this piece of legislation and there is only one element which I shall address today and that particular element is, in fact, related to Section 98 of this particular piece of legislation. It has to do with a very important doctrine, which is the Doctrine of Exhaustion of Rights. It is a very important doctrine that has been established by Courts and it is such an important doctrine that we cannot, therefore, pretend that it no longer exists.

Let me here refer to this particular doctrine. But before I get into the details of what this doctrine is all about, I heard the intervention of the hon. Minister of Technology, Communication and Innovation on this particular piece of legislation and I was quite taken aback by his proposition in trying to defend Government's position pertaining to maintaining the National Exhaustion of Rights principle. He went on to say that it was necessary for Government, through their policy of maintaining the National Exhaustion of Rights to protect investment that had been made by companies importing marks, brands, branded goods, because it is because of their investment that they have made that they are in that particular market.

I would beg to differ with the hon. Minister when he says such things, because his argument, I shall demonstrate, if you permit me, Madam Speaker, does not hold water. It surprised me also to hear him talk about the fact that a lot of those businesses in Mauritius that needs to be protected by Government and, indeed, is being protected by Government by the refusal of Government to come in with an international exhaustion policy, is precisely

because they want to protect, he said, family businesses. I would have loved him to elaborate on what are those businesses he is specifically referring to. Because if one understands the whole model of business, let us say, for instance, we talk about the brand Adidas for a minute, shoes or sportswear that we wear; tracksuits, trousers, men, women, children, shoes that we run in, or Puma or Nike. And those brands, when they are sold in Mauritius, are all represented by an agent or represented by a company that has an exclusive agreement to sell those brands into Mauritius. There, I am talking only about shoes. I could also refer to other brands like Mango. I could refer to other brands like Zara, I could refer to Boss. I could refer to various other brands. I could also refer to consumer goods, for instance, what we eat such as yogurt, Activia. We could talk about that. We could talk about Yop or Yoplait. We could talk about a lot of other products, including consumer goods that we buy every day, customers buy every day. We could talk about hair gel, very true, that basically we use, or some of us use more than others, or some of us can use and others cannot. That also...

(Interruptions)

c'est de bonne guerre.

But then again, I feel to give advice on that issue.

Now, having said that, it is unfortunate that as it stands, Madam Speaker, it is very important for people listening to us to understand what exactly is the situation in Mauritius. As hon. Uteem said it, rightly so, it is quite a pity that when you go and buy shoes in Mauritius, for instance, and very often, we have members of our family or friends when we travel, very often, and that is the truth, when we travel, we go outside Mauritius and we say - "Oh, wait! Let us buy shoes or let us buy our clothes there or let us buy our perfume there" Why? Because, precisely, if I want to buy an aftershave or *une eau de toilette*, be it for myself or my loved one, or if we are to do it all, we buy it whenever we are travelling more often than we buy it when we are in Mauritius. And the answer to this particular question, the question being, why do we buy it when we are abroad? Very simple, it is because it is cheaper. The fact remains is that we cannot get away from that truth, is that, we, when we travel or when people have the opportunity of leaving Mauritius, the first thing we do is rush to the duty free. The first thing we do is try to buy even pharmaceutical products abroad because they are cheaper. Be it, even gel, even pharmaceutical products, consumer goods, clothes, even car parts. How many of us will try to say no to that fact?

When we try to buy car parts, brake pads, pumpers, brake discs, air filters, oil filters, hydraulic pumps, iron wheels; whenever we try to buy those branded goods, be it for Mercedes, be it for BMW, all the cars that we drive, we all and other Mauritians as well love the possibility of travelling abroad or using someone, who goes to Dubai very often for instance, and buy the goods there and bring them to Mauritius and there is a flourishing trade in Mauritius whereby genuine car parts are brought into Mauritius for cars such as Mercedes, BMW and other German car parts and being sold on the market, genuine. Even the dealers of those German cars buy from those third parties, the genuine car parts but there are some other car dealers Honda, Nissan that have decided that they do not want to allow that and they would take action and they have done gone to Court in order to stop that possibility of third parties bringing in genuine goods. So, what happens? Is that whenever people try to buy car parts in Mauritius, they are undoubtedly more expensive than car parts bought in the United Kingdom or in Dubai or Singapore for that matter.

So the question one must ask ourselves is what is our objective? Is our objective not to protect the consumer? We are consumers, the population listening to us are consumers. That is the end game to ensure that this consumer has the possibility of purchasing goods that are of his choice, branded goods if he so desires that are genuine, that are quality goods, that will be used in his vehicle, or for his perfume or for whatever goods he wants to buy, he should have the possibility of buying it at a very good price. That is the end game.

Now, when the hon. Minister talks about the Government having chosen to walk away from the concept of international exhaustion of rights, what exactly does that mean? It means what Government is saying is that all the companies that have represented brands that we know, if we go to talk about Adidas again or if we are to talk about telephone brands; if we are to talk about what we use every day, our telephones, if we are going to talk about hair gel, if we are going to talk about all of the goods that we use every day, from consumer goods to goods and spare parts that we buy for car or for a motorbike - all those goods, Government is saying through the policy decision that it has taken and that is what is unfortunate that they are going to continue allowing traders that have exclusive rights to hide behind the umbrella or veil of IP rights. In other words, making use of IP rights in order to allow them to continue with the concept of monopoly. This is what it is.

In other words if we are talking about a big importing company, let us use one name of a company, Ireland Blyth, it represents many brands. If we are going to talk about Currimjee, it represents many brands, Quality Beverages, many brands. Now, if we are to talk

about all those companies, they will continuously be allowed to import goods into Mauritius a lot. The brands that we all know, ever since the 60s, 70s, 80s, 90s, they are still importing the same brand, but no one else can import those brands apart from them. This is the state of the law today and this is what we have all understood, not only have I said that, hon. Uteem has said that, hon. Minister of Information Technology has said that, hon. Bodha has said that, hon. Jahangeer has said that as well, if I have understood him correctly, I hope. But what we are trying to say here is that - let us understand that very carefully - original goods, genuine cannot be imported into Mauritius by someone else who decides. Like a small entrepreneur, he goes off to South Africa or he goes off to Dubai and finds a stock lot of genuine goods from a third party buyer who has bought original goods. He finds, let us say, a stock lot of Adidas shoes or he finds a stock lot of I-phones or he finds a stock lot of brake pads for Mercedes C180, Mercedes C200, etc. He finds that he has no right to buy those goods and bring them to Mauritius because he is not the owner of the mark. He is not the registered owner and therefore, if we are to look at section 40, today. Section 40 of the existing law prohibits him from doing so. In other words, one has to also ask the next question. What are, therefore, the advantages of allowing such a trade? If you allow such parallel import as they call it, if you allow such genuine goods to enter Mauritius from other manufacturer - not other manufacturers but third parties or even having bought it from a manufacturer of the genuine good from another country or from someone else who may have bought it and has a stock of it, you buy it at a good price. If you allow that into Mauritius, one - the consumer will have access to goods that are genuine but at a better price.

So, the argument, that we should protect those families and those family businesses because of the investment and sacrifice they have made, does not hold water because, first of all, the companies in Mauritius did not invent those goods. They did not invest into research and development in order to create those goods. They did not invest into the creation of the goods, the packaging of the goods and the marketing of the goods. No they are well-known famous brands that already exist and there need not be any marketing for people to know what goods they are. Most of the time, it is like that and, therefore, to come and say that they have invested into those goods and, therefore, we need to protect their investments.

Some of those companies, as I have said, have been importing those goods for the past 50 years and they still have to be protected. Why is it, therefore, that the situation has changed in Europe? The hon. Minister of Information, Communication & Technology has referred to the United States and Europe. No, international exhaustion of rights does not exist

in Europe. It exists, however, in Singapore and that is why I do not understand or maybe I am being naïve when I say I do not understand what Government has decided because it is all a question of a simple choice.

D'un côté, on a la possibilité ou le gouvernement a le choix c'est de protéger les intérêts des importateurs, des gros importateurs, qui existent depuis au moins 30 ans, 20 ans ou 10 ans, et qui sont là à vendre leur produits à des prix qui ne sont pas accessibles à la grande majorité de mauriciens et mauriciennes, que ce soit les téléphones, que ce soit les produits qu'on mange, qu'on consomme, que ce soit les vêtements, que ce soit les voitures. C'est ça, soit on décide de continuer dans une politique de protection de ce secteur privé, soit on décide d'ouvrir le marché, de part une doctrine légale qui existe et de protéger le consommateur. Le choix est simple. Et ce qui me chagrine, c'est que le gouvernement a décidé en connaissance de cause de tourner son dos aux consommateurs et je vais expliquer en détail pourquoi je pense que j'ai raison et pourquoi je pense que la grande majorité de la population mauricienne est d'avis, ils sont d'avis, que le gouvernement, représenté par l'honorable Bodha, a décidé clairement de tourner leur dos à la demande de la population mauricienne qui est très simple au fait, c'est la possibilité d'obtenir l'accès à des produits à des meilleurs prix.

And we also would like to live a situation where ce ne serait plus nécessaire alors de se dire, Madame la Présidente, que l'on doit pouvoir voyager pour acheter des produits à meilleur prix. On doit pouvoir voyager pour acheter des survêtements, des pièces automobiles ou même des choses à manger, parce que j'aimerais bien avoir ce système où la politique du gouvernement va créer un environnement où le consommateur va être the centre of interest of Government and not turning one's back to the consumer and protecting the private sector.

This is exactly what Government has done because there are two arguments, Madam Speaker, on the one hand, protecting trademark owners, on the other protecting the consumer. There are not two choices and what the Government has done to do is clearly maintaining the national exhaustion right principle which means they have decided not to look at the situation of the consumers.

Now, maybe the hon. Minister would like for me to go in a very structured manner as far as the chronology of events is concerned. I have come across a very interesting document and that document was written by a colleague lawyer in South Africa which was the IP Commentary on Mauritius Draft Industrial Property Bill and that document was written by a

lawyer who is from the law firm, Adams & Adams and it was written in 2017. When I look at that particular document, it talked about the Mauritius Draft Industrial Property Bill which is open for comment, and in his analysis of the Draft Industrial Property Bill, I read at a specific part of his opinion a brief summary he writes of the changes outlined. And one of the important elements that he notes in his appreciation of this Bill proposed by Government, the Bill is dated 2016, I take it that the hon. Minister was not Minister of Foreign Affairs and International Trade and maybe would not have mastered the intricacies of what was being proposed even though he was in Cabinet at the time, I read here –

“International exhaustion of rights – the right to be accorded by the registration of a trade mark shall be exhausted once the product is put in the market by the registered proprietor or with his consent in Mauritius or any other country in the world.”

So, those are the changes proposed. What I am talking about here, Madam Speaker, is the need to bring in the international exhaustion of rights, in other words, to allow parallel import and this is exactly what the Government had proposed in 2016. It is not something which I am inventing, it is something that Government had proposed in 2016. One looks at the Bill, the Industrial Property Bill of 2016 which was the working draft document. The Minister then was Mr Lutchmeenaraidoo. It is amazing how things change very quickly and Section 98 of that particular law, I will refer to subsection 2 of that particular proposed Bill, it said – ‘The rights conferred by the registration of a mark shall not extend to acts in respect of articles which have been put on the market in Mauritius or in any other country by the registered owner or with his consent.’

The difference with this particular legislation as opposed to this legislation proposed today is stock because what hon. Uteem said earlier on when he suggested a simple change in the law is precisely what Government had suggested in 2016.

So, in 2016, Government was for international exhaustion of rights. In 2016, Government had approved in Cabinet that this proposed legislation be circulated and awaited for comments. So, initially the position of Government was not to turn its back towards the consumer. That is the beauty of it and it is important to go through the chronology, Madam Speaker, to see how when time goes by how Government changes its position, and I have tried to look into what may have happened, what exactly were the interventions from third

parties or parties concerned or the *différents acteurs économiques* that could have got Government to change its position and that is where it gets more interesting.

So, if I am to *récapituler*, Section 40 paragraph 5 of the actual legislation stands by national exhaustion. The Government proposed in 2016, international exhaustion of rights and I come across a speech of the President of the Mauritius Chamber of Commerce and Industry on the 168th AGM of the MCCI, 30 March 2017. So, what is important here is to understand the chronology as I have said. The Bill is circulated, it is a working document. Government is for international exhaustion of rights, therefore, at that time, *en 2016 le consommateur allait sortir gagnant, les prix clairement allaient tomber, chuter, il y aura beaucoup plus de compétitions et le jour des monopoles* was going to be a day in the past.

I will read the speech of the President of the Mauritius Chamber of Commerce, which was pronounced at Labourdonnais Hotel on the 30th of March 2017. I am allowed to quote that part and he starts, I quote –

“Nonetheless, we would like to express our deep concern as to the provision of the draft Bill on a proposed move towards an international exhaustion of IP Rights regime.”

There we go, the private sector, big business, puts its position forward and states clearly that it is against the position that Government has adopted in its proposed legislation circulated in 2016 for international exhaustion of rights and it goes on –

“Since the release of the draft Bill (...)”

The President of the Mauritius Chamber of Commerce says –

“(...) we have highlighted the concerns of the business community, through a Memorandum submitted to the different Ministries concerned.

Our position on this matter is clear, public and unequivocal - a move towards an international exhaustion of rights on trademarks will be highly detrimental to the country”

In fact, I disagree with what he said here, it would be maybe detrimental temporarily to the pockets of the private sector and those trademark holders. It would not be detrimental to the country because it would be to the advantage of the consumer. You do not expect the business community to come and tell us that it would be to their advantage. Obviously, they have their brief to defend, and I am not here to come and say the contrary, it’s their brief, but

what is interesting here is that if you are to read the reverse or the opposite of what is said here; in other words, the international exhaustion of IP rights being brought as a regime would be against the interest of the business community. If it is not in the interest of the business community, clearly it would be in the interest of the consumer, but what is really sad here is that the Government was asked here not to allow parallel imports while enforcing IP rights, because they say allowing it while enforcing IP rights is a contradiction. This shows that the gentleman, who made the speech, was not really privy to the very important legal principles.

What is, in fact, conflictual is to have a competition law in Mauritius which basically says you shall not have a monopoly and any monopolistic situation, you cannot have an abuse of a dominant position and it shall be brought down by the Competition Commission. This is what we have, but, at the same time, you have caveats, you have exceptions in the competition statute that, basically, allow exclusive agreements and IP rights along that basis to continue a monopolistic situation. Therein, in our law itself, it shows there is a conflict. You cannot have one law that talks about encouraging competition, but it makes an exception and encourages therefore monopoly by trademark holders. This is the conflict. And there, what I find really sad is that immediately after the speech of the then President of the Mauritius Chamber of Commerce and Industry in Labourdonnais in 2017, the Government of Mauritius changes its position.

The Government of Mauritius changes its position following pressure that was placed upon its shoulders and it was forced because of the private sector's pressure to change its stance and turn its back towards the consumers of this country. So, that is the question. How come all of a sudden a speech and document sent to Government, Government decided to change its position? But no! I think it is important here to understand because there are certain people, Madam Speaker, who believe that this concept of international exhaustion of rights does not really exist or, as the hon. Minister for Technology, Communication and Innovation, I understood him, he did not really understand that it is an established legal principle, and this is what I want to get at here.

The first time that this matter was raised in the United States Supreme Court, the issue of exhaustion of rights, was in the case of *Bloomer vs. McQuewan*. It involved a patent whose term was extended by an Act of Congress. The Court held that the inventor might lawfully sell it to him, whether he had a patent or not, if no other patentee stood in his way. And when the machine passes to the hands of the purchaser, it is no longer within the limits

of the monopoly. That is the principle. Once it passes the hands of the purchaser, it is no longer within the limits of the monopoly. It passes outside of it and is no longer under the protection of the Act of Congress. And in many other cases, be it in Singapore, be it in the United States, the whole concept of international exhaustion of rights is very often referred to, and referred to with authority.

Madam Speaker, I have had the pleasure of going through many documents while I was preparing this debate and I came across a document which was from the Law Reform Commission of Mauritius. Let us not have to go as far as the United States of America or other foreign shores. Let us stick here to Mauritius. And the Law Reform Commission had a report on the review of aspects of consumer protection laws and proposals for reform back in October 2010. It referred to the United Nations Guidelines for Consumer Protection as an international framework for the development and evaluation of consumer policy. I see that the hon. Minister has obviously able advisors, men and women of experience, who could easily refer him to the very important guidelines of the United Nations back in 1980. And at page 16, paragraph 18 of the report from the Law Reform Commission, it talks about the UN guidelines and consumer rights, Madam Speaker. And I quote the report, it says –

“In accordance with the UN Guidelines for Consumer Protection, Governments are required to afford protection to consumer rights. Consumers are recognised several rights.”

The Law Reform Commission of Mauritius says in line with the United Nations Guidelines for Consumer Protection. One of the guidelines is the right to satisfaction of basic needs. The second being the right to safety and many others, but the most important of them being the right to choice. And that right to choice is referred to in more details at page 19 of that particular document. And the Law Reform Commission of Mauritius says that –

“This is the right of consumers to choose between different alternatives, to obtain optimum benefit from their economic resources.”

That is a fundamental guideline.

“The UN Guidelines provide that Government policies should seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the market place.”

And in particular it refers to Government should implement -

“(5) Measures relating to the control of restrictive and other abusive business practices which may be harmful to consumers, including means for the enforcement of such measures;”

The question I ask, therefore, is: does this proposed legislation of today qualify as a measure that relates to a wish of Government to control restrictive and other abusive business practices or is it the contrary that is true? That what Government has done by turning its back to the consumers and by favouring *l'appel* of this beautiful voice coming from the private sector and the business community, from the president of that organisation. “Turn away your back to the international exhaustion principles” he called out. And the Government said: “yes, let us change immediately”. What they have done is, in fact, contrary to what is proposed by the United Nations Guidelines. In fact, the United Nations Guidelines that we are referring to is, in fact, the United Nations’ set of principles and rules on competition which is of the United Nations Geneva 2000. It is a publication. And, in fact, at the General Assembly of its 35th Session, Resolution 35/63 of 05 December 1980, this is a General Assembly Resolution. We are a member of the United Nations. We are a Member of the General Assembly. I think that this treaty is of utmost importance and I am of the view that the proposed legislation of Government goes against our commitments in 1980 to that particular Resolution. I am of the view that this legislation goes and violates what we have agreed to at the 35th Session of the Resolution of 05 December 1980. And I read here a document from the World Intellectual Property Organisation which is on the Committee on Development and Intellectual Property, Geneva 14 to 18 November 2011 and I read here paragraph 14 of that document. I quote –

“Finally, the UN Set is clear in its recommendations on the adoption of international exhaustion of trademarks,”

This is a document from WIPO. What is the point, Madam Speaker, if we, as a member, keep on going to Geneva and sending officials to WIPO, but when it comes to following what they say, we turn our back to them as well?

“The UN Set is clear in its recommendations on the adoption of international exhaustion of trademarks, with a number of caveats, namely that the market segmentation or discrimination resulting from the use of international brands:

(a) constitutes an abuse of a dominant position or a means to acquire and abuse of a dominant position;”

Is this not the case in Mauritius today, that when Government is protecting all those big brands, all those houses and companies that are trademark owners, are they not encouraging an abuse of a dominant position? Is Government therefore not facilitating its abuse of its dominant position? Is it not creating a situation that is likely to have adverse effects on international trade? Is it not creating a situation that is likely to have adverse effects on the economic development in developing countries where only some people can have access to certain goods, but they do not

depend on the price because the price is dictated by those who have a monopoly and the monopoly is encouraged by those acts of Government who come up with legislation, turning its back to international exhaustion?

Si le gouvernement simplement venait de l'avant avec le concept de international exhaustion, consumers would immediately be the big and great winners. I read this conclusion at page 6 of that report of WIPO, and it reads at paragraph 15 –

“As a preliminary conclusion, it can be submitted that current international law does not provide guidance on how WIPO Member States could use exhaustion to address anti-competitive practices in the field of IP”.

But it goes on –

“The only treaty that makes that connection explicitly is the UN Set, but the value of its recommendations is very limited to the extent that it is linked to an issue of international pricing and suggests the application of a number of restrictive caveats, as noted above.”

So, are we not only to turn our backs to the consumer, we are also to turn our backs to a General Assembly Resolution that we are party to? We are bringing legislation, Madam Speaker, that puts the consumer at a disadvantage. Government is bringing legislation that ensures that price is dictated by big business and that the consumers will have to continue being under the hammer of the big businessmen, whereas parallel import and the concept of international exhaustion of rights would do exactly the contrary: create competition.

Very often, I ask myself, ‘who are we working for?’ That’s the question. Earlier on, hon. Uteem referred to a case of Ralph Lauren, in which a Senior Counsel of Government

had appeared. I, myself, appeared in that case for Ralph Lauren and that Senior Member of Government, who is a Senior Counsel, appeared against me. I remember that I won that case where I, myself, was pleading that parallel import should not be allowed. I submitted in that case, based on the state of the law, and this is my job, as a lawyer, to plead on the state of the law.

But what I am doing here, today, is not as a lawyer, it is acting as a legislator. That is the difference. I am not here acting as a lawyer. I am wearing a different hat. Because I, as a lawyer, have to go out there to Court and submit in relation to the existing law, however disadvantageous it is, however much I do not agree with it, it is wrong, it is not moral, it is not humane. So much so, as a lawyer, it is my duty to submit to Judges of the Supreme Court, in line with what the law provides and what case law provides. But, as a legislator, I cannot sit down and say: just let it pass. I have to think about this fundamental question: what are we doing here and what is our role? Is it to protect monopolies or is it to favour the consumers' rights? Is to protect big business or is it to ensure that consumers have a better deal?

The Minister has not been able to show us how is the consumer having a better deal with this law. How is the consumer not going to have a better deal with what we propose? What we propose is precisely the elimination of the national exhaustion principle and for us to have the courage to go towards the international exhaustion principle.

Having said that, I would like now to refer to something that was quite worrying - referred to by hon. Uteem. Having listened to the hon. Minister, the hon. Minister made his intervention and he gave us the impression, if I understood him correctly and I am sure I did, because he was very articulate and very clear, that the European Union is supporting Mauritius in consolidating our IP legislation and our IP office. This is the impression he gave me - he said - and I am totally happy when I hear that. What the hon. Minister said was that, through the help of the European Union, a report was in preparation and is being finalised. This is what the Minister said, and I am sure I understood him correctly. He said the report was being finalised. But, at no time, does the hon. Minister refer to the report which hon. Uteem made reference to.

My question is: why is it that the hon. Minister did not make reference to the report dated June 2019, prepared by Dr. Ana Maria Pacón? And who is Dr. Ana Maria Pacón? Why did she do a report? Why did she draft a report, and what is this report about? The title of the report 'Study to assess the Socioeconomic Impact of the International Exhaustion of

Trademarks Rights in Mauritius’, and it is a specific contract 2018, No. 398471/1, the European Union’s framework contract, and it is written ‘Interim Report (Final)’, in other words, Interim Final Report.

My question is: why did the hon. Minister not refer to this particular report? Why did the hon. Minister keep silent the fact that this report is the only report in existence that makes a complete analysis of whether or not it would be to the advantage of the Mauritian economy to come up with parallel import and to adopt the principle of international exhaustion rights? Why is it that the hon. Minister kept that completely silent, as though he did not want us to know that this report existed?

I go further: why is it that we are on the eve of the month of August, this report was ready in June 2019, why did he not circulate it to those actors of the economy that are not only the big businesses, that are not only the big trademark owners, but also the small entrepreneurs, also the medium entrepreneurs, also the sole business people who want to become entrepreneurs and who are struggling in a country where they will not be able to really fly with their own wings? Because each and every time they try to, Government beautifully snips at their wings and they just have to come back and land very abruptly.

Some are given the opportunity to keep on flying whereas others Government has no ears and has no heart for them. Why is it that Government has not circulated this document to the public? Why is it that Government, through its services and able advisers, have not put this online for public comments prior to bringing this legislation to this House? Why? Why has Government, through the intervention of the hon. Minister, I have the impression that he said the report will be finalised?

But let us be very careful. I am to read page 78 of this particular report, the paragraph called ‘Recommendations’. It says here, Recommendation No. 1, ‘begin the process of adopting the regime of international exhaustion of trademark rights.’ You cannot be clearer than that. The international expert sent to Mauritius by the European Union, the same European Union that the hon. Minister confirms will give us capacity building in order to embark upon the transition, is the same expert that says in Recommendation No. 1, ‘begin the process of adopting the regime of international exhaustion of trademark rights’. How, therefore, does the hon. Minister expects us not to be surprised when he says, according to him, this recommendation is not final? Does it mean, does he mean, does Government mean that this recommendation could change for it to read ‘stop the process’? How could it change

from 'begin' to 'stop'? How could it change from begin the process towards international exhaustion of trademark rights? How could it change from the beginning part, embark upon it?

The expert recommends opening up the market; the expert recommends protecting consumers; the expert has analysed all the arguments put forward by the Mauritius Chamber of Commerce, and the expert has broken down each and every of their arguments put forward. The arguments put forward by the International Trademark Association, which is a world association, is exactly the same argument put forward by the MCCI. And the first question that the expert asked herself was the following: does international exhaustion of rights benefit the consumer? And she analysed the Position Paper of the MCCI. Her conclusion was it does benefit the consumer. And the MCCI's position that it does not benefit the consumer is wrong. She goes on to another issue, parallel importer rent and free rider situation, she analyses it and says: no, they would not take a free ride on the supposed investment that the trademark owners have made, that is a false and fallacious argument. She has dealt with issues of impact on research and development activities and found that the arguments put forward by the MCCI do not really hold. She has looked into the brand equity and after sales service because as we have heard from the hon. Minister of Technology, Communication and Innovation that if parallel imports are allowed, this is an issue which is of concern to Government. But no, she has analysed that argument and found that it does not hold water and the document is here for all to see that someone who has no commercial interest in Mauritius. None! Who is the first and only person who has prepared a report to analyse whether our market should be opened up? How is it, therefore, that Government *garde sous silence ce rapport qui est un document précieux ? Comment se fait-il alors, Madame la présidente, que l'honorable ministre vient nous faire comprendre que le document doit être finalisé, mais comment expliquer alors que l'experte a dit qu'il fallait aller de l'avant ? C'était sa recommandation parmi tant d'autres recommandations. Mais comment se fait-il alors que le gouvernement non seulement refuse d'implémenter les recommandations de l'experte, Recommandation 1, mais refuse d'implémenter all the recommendations of the expert whose interest is Government protecting?* Clearly, it cannot be that of the consumer.

Madam Speaker, Government is in majority, and at the end of this debate, obviously everyone will vote, I hope with their conscience. True it is that on the eve of General Elections, the vote has another value and has another taste. I am of the view that this

document should have been circulated to Cabinet. That is my humble opinion. Why do I believe that this document should have been circulated to Cabinet is because I cannot, for one moment, believe that in spite of this recommendation to go ahead with the international exhaustion principle that if Cabinet had been made aware of that, they would have thrown it aside. It does not sit well in me; there is no logic in there. If Cabinet was made aware of this document, it would not be logical for Cabinet to say: let us turn our back from this.

The recommendation, Madam Speaker, says it would take a lot of work to implement it. It talks about capacity building, it talks about training, it talks about changes and consolidation in our system, it talks about adaptation, but at the end, the report says it is to the advantage of Mauritius as a Republic and it is to the advantage of the consumer and it would not, in any way, be a disadvantage to existing business. This is what it says. So, how, in God's name, would Cabinet in presence of such a document turn its back to it? I do not believe it would. But then again, as they say very often that sometimes I am pointed a finger at and told that I live in a *monde des bisounours*, maybe even if Cabinet is aware of it, they have turned their backs to it, I don't know. But if that is the case then things are really bad.

My invitation to the hon. Minister, Madam Speaker, through my intervention is not to play a blame game, but is to, on the eve of General Elections, remind Government that therein this legislation lies an opportunity. An opportunity to set things right, an opportunity for Government to do what is right. True it is that when we were in Government we did not come up with the international exhaustion of rights. Does it mean that it should never be done? Government will come later on and say: well, it is something that takes time. We have heard this argument every time, it takes time, we will look at it later on. But we are at the eve of General Elections, why not bring it forward now, as hon. Uteem has very rightly and ably said it? Why not make this little amendment in the law? Or not, why don't you take this project, the law, and take it to a Select Committee of the House and at least have people study it to ensure that we have only one interest at heart, the interest of the Mauritian people? That is what we want. If there is a small amendment, why would we vote against this law? We would vote for it. Let me make it very clear, we, for the Labour Party, we would vote for this law simply by a little adjustment. Adjust it, for it to allow the possibility for the international exhaustion doctrine, the consumers, come out as beneficiaries, as winners and let us embark, hand in hand together with the transition period. Let us call upon the European Union to help us with capacity building. The hon. Minister has said, they are already ready to help us for capacity building. Therefore, why don't we walk this path?

As I said again in conclusion, the votes will be remembered. Did we choose on the eve of General Elections to go with the private sector for some dark, unacceptable reason, or do we choose to forget about the private sector and think about the people of this country who have gifted us with power in order to make changes in their interest? It is easy to argue otherwise and ridicule what I say, but I have spoken from my heart and I wish that others would see it that way.

Thank you very much.

Madam Speaker: Hon. Mrs Dookun-Luchoomun!

(7.35 p.m.)

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madame la présidente, permettez-moi en premier lieu de vous remercier pour l'opportunité qui m'est offerte pour intervenir sur ce projet de loi, et permettez-moi aussi de féliciter l'honorable Bodha pour l'introduction de ce projet de loi.

J'ai écouté avec beaucoup d'attention les propos de l'honorable Mohamed. Je dois dire que je comprends *his concern* mais j'ai aussi écouté avec beaucoup d'attention l'intervention du ministre Bodha et j'ai cru comprendre qu'il n'était pas contre le régime d'*international exhaustion* et ce qu'il propose c'est de le faire d'une façon *incremental* et qu'il y a une période de transition et que tout doit être fait d'une façon à permettre à ce que ce régime soit placé, soit implémenté d'une façon très correcte. Il a aussi parlé d'un changement drastique de l'écosystème dans lequel les opérateurs fonctionnent et qu'il devrait faire attention à ce qu'on ne chamboule pas le tout. J'ai aussi compris qu'il y a une perception que le régime d'*international exhaustion* peut permettre *the flooding of the market with a large number of counterfeited goods* - c'est une perception - et de ce fait, le ministre a cru bon de venir avec une bonne session de *capacity building* afin de permettre aux fonctionnaires, à ceux qui agissent aux *customs*, à la douane, *at the borders* de s'assurer que tout soit fait d'une façon correcte. Bien sûr, je ne doute de la sincérité de l'honorable Mohamed mais ceci dit je fais confiance au ministre Bodha et je sais bien sûr qu'il viendra avec les mesures qu'il faut en temps et lieu.

Madame la présidente, vous conviendrez que ce projet de loi, the *Industrial Property Bill*, arrive à un moment opportun. Cette loi nous permet désormais d'avoir le cadre légal en phase avec les nouvelles réalités du jour, cela afin de mieux protéger les droits de propriété

industrielle et intellectuelle. Cette législation vient mettre en valeur, vient promouvoir l'esprit de créativité, d'invention, d'innovation, l'ingéniosité. Et c'est cela qui permettra à la république de Maurice d'atteindre ses objectifs en tant que pays moderne et prospère.

Madame la présidente, il est clair, qu'aujourd'hui, le gouvernement a bien fait établir le fait que notre projet de passer au statut de *high income country*, ne pourra se faire qu'à travers la création de connaissances, qu'à travers la recherche. Et nous avons mis beaucoup de ressources, que ce soit au niveau de l'université de Maurice, que ce soit au niveau de la *Tertiary Education Commission* ou *the Mauritius Research and Innovation Council*, afin d'assurer que nous avons une masse critique de chercheurs et afin de permettre le pays de bouger vers la recherche.

The purpose of this Bill is to generate more responsiveness to the needs of our rapidly evolving economy and an economy that, we all know, relies enormously on research and innovation and this is very high on Government's agenda, as I have just stated.

Madam Speaker, international research collaboration remains one of the pillars of International Higher Education. And the British Council, in a report this year, 'The Shape of Global Higher Education: International Comparisons with Europe', clearly showed the pre-eminence of research outputs through international cooperation. The House will appreciate, therefore, that our public higher education institutions have established strong partnerships with well-renowned international universities. But, our country, Mauritius, has signed a number of Memoranda of Understanding with foreign Governments, again, in the field of research. Recently, MoUs have been signed with Kenya, Madagascar, South Africa and even Australia for providing scope and opportunity for collaborative research.

Two weeks back, Madam Speaker, to be more precise, on 18 July, we signed what is known as *Le Patenariat Hubert Curien*, a programme financed and piloted in France by the French Minister of Foreign Affairs in collaboration with the *ministère de l'Enseignement supérieur et de la recherche* and that will work in tandem with my Ministry and the higher education institutions of Mauritius, not only the public ones. This programme will facilitate two-way mobility of researches, both from our universities and research laboratories, and we have termed this partnership, *Le Patenariat Hubert Curien, le Réduit*. And it will include research in domains, such as renewable energies, climate change, artificial intelligence, oceanography, but also human and social sciences, amongst others.

Madam Speaker, the domain of research is making a tremendous headway in our higher education institutions. Obviously, research is always a costly enterprise and Government recognises this and sees to it that substantial investment is being made. I have just mentioned earlier that we have created a research fund right from 2017 onwards with an annual injection of Rs50 m. towards research in the higher education sector. The recent Research Week organised by the Tertiary Education Commission demonstrated huge uptake of research by our high institutions.

On the other hand, our public institutions are also earmarking funds for research. The UoM has allocated for research Rs110 m. this year. They obtained the funds from various international agencies. Knowledge and Transfer Office was set up in April 2016 and the post of Research Excellence dedicated to speciality areas have been created.

Madam Speaker, hon. Members would also like to note that the *Université des Mascareignes* has engaged for the first time ever *Assise de la Recherche* and with the help of the private sector, foreign institutions, we have created what is known as the Triple Helix Structure where academic, industry and the private sector and Government are working together towards promoting research.

Madam Speaker, what we are trying to do today, is to ensure that through research, we can bring in innovation. It is true that generally there is little research and development being done by business and the industry people in Mauritius. But if we want innovation to become part of the makeup of our enterprises, we will have to give a serious thought to the issue of intellectual property. I believe that it is more than timeous for the Bill before us to make a case for the setting up of the Intellectual Property Council as an independent overarching institution looking at intellectual property issues.

Again, in a manner that is deeply coherent, this Bill, before the House, comes in the wake of the MRIC Act. The Mauritius Research and Innovation Council, as we know, has now been endowed with the impetus and motivation to accelerate growth of innovation based entrepreneurship in the country. It has also been tasked with the responsibility to create conditions for the commercialisation of current and future research finance.

Madam Speaker, you will recall that the former Mauritius Research Council had allowed, whenever research was being done and inventions made, the intellectual property remained the property of the MRC. Now, with the new Bill, there is greater flexibility and the

intellectual property is going now to those Creaternet. And this flexibility is, indeed, reflected in this Industrial Property Bill, as well.

One of the main features of this Bill, Madam Speaker, pertains to the eligibility of employees to a share of the benefits of innovation that they have contributed in creating. Section 12 'Right to patent' is explicit enough on this issue.

Under this Bill, such employees may make a claim to a fair share of benefits, which the employer will derive from granted patents having a commercial value.

Madam Speaker, the new provision allows the right of patent of any invention made in the execution of, or under, an employment contract, belongs to the employer. Under this Intellectual Property Bill, employees who were creative, innovative would be eligible to a fair share of the benefits, which the employer would have derived from granted patents having a commercial value, and they would also have the right to file for patents in the event their employers fail to do so.

Madame la présidente, je le disais, il y a un instant, ce projet de loi fait également provision pour la mise en place d'un conseil de la propriété intellectuelle.

An Intellectual Property Council whose role shall be mainly advisory and we shall ensure coordination among the public and private sectors in the formulation of intellectual property policies and enforcement of intellectual property rights. We know that intellectual property rights are an important part of the infrastructure for innovation. They enable the developers of an idea or a creative work to protect their right to profit from their creation.

Pour la communauté des artistes, l'*Intellectual Property Council* viendra plus que jamais les aider à mieux combattre le piratage de leurs œuvres et à résoudre le problème que représente le manque à gagner issu de ces actes de piratages.

Madame la présidente, such a protection also creates rights that can be transferred and licensed. In addition, at a time when a boost is being given to entrepreneurial activity as well as the small and medium enterprises, it becomes all the more relevant to include the protection of intellectual property rights into a business strategy.

Nos PME également ont beaucoup à gagner à travers cette démarche, visant à protéger les droits de la propriété intellectuelle, à travers l'obtention de licence du franchisage et du brevet. La tendance dans le monde des affaires démontre que les brevets agissent souvent comme moyen pour faciliter l'accès à des partenaires commerciaux, à des sources de

financement et aux marchés. Et Riches de leurs droits de propriété intellectuelle, les PME, faisant preuve de créativité et d'innovation, pourront désormais aspirer à des jours meilleurs.

Madame la présidente, l'*Industrial Property Bill* a aussi, comme objectif, de protéger les produits qui ont une origine géographique spécifique et possèdent les qualités, les caractéristiques ou une réputation qui est essentiellement due à cette origine, l'indication géographique protégée.

On ne peut parler de Brésil sans mentionner le café, de la France pour le vin ; le sushi reste indissociable au Japon, mais nous pouvons aussi le faire, car quand on parle des petits piments verts de Rodrigues ou des limons de Rodrigues ou même des sucres spéciaux de Maurice. Alors il est temps, nous avons là une possibilité de reconnaissance qui bénéficiera le pays en termes d'origine géographique. Il est vrai que nous sommes un petit État insulaire mais nous détenons une zone économique exclusive de plus 2.3 millions de km², ce qui représente presque 1,250 fois la taille de notre île.

Madame la présidente, ce serait bon de souligner que comme Etat Océan, nos ressources sont innombrables. Vous imaginez le potentiel dont nous disposons. Mais là, il y a aussi un point intéressant à noter, c'est que notre biodiversité, et les études qui ont été effectuées à Maurice comme ailleurs, ont démontré que plusieurs de nos plantes endémiques ont le potentiel d'agir comme des médicaments, comme des sources de protection contre le cancer. Il y a chez nos plantes - et là, je crois que je l'ai déjà dit, ici, dans cette auguste Assemblée, on a parlé il y a quelques temps de cela, de la revue médicale *Acta Naturae*, qui a fait mention des plantes que nous avons, ici, sur notre île, la *califa integrifolia*, le bois queue de rat et le bois de nèfles qui sont des plantes qui contiennent des substances qui peuvent arrêter la multiplication des cellules cancéreuses, et de ce fait, ce sont des ressources extrêmement importantes que nous avons chez nous et nous avons bien sûr le potentiel de traiter ces plantes comme des ressources de notre île.

Madame la présidente, ce projet de loi vient aujourd'hui permettre à Maurice d'adhérer au Traité de coopération en matière de brevet pour le dépôt de demande de brevet international. L'arrangement de la Haye concernant l'enregistrement des dessins industriels et du protocole de Madrid concernant l'enregistrement international des marques pour se conformer aux obligations découlant de celles-ci après l'adhésion. À titre d'exemple, l'accession protocole de Madrid permettra à tous les créateurs de marques d'être éligibles à une protection de ses droits de propriété dans pas moins de 120 pays. Il est prévu que le

nombre de demandes de dépôt de *trademark* pourrait augmenter de 30 % dans un premier temps avec cette nouvelle ouverture.

In conformity with the Convention on Biological Diversity, the Nagoya Protocol on access and benefit sharing and the International Treaty on Plant Genetic Resources for Food and Agriculture, the IP Bill provides for the disclosure of genetic resources prior to informed consent.

Hence, Madam Speaker, les recherches qui ont été effectuées à la *MSIRI*, les nouvelles plantes, les nouvelles *breed of plants* que nous avons, peuvent être protégées. Il est vrai que nous aidons beaucoup les pays avoisinants en ce qu'il s'agit de la production des plantes, en ce qu'il s'agit du domaine de la biotechnologie, mais nous avons aussi maintenant à travers ce projet de loi la possibilité de *disclosure of the source of genetic resources and the use of raw materials obtained from this very source*. Alors, tout cela permet aux jeunes chercheurs d'avoir l'assurance que leurs droits seront protégés.

Sections 42 to 50 of the IP Bill provide for the protection of layout designs of integrated circuits paving the way for the creation of new sets of economic activities. Madam Speaker, it is worthwhile noting that this Bill, in sections 51 to 72, provides for the protection of new plant varieties. Hence, any form of exploitation of the protected variety will require prior authorisation of the breeder.

Il faudrait souligner, Madame la présidente, que, quand nous venons avec les nouvelles variétés de plantes, il nous prend quelquefois près d'une dizaine d'années avant de pouvoir vraiment venir avec une plante ayant les caractéristiques que nous cherchons. Et alors cela demande beaucoup de travail et, bien sûr, on devrait être en mesure de protéger ses droits intellectuels.

Pour conclure, Madame la présidente, depuis 2014 le gouvernement a pris une série de mesures courageuses et audacieuses en vue d'assurer une meilleure qualité de vie à la population, un avenir brillant aux nouvelles générations et ce projet de loi vient valoriser les compétences, l'ingéniosité et la créativité de nos jeunes, de nos jeunes chercheurs. Et bien sûr, cela demande des protections requises en terme légal. Ce projet de loi nous permet de mieux protéger les droits de propriété industriel et intellectuel des Mauriciens, tout comme ceux des étrangers qui seront encouragés à enregistrer leurs créations à Maurice car ils y trouveront l'encadrement légal adéquat, surtout quand on considère le nombre de collaboration que nous avons avec les chercheurs d'ailleurs.

Madame la présidente, permettez-moi, une fois de plus, de féliciter le ministre Bodha d'être venu de l'avant avec ce projet de loi.

Je vous remercie pour votre attention.

Madam Speaker: Hon. Rutnah!

(7.53 p.m.)

Mr S. Rutnah (Third Member for Piton & Riviere du Rempart): Thank you, Madam Speaker. Madam Speaker, I was going to start from the year 1868, then I would have come to 1875, thereafter to the Paris Convention of 1883, and then, the Berne Convention 1886, then to the 1997 legislation, to the 2002 legislation and the legislation that we are debating here today. But after I heard my friends from this side of the House who have taken the floor, in particular my friends, hon. Bodha and hon. Sawmynaden, it is not necessary for me to go into the historical aspect of this area of law. But what I have to say, insofar as the historical aspect is concerned, and the general aspect of this legislation, is that the right to protect industrial property – real, the kind of property that we are talking, intellectual property - is also based on the Principles of Human Rights.

Article 27 of the Universal Declaration of Human Rights provides for the right to benefit from the protection of moral and material interest resulting from authorship of scientific, literary and artistic productions. So, it is a right that is recognised under the human rights regime.

Madam Speaker, the Bill today proposed by hon. Bodha is an extension of the modernisation strategy of this country. Hon. Bodha will be remembered in history as a Minister who is bringing modernity in the country. The new Bill, Madam Speaker, brings together under one enactment the provisions of the law relating to the protection of Industrial Property Rights, namely –

- Patents,
- Utility models,
- Layout,
- Designs of integrated circuits,
- Breeder's rights,
- Industrial design,
- Marks,

- Trademarks, and
- Geographical indication.

So, when we discuss about a Bill of this nature, we tend to protect these rights that I have just cited. The Bill also prepares us to accede to the Patent Cooperation Treaty, to the Hague Agreement in relation to International Registration of Industrial Designs. Also, it prepares us to exceed to the protocol relating to the Madrid Agreement concerning the International Registration of Marks.

Madam Speaker, the Bill is in general accepted by the Opposition Members who have taken the floor today. Their only qualm is in relation to this doctrine called the International Exhaustion and the National Exhaustion. That is what is reflected in clause 98 of the Bill.

Hon. Uteem quite lengthily took the floor and referred us to section 98 and in doing so, he has given a number of examples, he has cited examples of Nissan, Adidas, Ralph Lauren, but I will, for the sake of simplicity just used his examples of Nissan.

Madam Speaker, I have made my research here while sitting and listening to the debate, and I have come across an article on *Le Défi Media*. According to *Le Défi Media*, in Mauritius, in 2016, Nissan has sold 1,617 vehicles, whereas if we look at the sale of Nissan in the United Kingdom - I am here quoting from statistics that I have accessed from Statista, a company from the United Kingdom, and this is what they say –

“In March 2019, Nissan sold 19,962 cars in the UK, about 46% less than in March 2017.”

Although it was less in 2016, yet, the number of cars that have been sold in the United Kingdom is 19,962 just in March 2019. We sell 1,617 in one year, they sell 19,962. Now, let's look at the sale of Nissan in the USA.

(Interruptions)

In the USA, in 2018 – it is not coming from a calculator. I am glad hon. Dr. Boolell made comments from a sitting position. I will come to his position in a minute, when he was delivering his speech in 2014 in Balaclava Intercontinental Hotel. I will remind him of what he said - so that the Labour spokesperson who spoke earlier on will ponder upon the comments that I will make later on.

So, in 2018, Nissan sold 148,720 vehicles; in 2017, 138,226 vehicles. Madam Speaker, we are a small island. We have got a number of companies that are selling branded products. Let's have this in the forefront of our mind, that we have legislation in relation to intellectual property to protect rights, patents, trademarks, licenses, trade secrets. It is to protect those rights. Now, if I am a businessman, I am employing Mauritian citizens to work in my company and I have the exclusive rights to sell, let's say Nissan, and if a Government now allows parallel importation and allows competition, what will happen to my employees, what will happen to my sale? What will happen to my business? Am I going to close it down, am I going to lay off people? No, it's not the right moment. But once you are aggrieved, which hon. Dookun-Luchoomun said and, in passing, which hon. Bodha said, that this doctrine of international exhaustion should come, but we have to prepare our market, we have to prepare our business environment to allow this to come at a pace that will be acceptable to the business community and to our population. The Labour spokesperson says for who are we working for at the eve of the general election, are we working for the people or are we working for the private sector. If we allow our local companies to lay off our local employees, for whom are we working for? We cannot allow that. We have to protect employment in our country. And today, thanks to the strategy adopted by this Government, by this Prime Minister, by the Ministers who are running this Government by the organs of State that are being run effectively, that's why today we have got the lowest inflation rate, the lowest unemployment rate and we are not going to jeopardise that at the eve of a general election. Why would we do that? We have to wait for the right time. The time is not appropriate at the moment; we have to prepare our business environment. We have to prepare our socioeconomic environment to accept this parallel importation.

Madam Speaker, let me turn a little bit to what the then hon. Jayen Cuttaree said, when he introduced The Patents, Industrial Designs and Trademarks Bill, and together with it he also presented other related three Bills. And he said at one paragraph –

“Mr Speaker, Sir, the TRIPS Agreement allow the developing countries a transitional period of five years to bring the national legislation in full conformity with the TRIPS Agreement.”

Five years! Then, he goes on to say –

“Accordingly, Mauritius, as a developing country, was expected to have TRIPS compliant legislation on Intellectual Property Rights by the year 2000.”

Now, we are in 2019.

“However, although a WTO compatible copyrights legislation was enacted in 1997, the existing legislation on industrial property, which is limited to the protection of patents and trademarks, is outdated and to a large extent, non-TRIPS compliant.”

So, these are the remarks that the then hon. Jayen Cuttaree made. But, after 2002, nothing was done. Now, 2005, this is as from when the country started going downfall. The Labour/PMSD Government took power. What did they do about industrial property? Zero, as the Leader of Opposition likes to say. Zero! Nothing! And hon. Dr. Boolell, in 2014, when this Assembly was locked with grandfather’s padlock, on 05 March 2014, in an Opening of a Workshop on Intellectual Property Rights, at Intercontinental Hotel, Balaclava, because he was then the Foreign Minister, he said that his Ministry is responsible for Intellectual Property Agreement, etc., and that his Ministry is looking to revamp and modernise – in so many words, he said these things, which was quite okay. And then, he goes on to say –

“We are, therefore, modernising our industry property laws by bringing the different pieces of legislation under one umbrella to be known as the Industrial Property Bill.”

Now, did it happen in the days of PMSD/Labour Government? It did not happen. He was just talking, and in an International Workshop, funded by the WTO!

And then, hon. Dr. Boolell went on to say –

“We are also reviewing the institutional framework by adopting an Intellectual Property (Institutional Arrangement) Bill, which has already been approved by Cabinet.”

I am not going to use the words that the Labour spokesperson used on the last occasion when referring to bicycles.

(Interruptions)

Not even a *rayon bicyclette* was done. Where is this Bill? And what institutional arrangement would have this Bill contained? Would they have allowed parallel importation? Now, what is the danger with parallel importation? We know it: Ralph Lauren. What happened with Ralph Lauren although they were protected? There were even factories in the backstreet of Mauritius producing fake Ralph Lauren or importing them from China. So, if we allow parallel importation, counterfeit will come in ...

(Interruptions)

Exactly! That will open the door for counterfeit to enter into the country.

(Interruptions)

Madam Speaker: Order!

Mr Rutnah: You may say no from a sitting position! I am not going to keep going on for hours. For an hour, I said. I am going to be very short.

Madam Speaker, we, as a responsible Government, we cannot allow this to happen. And it is only today, after 2014, after the declaration made by hon. Dr. Boolell, it is only today, in 2019, that hon. Bodha has brought all the legislation that were scattered everywhere together under one umbrella so as to give effect to the law relating to intellectual property, and once this law will kick off within our system at some point in time, then the other thing will come. But to sit there and to criticise on the eve of the general election, making it sound like we are a Government that is going to protect *le secteur privé* - as if we are a Government of *secteur privé*...

(Interruptions)

That is not going to hold water with the electorate; the electorate have already made their decision and we have seen the good feel factor of the people of Mauritius yesterday. So, this argument about we are a Government – and after all, what is wrong for a Government to protect its private sector so that the private sector becomes more effective, more profitable and bring more wealth, create more jobs, more employment? What is wrong with that? We are not giving a stimulus package to companies like Infinity or *les proches du pouvoir*...

(Interruptions)

Madam Speaker: Order! Hon. Bhagwan, please!

Mr Rutnah: If Gooljaury is receiving loans, I am glad hon. Bhagwan says this from a sitting position. If people like Gooljaury are receiving loans from MauBank, I am sure they have got a contract with MauBank. I am sure they have gone through some credit check, and if they don't comply, if they don't repay their debts, there will be enforcement proceedings against them. I am sure of that. But, to blame us, that by passing this Bill today that we are a Government of the private sector, no, we are a Government of the people and, for us, to be a Government of the people, we have to protect the public sector and the private sector equally to make our country prosperous.

Thank you, hon. Bodha, to be that Minister who is modernising our country, not only in the spheres of intellectual property, but in road safety, metro, etc.

Thank you so much.

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Madam Speaker, I am pleased to participate in the debates on the Industrial Property Bill.

As I start my intervention, I would like to commend the hon. Minister Bodha for presenting this important piece of legislation. This Bill is a precious tool for trade facilitation, innovation and entrepreneurship.

A first glance of this Bill might give the impression that it is complex, technical in nature as it encompasses areas like patents, models, designs, new plant varieties, trade names, geographical indications, etc. The scope of the Bill, as it is stated in the Explanatory Memorandum, is wide and contains provisions for the revamping of the IPO to be headed by a Director instead of a controller, as it is presently the case. It is also proposed to set up an Intellectual Property Council.

Madam Speaker, interveners before me have been involved in a very animated but yet interesting debate. In my capacity as Finance Director, I have had the opportunity to work for a number of employees and I have come across dealers in trademarks who have invested a lot of money in brand; they have undergone through very exhaustive agreements, discussions. The trademark owners have imposed that the design of the shop be made according to their wish. Even the showcases and furniture are imported from the trademark owners. The trainings have been provided by the trademark owners. Even the POS system has been imported, because this is imposed by the brand owners. Even the selling price is imposed and any discount to be given, and any period for discounted sales is imposed by the brand owners. Now, much debate has gone regarding the parallel import and I wonder how we can allow for parallel import in these circumstances.

Madam Speaker, everybody will agree that that the global economy is facing numerous challenges. Therefore, it becomes imperative to develop all possible frameworks to foster new products and new inventions. This is instrumental in creating the next generation of jobs, investments and growth. It is in this spirit that, three months ago, my colleague, hon. Sawmynaden introduced the Mauritius Research and Innovation Council Bill in this august Assembly. And today in the same vein to enable our convergence towards a high income

economy, Government is embarking on a journey to strengthen our industrial property regime.

Madam Speaker, while industrial property may seem like a foreign concept to many, the fruits of it are everywhere. Consider mobile phones, cars, music, medicine or any products that we buy every day. The knowledge and human creativity embodied by the industrial property in these products make the modern world possible. The industrial property rights do not simply benefit the creators, but also the society as a whole. By leveraging the industrial property system for social and economic growth, society will benefit from a wider base of knowledge, increase investment in research and development, broader support of creative arts, greater access to open markets and better consumer protection.

Madam Speaker, everyone knows that our country does not have natural resources and we are dependent on the abilities of our people. To earn our way in the world, we have to rely more on brains. This is the fundamental reason why, for us, the protection of invention is so important. Industrial property is a vital component of innovation and scientific advancement. According to the Global Innovation Index published by the World Intellectual Property Organisation (WIPO) in 2018, in the Sub-Saharan Africa region Mauritius takes the second spot after South Africa. It is worth mentioning that South Africa has made substantial progress in the protection, administration, management, and deployment of industrial property. However, it still required a comprehensive intellectual policy to promote and contribute to its socio-economic development. So, last year, the South African government approved the first phase of the long-awaited policy. The policy is a key enabler to promote local manufacture, utilise and preserve South Africa's resources, encourage innovation and empower the domestic stakeholders to take advantage of the intellectual property system.

This course of action has enabled South Africa to stand out and to join the group of innovation achievers in 2018, as evidenced by the Global Innovation Index of WIPO.

Madam Speaker, in Mauritius, Government has earmarked the strengthening of our industrial property regime as one of the core elements needed to thrust the country towards a knowledge-based economy. Greater emphasis on innovation, improved productivity and better exploitation of comparative and competitive advantages are the goals we wish to achieve by improving the legal framework.

In Mauritius, the legislative framework for Intellectual Property Rights (IPR) enforcement initially provided for the protection of copyrights, trademarks, patents, with the

Patents Act 1875, the Trademarks Act 1868 and the Copyright Act 1986 being the oldest legislation. When the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement of the World Trade Organisation came into effect, new pieces of legislation were adopted to be in conformity with principles and obligations laid down therein.

In order to reinforce our Intellectual Property policy, an Intellectual Property Development Plan (IPDP) has been developed with the assistance of WIPO. One of the recommendations of the Intellectual Property Development Plan is the finalisation and enactment of the Industrial Property Bill. And today this is being materialised. Government has constantly been coming up with measures which are game-changers. This Bill is yet another stepping stone to progress.

Madam Speaker, the IP Bill will consolidate all aspects of industrial property into a single piece of legislation. Such a holistic framework has been the strategic request of the private sector for quite some time. As we live in a more globalised context where digital technology, the internet, biotechnology, information technology and communication are dominating the world, nature of creativity and inventions has also evolved. Broadening the scope of the legislative framework to encompass IP related matters such as patents, utility models, layout-designs of integrated circuits, breeder's rights, industrial designs, marks, trade names and geographical indications was crucial.

The Bill will also enable our country to fulfil its international obligations towards our accession to the Patent Cooperation Treaty, the Hague Agreement and the Protocol Relating to the Madrid Agreement. Moreover, with the changing landscape in Industrial Property, the setting up of an Intellectual Property Council will enable fruitful exchanges amongst stakeholders from both the public and the private sectors.

Madam Speaker, I will now elaborate on the importance of the IP Bill for stimulating entrepreneurship. I believe that this Bill is a clear signal of the importance that this Government grants to innovation, be it in agro-activities, technology or industrial manufacturing. It is a statement of recognition of the creativity of our entrepreneurs and a commitment to protect their creations. This Bill couples with the recent review of our approach to research and innovation through the creation of the National Innovation and Research Fund. It encourages our young graduates, professionals and manufacturers to safely think out of the box, investigate their hypotheses and develop their prototypes. As such, with

this Bill, we hereby complete the policy framework required to support innovative entrepreneurship.

Madam Speaker, it is with utmost pleasure that I support the inclusion of geographic origin considerations under the Industrial Property Bill. Purely by dint of our geography, the raw materials originating from Mauritius, Rodrigues and our Outer Islands, are endowed with peculiar characteristics - be it in terms of taste or composition. Just like the appropriation of Champagne to indicate sparkling wine solely from France. While in South Africa it is known as *Methode Cap Classique*. Such a provision allows us to demarcate Made in Mauritius products and enhances our branding.

Madam Speaker, I am here thinking particularly of the opportunities that this will bring to our SMEs from Rodrigues specifically. This Bill promises to further empower our entrepreneurs from Rodrigues who, so far, have not been able to optimise on the unique flavours and characteristics of *Le Miel Rodriguais* or *Limon Rodrigues*, whose virtues have been established through research. But we must not forget les '*ti-piments*' *Rodriguais* or les *haricots rouges de Rodrigues*.

Madam Speaker, another provision of this Bill that I deem extremely favourable to our entrepreneurs is that of recognising the need to grant Breeder's Right. Endowed with the fertile volcanic land, as at date, we count 2,070 registered SMEs in the field of agriculture, forestry and fishing. Increasingly, there has also been an interest in the business community to invest in the cultivation of fruits and vegetables with higher yield. This trend could easily be used as a foundation to skill and equip people to gear towards innovative activities such as grafting. This Bill, therefore, grants value to this prospect.

Madame la présidente, un cadre juridique solide en matière de propriété intellectuelle est la pierre angulaire d'un écosystème qui vise à favoriser l'entrepreneuriat. Cela va permettre aux entrepreneurs existants d'investir dans l'élaboration de solutions pour surmonter plusieurs défis technologiques auxquels l'humanité est confrontée. Parallèlement on peut s'attendre à la création d'une nouvelle vague d'entrepreneurs qui ne vont pas hésiter à donner vie à leurs idées pour réaliser de beaux projets d'avenir pour le pays.

Je dirais aux entrepreneurs que la protection des droits industriels n'est pas limitée uniquement aux grandes entreprises. C'est la perception qu'on doit absolument dissiper car bien souvent les PME pensent qu'elles ne sont pas obligées à protéger leurs œuvres.

Nous avons des PME qui sont des pionniers dans plusieurs créneaux novateurs. Elles doivent impérativement sauvegarder leurs droits industriels. Un exemple concret et intéressant que je souhaite mentionner, ici, dans cette Chambre, est celui d'un entrepreneur qui a fondé son entreprise, *V. Kanhye Health Foods Co. Ltd*, en 2014. L'entreprise spécialisée dans la culture et la transformation du Moringa (ce qu'on appelle couramment 'brède mouroum') a débuté ses opérations en juin 2015. Lors d'un voyage à Londres en 2012, il s'est rendu dans une boutique qui vend uniquement des produits à base de plantes pour venir à bout de plusieurs soucis de santé. Et c'est là qu'il découvre des infusions à base de Moringa. Après avoir lui-même testé les produits et en constatant une nette amélioration de son état de santé, une fois revenu à Maurice, il poursuit des recherches sur les vertus médicinales de Moringa.

Ayant déjà deux arpents de terrain, il décide de prendre le risque pour les mettre sous culture de Moringa et d'opérer une unité de transformation à Goodlands. Ingénieur de formation, l'entrepreneur maîtrise très vite les différentes techniques de production et se procure les équipements nécessaires pour se lancer. Avec l'appui de plusieurs organismes publics, y compris SME Mauritius, il arrive à pénétrer le marché local. Le succès est retentissant et les supermarchés contactent l'entrepreneur pour augmenter leurs commandes. Avec l'aide de sa famille, il fait l'acquisition de six arpents de terrain additionnels pour la cultivation de Moringa.

Grâce à divers plans d'aides de SME Mauritius et suite à ses contacts établis, l'entrepreneur participe à des foires internationales. Les commandes affluent. Aujourd'hui, l'entrepreneur exporte ses produits à La Réunion, l'Australie, le Canada, l'Afrique du Sud, l'Angleterre et la Belgique. Pour honorer ses commandes, l'entrepreneur a dû approcher cinq autres planteurs dans le nord du pays pour la cultivation de Moringa sur leur terrain respectifs. Si au début il proposait deux gammes de produit, aujourd'hui il en propose cinq. Bientôt, il va aussi aménager une unité de production d'une plus grande superficie. Une vraie *success story* ! Par la même occasion, l'entrepreneur s'est aussi vu attribuer plusieurs certifications nationales et internationales : Grand gagnant du concours de *SME Innovation Award* organisé par mon ministère en 2017, du *Gold Award* du *National Productivity and Competitiveness Council* en 2018 et récipiendaire de plusieurs prix dans des pays étrangers. *V. Kanhye Health Foods Co.* est l'exemple d'un entrepreneur qui a su naviguer contre vents et marées pour se bâtir une réputation solide.

Vu le succès de la production des infusions dérivées du Moringa, l'entrepreneur a constaté que d'autres personnes voulaient faire une percée dans ce domaine. Après tant

d'efforts consentis pour la conception de son projet, l'entrepreneur s'est dit qu'il doit y avoir un moyen pour protéger ses droits industriels. C'est ainsi qu'en 2017 il enregistre sa marque « Kanhye Moringa » pour prévenir une concurrence déloyale.

Avec l'introduction de ce projet de loi sur les droits industriels, avec un champ d'action plus élargi, l'entrepreneur pourra aussi songer à protéger d'autres aspects de son entreprise.

Madame la présidente, cet exemple vient démontrer la nécessité pour une PME d'être partie prenante dans la protection des droits industriels. Aujourd'hui, plus que jamais, les entreprises doivent accroître leur compétitivité, valoriser et sécuriser leur patrimoine et leur savoir-faire. Une utilisation optimisée des outils de la propriété intellectuelle permet de renforcer les actifs de l'entreprise et de développer son potentiel d'innovation.

La propriété intellectuelle doit devenir pour tout dirigeant de PME un réflexe naturel. Elle doit se situer au cœur même de toutes les fonctions vitales de l'entreprise. Les PME opèrent dans un environnement concurrentiel.

La propriété intellectuelle va protéger les créations intellectuelles. Ce cadre juridique est la preuve que la propriété industrielle peut très bien servir à récompenser l'effort des innovateurs en leur donnant des droits, leur permettant de diffuser leurs créations dans la société. Les entrepreneurs peuvent aussi faire fructifier leurs innovations, grâce à un monopole d'exploitation pour une période déterminée.

Madame la présidente, je crois qu'il est clair que se protéger grâce à la propriété contrefacteur et les pratiques déloyales.

Sur ce point précis, n'oublions pas la saga de Ralph Lauren. Des fabricants et des vendeurs exploitaient la marque américaine sur le territoire mauricien sans franchise depuis 1992. Une action intentée en justice par Ralph Lauren contre ces industriels mauriciens avait résulté en des milliers de pertes d'emplois.

Madame la Présidente, posséder un portefeuille de brevets, de marques, de dessins et modèles, contribue à enrichir le capital immatériel d'une entreprise. Il peut même constituer une source de revenus tangibles à travers des licences d'exploitation, par exemple.

Les entrepreneurs peuvent être rassurés à l'effet que la propriété intellectuelle est un moyen sûr de valoriser leurs créations auprès des partenaires et d'accroître leur notoriété auprès de leurs clients.

Grâce à ce cadre juridique plus étoffé sur la propriété industrielle, les entrepreneurs auront aussi la possibilité d'évaluer les caractéristiques d'une innovation. Ils seront ainsi toujours à la recherche de solutions plus créatives.

Sans l'ombre d'un doute, les entrepreneurs qui déposent des titres de propriété industrielle ou qui revendiquent des droits d'auteur, s'assurent une plus grande crédibilité face à leurs partenaires, notamment financiers. Ils peuvent ainsi concrétiser le développement de leurs idées ou de leurs produits.

Parallèlement, le fait que les entrepreneurs puissent protéger leur création même sur le marché international, comme prévoit ce projet de loi, cela va leur permettre de mieux exploiter leurs produits vers d'autres horizons et s'allier à de nouveaux partenaires à l'étranger.

Madam Speaker, as we are debating on the Industrial Property Bill, I wish to highlight its importance for the handicraft sector. The handicraft sector in all its myriad forms and expressions is an important element of a destination's uniqueness and appeal. It is evocative of the local history, culture and tradition.

Crafts are considered as memory exported from the destination following a visit. No wonder the handicraft sector is of undeniable importance for the tourism sector, which is itself one of the greatest revenue providers of the country.

We tend to forget that our entrepreneurs generate intellectual property assets while producing their crafts and making them distinctive. Many entrepreneurs do not adequately protect the IP assets which they generate during their production and value chain. This is very unfortunate and there is need to foster understanding that such resources have tremendous commercial value. In the absence of such understanding, similar low-quality and cheap products – which are not produced in Mauritius – are marketed and sold as Mauritian products unfortunately. According to an estimation made by representatives of local craft manufacturers, more than Rs200 m. of handicraft products are imported annually.

This ability of suppliers to provide imported, inexpensive crafts has severely impacted and diminished business opportunities for local craftsmen, threatening both the livelihoods of the artisans and the viability of the sector. At the same time, this situation causes a lot of prejudice to our image as well as to the repute of authentic Mauritian crafts.

One of the major steps taken by my Ministry and SME Mauritius Ltd last year has been the introduction of holograms. The hologram is an intellectual property of SME

Mauritius Ltd. It is used as a tool for recognising genuine, local and high quality products of the SMEs in the country. It also acts as an identifier with an already registered logo and high security features. The label cannot be duplicated.

To further empower our handicraft sector, with this new consolidated piece of legislation on industrial property, I believe that craftsmen in all fields will be encouraged to come forward to protect their designs and creations.

At this point, I would like to extend my appreciation to the Ministry of Foreign Affairs, WIPO and the Japan Patent Office for the launching of the second phase of the project for the development of an Intellectual Property and Branding Strategy for dodo handicrafts in Mauritius this year. For the phase 1 of the IP and Branding Strategy, rum and special sugar were selected.

Madam Speaker, the enactment of the IP Bill will enable our country to explore more avenues of bilateral cooperation in the field of industrial property.

Government is leaving no stone unturned to provide a conducive environment to promote research, innovation, investment and economic growth through the use of IP.

However, for better results, we need to reach out to businesses and give priority to enforcement and education. People need to understand the value of ideas that can so easily be stolen and the costs of counterfeits and IP theft.

I note with satisfaction that the Intellectual Property Development Plan recommends the provision of promotional materials and WIPO comic books to create awareness on IP. I have no doubt that sensitisation campaigns will be held and technicalities will be made simpler by the Intellectual Property Office as specified in section 3, Sub-section 3, part C.

“We are here to put a dent in the universe. Otherwise why even be here?”

This thought from the business magnate, Steve Jobs is a blunt fact that innovation is the only way to sustain in this world which is evolving at such a fast pace.

Madam Speaker, since individuals know that they will have some protection of their creative efforts and their labour will not be meaningless, it will encourage them to continue to develop products and technology that can help stimulate job growth in the economy. Ultimately, these are the expected results through the enactment of the IP Bill presented today in this House.

Thank you for your attention

Madam Speaker: I suspend the sitting for one hour.

At 8.36 p.m., the sitting was suspended.

On resuming at 9.45 p.m. with Madam Speaker in the Chair.

Madam Speaker: Yes, hon. Dr. Boolell!

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Madam Speaker, I shall be brief because most of the points have been canvassed by our friends on the Opposition bench. Let me start by referring very briefly to the genesis of this Bill.

The Bill certainly is one of major significance. If there is a trade war between China and US, to some extent, it is due to violation of intellectual property rights. Just to show how significant the intellectual property rights are, Madam Speaker.

Of course, the all-encompassing legislation should be the intellectual property rights, which will encompass and bring within its ambit the copyright legislation. Now, this legislation had been in gestation since 2009, following which there had been several studies, and there was a need evaluation team which was commissioned to undertake a desk research and field visit aiming at reviewing and updating the 2009 Needs Evaluation Report and Intellectual Property Development Programme.

Now, right from the outset, let me acknowledge the contribution made by one and all. And, of course, this Bill was prepared also with the support of the World Intellectual Property Organisation and training was dispensed also by the African Regional Intellectual Property Organisation. And then, we had the famous study to assess the socio-economic impact of the international exhaustion of trademark in Mauritius. This study, unfortunately, was not brought to Cabinet, and I am sure if this document was brought to Cabinet, the landscape would have been different.

Now, before I come to the provisions of the study and the provisions of the Bill, let me make it quite clear, Madam Speaker, that the days of preferences are over and there is outright liberalisation of almost 95% of products which we import.

So, just to show you, over the years, the trend and tendencies. And we have to live up with changing circumstances because as a Small Island Developing State, if we do not export, we die, and we have also to produce and we have to protect our local market.

Now, what are we asking Government? We are asking Government to deliver on promises made, and the promises are, Madam Speaker, in the Industrial Property Bill which was circulated in 2016.

We are so close, yet so far, and we can bridge the gap if goodwill prevails and our friend on the Government bench brings an amendment to the legislation so that clause 98 reads as follows. And as it was in the 2016 legislation –

“The rights conferred by registration of a mark shall not extend to acts in respect of articles which have been put on the market in Mauritius or in any other country by the registered owner and with his consent.”

Now, we are willing to impress upon Government that we can walk together because we do not want Government to walk alone on this legislation. But a plea was made by hon. Uteem and reinforced by hon. Mohamed that there is a call to amend the specific provision which I highlighted so that we can adapt, and we are not saying that we should violently disrupt the existing system, but we are calling for a period of adaptation or a period of transition.

Now, I go as far as to say that nothing stops the Minister from proclaiming, with time, the provision of the legislation. And after due consideration, notwithstanding changes that are happening, then, the specific clause could be proclaimed as and when, in due time. First, to reconcile the interest of those who have exclusive rights on trademark, the interest of consumers, and it can be done. I see no reason why it should not be done.

So, what else would we expect from Government? Government should have conducted a study to assess the impact of parallel import of any product, brand products, upon our local manufacturing industry. Let me take the case of - call it a beverage, call it an alcoholic drink - a beer, which we can import, outsource from a country where it is manufactured at a relatively low cost. Let take the case of Heineken, for example, and we have to assess the impact of this product upon our local beer. So, what we are saying is that there is no reason as to why the legislation which was circulated in 2016 could not have been introduced in the House but with the caveat that we don't intend to rush things through, but to be in full compliance with the provision of the Intellectual Industrial Property Bill.

So, when we look at the study which was conducted to assess the socio-economic impact status of the international exhaustion of trademark rights in Mauritius, what is its first recommendation? Begin the process of adopting the regime of international exhaustion of

trademark rights. The process of adopting, Madam Speaker. And since there is a jargon in the trade circle, as we say, nothing is agreed until everything is agreed. We are not talking of importing products which are counterfeit; we are not saying that we are going to allow dumping of specific products. We are saying a parallel import of one and the same product. But the object is to ensure that the company, which allegedly has the exclusive rights, does not have the stronghold, that is, we need to break the hold in the spirit of democratisation of the economy and to make sure that consumers have access to the one and the same product, but from different retailers. It is as simple as that, Madam Speaker.

At the same time, Madam Speaker, the Government has always said that it intends to turn Mauritius - when we talk of paradigm shift, having the right frame of mind, coming with policies in respect of an economy which is becoming service oriented - into a shopping paradise; making Mauritius the hub of the region, the star and key of the Indian Ocean. But we have to be faithful to what we say. The Prime Minister, on several occasions, has said that one of his ambitions is to turn Mauritius into a shopping paradise. But if you want Mauritius to be a shopping paradise, you have to be faithful to the provision of the legislation, and the legislation which Government promised was the legislation which was circulated in 2016. That is all that we are asking Government to do, and I am sure the hon. Minister will comply. I am sure he is agreeable to the period of transition with the caveat of adaptation.

Madam Speaker, let me also say that we can make things happen subject that we look at our level of preparedness, and this is precisely the reason as to why the European Union, following the study which was conducted, has been willing to disburse Rs650 m., which reminds me of the days when we embarked upon restructuration of the sugarcane industry and other relevant sectors, when accompanying measures were disbursed. But that money, if it is going to be disbursed upfront, we have to make sure that it is going to be used judiciously, and there is a specific reason as to why this money would be disbursed, Madam Speaker.

So, one, there is the process of adaptation and there is the transition process and, secondly, there is manpower training. When we look at our manpower, we have to say it, without fear of prejudice, there is plenty of room for improvement, notwithstanding short courses that have been dispensed by WIPO and Africa Regional Intellectual Property Organisation. But there is more that needs to be done. We need a one stop shop. This is the reason why I said we have to bring the copyright within one and the same ambit, under the same legislation, call it intellectual property legislation, and we need to look at our level of

preparedness. When I talk of level of preparedness, I have in mind, of course, our human resources and the best human capital.

Madam Speaker, let me inform the House the reason as to why Asia is surfing on a wave of registration of patents while Africa is a laggard and, unfortunately, Mauritius, Madam Speaker, has lost more than a few places in the Global Innovation Index; 18, to be exact. So, level of preparedness, high human quality capital, meritocracy and pragmatism. If we want to make the leap, it is important that we look at what we call the human quality capital and the reason as to why we need to be pragmatic. So, that's why I say there is a call to have a one stop shop so that people know exactly what they have to do with respect to submission of application.

The application has to be thoroughly scrutinised by people who have the know-how. The IPO needs to have qualified lawyers, engineers, experts in IT. And you know what is happening today, people can easily hack a product. If there is no proper encryption, Madam Speaker, the product can easily be hacked, pirated, with the consequences that there would be loss of revenue to the one who has created, who has innovated a product. And what is it that we say? He or she who has an idea, and who allows the idea to mature, to research and development can only add value as long as there is a commercial dimension. I am glad that the Bill makes provision for those who can innovate, who can create and there will be the sharing of revenue, the more so if he is working with an employer and the employer has allocated the physical resources required by the person to conduct the research.

So, Madam Speaker, when we talk of level of preparedness, there is also the call for transfer of technology, transfer of knowledge, and it does not happen overnight. Access to information, to all the proper journals should be a right and not a privilege. We have to make sure that the University of Mauritius does the needful and there is a call for proper inter and intra-institutional approach because this is all-encompassing and we are not narrowing the issue only to one specific sector. Because intellectual property, Madam Speaker, is the bedrock of our emerging and existing sectors and Mauritius is not only a Small Island Developing State. We have become an ocean; we are ocean citizens and we have an ocean economy, Madam Speaker. So, we have to go beyond the terrestrial frontier. So, a lot needs to be done, and it is not a simple Bill; it has its own intricacies and we have to make sure that we are able to unravel this legislation. But, we cannot be seen to rush things through, as I have said, and we have to make sure that we unbundle and we prepare ourselves to respond to changing needs and adapt to changing circumstances, Madam Speaker.

Now, when we talk of being in compliance with treaties, unless and until the legislation goes through, WIPO, of course, will be apprised, and then can set in motion the procedures to enable us to have access to all these treaties. And when you have access to treaties and you are in compliance with those international treaties, it means that your product can be marketed in different parts of the world, and I have to refer to the Madrid Convention especially.

Now, having said so, Madam Speaker, we have to also protect the rights of all those who can produce and can innovate. Let me take one example. We had, at the Ministry of Agriculture, a Unit called APEPA, Agricultural Produce Export Promotion Authority. I recall one gentleman who came with a new variety of anthurium and we could not register his intellectual property in Mauritius. So, we had to send the biomaterial to Kew Gardens to look at the DNA of the produce, to make sure that the product could be registered and then, of course, which gives the right to the planter to innovate and to replicate the produce. But, unless and until there is the legislative framework, we cannot give the required support to those who are involved in research and development, and in innovation. So, we have to make sure that the legislative framework is there and we have to explain forcefully to them the relevance and importance of carrying out research and the relevance and importance of protecting their rights, Madam Speaker.

So, all in all, Madam Speaker, this is a very important Bill. It is up to Government to rally to the views expressed by all of us on the Opposition bench. There is no reason why we should beg to differ on an issue which calls upon us to go for reconciliation of views. And I call for reconciliation of views because, as I said, this is the bedrock of emerging and existing sectors. And if we want to attract investment and we want to send the right signals to prospective investors, not only do we need to have the proper institutional and legislative framework, but we should be in the vanguard of research and development. I have to convey our congratulations to the Centre for Biomedical and Biomaterials of the University of Mauritius, which is doing an excellent work in studying the micro properties of several products, and how we can add value to these sectors. At the same time, this Bill also gives support to small innovators, but we need to protect their rights. If they are not protected, it is so easy for others to encroach upon the work that they have done.

I will now come to the IP Council, which is, of course, taking over from the Controller. The point has been canvassed that we need to have an IP Council which can dispense advice, which has the acumen to dispense sound advice, which is constantly

updating its skills, which is following the trend, the development in this sector of intellectual property right. So, it's not that we have anything against the composition of the Council, but I make an appeal, make sure that we have relevant persons, irrespective of the Ministries which they are representing because, as I said, this piece of legislation remains the bedrock of the emerging sectors and existing sectors. So, we cannot take things lightly, but we need to err on the principle of caution. It's a world, unfortunately, where competition is stiff, and if we want to stay ahead of the curve and to be competitive, we need to have a good level of preparedness. So, the University of Mauritius, the Mauritius Research Innovation Council and the MSIRI are all relevant institutions. There are so many institutions which are involved in research and development; they all have to come together. There is a call for a common thread in respect of research and development and we have to make sure that we convey the right signals by ensuring good inter and intra-institutional approach and give these research persons the accompanying measures they need.

I thank you very much, Madam Speaker.

(10.07 p.m.)

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha): Madam Speaker, I would like to thank all the hon. Members who have participated in this debate and I think that it is a very important Bill, that's why, as I said, we are bold, but we are cautious.

Madam Speaker, Sir, this piece of legislation is 100 pages. We have 145 Clauses, but the debate has been on only one Clause and one subsection, that is, Clause 98 (4). So, let see what we could have done.

What could have been our options, that we come with this Industrial Property Bill, but we don't address this key issue as regard to the extinguishing of the exclusive rights. That was one possibility.

The second approach was to bring the Bill together with this clause, have it passed and moved incrementally. This is what we have decided to do, Madam Speaker. This is our approach. Because we wanted this Bill, which has been around for, I don't know how many years, and time had come for us to have the Industrial Property Bill in the light of the Research and Innovation Council Bill, in the light of the policy measures which have been announced by the Prime Minister, Minister of Finance as regard to innovation and research being a pillar of our economy, to move, to upgrade into the upper middle bracket. So, it all

goes together. So, if we wanted to pay attention to that bit - it is very important, it is a very crucial point, but from there to say that it is black and white, we have sold our soul to the private sector, that we are not giving importance to the customers as regard to those who are the brand owners, I will not go on the political mileage about it, I will just say a number of specific things, Madam Speaker.

Now, this report, is it draft interim report, Madam Speaker?

(Interruptions)

No! I will explain why it has not been circulated. It is a draft interim report. And, as far back as 30 May, the Ministry has told the consultant that you should abide by the terms of reference. An example was given that the consultant should make recommendations to trade negotiators and policymakers on the advisability or otherwise of Mauritius adopting the international exhaustion of the trademark rights regime. We have written to the consultant to say that the report has been drafted in a manner that gives a report of selected sectors. It does not clearly indicate which decision the consultant recommends with respect to the regime to be adopted. We wrote this in May. After that, there was another letter which was written to the consultant on 11 July, where we have said:

“It would be highly appreciated if you could please explain how you have worked out the figure of Rs1.4 billion. Please be kind enough to share your methodology.”

Now, when I come to the terms of reference, the consultant has not abided by the terms of reference. I am going to use one of the important terms of reference, Madam Speaker, ‘Service free’.

“The study shall assess probable displacement of existing industries in Mauritius. It should evaluate how the interest of identified stakeholders may be affected, and how these may be addressed if Mauritius adopts the international exhaustion of trademark rights regime. Consequences with regard to investment and the possible impact on goods existing on the market must also be (...).”

This was not done.

Now, let me come to the report itself - what the consultant writes -

“It should be remembered that this is a partial static equilibrium model, theoretical, very useful for estimating the short-term impact on the market of a product that has no greater effect on the economy as a whole. In particular, it should not be forgotten that

the partial equilibrium model is short-term and it does not take into account the possible long-term impacts and the possible indirect effects of the release of the parallel imports, such as, the estimation of the economic and social benefit will be an underestimation of the real impact.

“Second, the increase of the real income of the consumers in Mauritius due to the reduction of the prices of goods in which the parallel import happen. This would increase or not. Depending on the value of elasticity, imports could increase or decrease. Furthermore, to try a quantitative estimate of the different impacts that parallel imports can have, it is necessary to know the following variables –

- (i) we should quantify and price a basket representative of products which have been imported with a foreign brand;
- (ii) quantity and price of imports of perfect substitute products of the previous ones;
- (iv) quantity and price of the national production of perfect subsidies;
- (v) the percentage different between the price of foreign brands products and that of parallel imports.”

What she writes is that, unfortunately, this information was not available. So, how can we come with such a report and take it to Cabinet? How we come with such a report and put it on the website? So, this is what has happened. We have talked to her. Now, she writes –

“Unfortunately, this information was not available, in particular that of elasticities, whose estimation requires econometric research. In summary, the model demonstrates that there is a positive net impact on the well-being of the population, but this quantitative estimate of the impact would be less than the actual impact.”

And what we have to do, a more accurate estimate would require the application of a dynamic, general equilibrium model, much more complicated than we have used. So, that’s why I am saying, Madam Speaker, that we are moving cautiously. My hon. friend always says that ‘fools rush where angels fear to tread.’ We are treading cautiously. That’s why we have maintained the status quo, that we bring the law, and we are regulating the situation because we know what happens with the parallel market, the parallel importation. It creates what we call the grey economy. It is also the law of the jungle. It is also the risk of counterfeiting. For example, let us take spare parts for buses. I know for one who has taken

that decision, that, at the CNT, only genuine parts have to be taken. Because we know what happened, it is a question of security. So, there are a number of issues which we have to take into account. I am not going on many of the issues because everybody has said that the council is a good thing, that the office is a good thing, there is the issue of capacity building, that we have to make Mauritius become a land where the Mauritian genius is going to be there with innovative designs, with patents, with the new innovative research. So, I am not going to say about all this. I totally agree that we want to have the international exhaustion. We want to see to it that the Mauritian customer gets the best value for money. We want to be a shopping paradise here, where people from Africa would come over and have a variety of goods, but we have to move cautiously. We can't disturb the social economic fabric just by bringing the law and we say that, tomorrow, we are going to allow parallel imports. So, it is going to be an incremental approach which we are going to adopt. We are going to have the international exhaustion in due course. We are working on it and what we have to do now, we should have the capacity building, we should be able to give to our institutions, the council, the office, the muscle - because now we have the legal framework - to be able to deliver.

And as regards abuse of a dominant position - I have been talking to the Attorney General - I am convinced that, if there is a company, which in virtue of the fact that it has an exclusive brand, in virtue of the fact that it has a dominant position, it is making an abuse of that position, I am sure that we can go to the Competition Commission and put up a case. So, I think that we are regulating the whole industrial property world, Madam Speaker, and we want to see to it that, on the one side, you have the research, you have the innovation, you have the patents, but as regards to the market, Mauritius is too small a market, our SMEs are too small, and even those companies which have established their names over years, because of the one brand, they are fragile, because tomorrow they can be flooded by imports, and we will have the closure of industries and the loss of jobs. So, what I am saying, Madam Speaker, is that we are moving incrementally, where now we are providing the national exhaustion and we are going to work together with the intellectual property office, with the council to see to it that we have the capacity, we have with the technical support of the European Union, that we should be able to move incrementally so that, at the end of the day, the final objective is to have the international exhaustion so that Mauritian can have a regulated market and people can have value for money and can have a wide choice. So, this is what I wanted to say.

Madam Speaker, I would like to thank everybody who has participated in the debate. I would like to thank all those who have worked on it, who will continue working on it. We have 145 Clauses and it is 100 pages. And only on that specific issue, we have differences, I have explained why. I have explained why also the study is incomplete. We are going to work on it; we are going to continue having the best solution for Mauritius in preserving the rights of the brand owners and the rights of the customers. That's all I have to say, Madam Speaker.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

The Industrial Property Bill (No. XV of 2019) was considered and agreed to.

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

Third Reading

The Industrial Property Bill (No. XV of 2019) was read a third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to next Tuesday, 06 August 2019, at 11.30 a.m.

Mr Gobin rose and seconded.

Madam Speaker: The House stands adjourned.

Hon. Bhagwan!

MATTERS RAISED

(10.30 p.m.)

METRO EXPRESS - MRS E. H. - COMPLAINTS

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Thank you, Madam Speaker. I would like to address an issue to the Minister of Public Infrastructure and

Land Transport, hon. Bodha. Madam Speaker, I will refer to PQ B/968 of 07 May 2019, où j'avais fait un appel au ministre concernant le cas de madame E. H. Donc, il connaît bien ce cas.

Madam Speaker, this is a very genuine problem. I have a document which I will table. I will ask the hon. Minister, on humanitarian grounds, if he can have a site visit there – he always promises to have a site visit. I have been there this morning and it is a shame. We are having such a big project, but there are rats, cats, dogs and all sorts of rubbish there. So, this lady is having a health problem and her business has not been working for months. I would appeal to the hon. Minister to go through the contents of her letter and to see by himself on site the problems which this lady is encountering. In the vicinity, there are utilities in the newly built rooms of sub stations of the Metro Express - which nobody would accept, and that within five meters of his residence there is a generator and all sorts of machines.

Madam Speaker, I am tabling this document. I will make a plea to the hon. Minister to meet the lady and to have a site visit there and to see whatever corrective measures the Metro Express can take urgently to avoid her further stress. She has a heart problem and is in a very bad state. So, I am tabling this document. If the hon. Minister can meet the lady and the family and to have a site visit there, and also to meet the people of the Metro Express since they promise the Minister that they were going to take action, but, unfortunately, I would say, no long-term action. So, I am tabling this document.

The Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade (Mr N. Bodha): Madam Speaker, last time, I went to see the site. In fact, that's why I know that there is a substation being built there. In fact, the shop has been closed. I mentioned the case to Metro Express to consider what can be done. Now, if nothing has been done, I think I will meet the lady and refer the case to Metro Express. I had also said that there is one possibility that tomorrow when we have the new terminal, and we have some other shops we can give her some priority

(Interruptions)

Yes, I will meet her. Thank you.

Madam Speaker: I wish to draw the attention of hon. Members that I have a long list of those who wish to raise a matter on Adjournment. So, I would request you to be very brief in your interventions.

Hon. Uteem!

(10.33 p.m.)

MR KENNEDY ST-PIERRE – CASH PRIZE

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Merci, madame la présidente.

Je voudrais soulever le cas du boxeur mauricien, Mons. Kennedy St-Pierre, qui vient de participer aux Jeux des Iles de l'Océan Indien et je profite de l'occasion pour féliciter tous les athlètes qui ont participé aux Jeux et qui ont si vaillamment défendu nos couleurs.

Kennedy St-Pierre, champion de Maurice de boxe, devait boxer dans la catégorie des plus de 91 kilos. Comme il n'y avait que trois boxeurs, un Réunionnais, un Seychellois et Mons. Kennedy St-Pierre, on a effectué un tirage au sort, et finalement, le Seychellois a remporté son combat contre le Réunionnais et devait affronter Kennedy St-Pierre en finale. Mais le jour de la finale, le Seychellois a déclaré forfait et Kennedy St-Pierre n'a pas pu boxer pour des raisons indépendantes de sa volonté. Je connais très bien Kennedy St-Pierre, il a travaillé très dur lors de ses entraînements. Il fait partie du club de boxe de Tranquebar et c'était une certitude qu'il allait remporter la médaille d'or. Donc, le fait qu'il n'a pas pu participer à un combat, on ne lui donne pas sa médaille et, apparemment, il n'est pas éligible à la somme de R 50,000 qui doit revenir aux athlètes ayant remporté une médaille d'or. C'est dommage que le ministre des Sports ne soit pas là à cette l'heure. Donc, je fais un appel pour qu'il puisse étudier le cas de Kennedy St-Pierre parce qu'il était quand même en finale et il a remporté le combat par forfait.

Merci.

(Interruptions)

The Deputy Prime Minister: Il y a des personnes qui se déclarent 'défonceurs de porte ouverte' !

(Interruptions)

Ils ont été singulièrement absents des Jeux des Iles ...

(Interruptions)

Je ne parle pas du PMSD ! Je ne parle pas du PMSD, je parle de vous !

(Interruptions)

Fermez la gueule !

(Interruptions)

Fermes ta gueule !

Madam Speaker: Order, please!

(Interruptions)

Order, please!

(Interruptions)

Order!

(Interruptions)

Can we have some order in the House?

(Interruptions)

Hon. Uteem!

(Interruptions)

Hon. Uteem!

(Interruptions)

No! Now, if you want to continue your conversation, I will adjourn, you continue your conversation outside!

(Interruptions)

Okay, then I adjourn, others won't have the time to raise their matters on Adjournment.

(Interruptions)

Continue your conversation then !

(Interruptions)

Hon. Bhagwan, please !

The Deputy Prime Minister: Laissez-moi vous dire, Madame la présidente, nous avons déjà pris la décision...

(Interruptions)

Nous n'avons pas besoin de l'honorable Uteem pour nous montrer ce que nous devons faire pour nos sportifs !

(Interruptions)

Madam Speaker: No, no! Hon. Deputy Prime Minister, the hon. Uteem has a right to raise a matter on Adjournment. He has the right to raise the matter, and it's up to you to reply. At this late hour, I don't see why you should argue on these things, because it is his right to raise that matter.

The Deputy Prime Minister: And I have got the right to reply that we are on the side of the youth of Mauritius. We have got the right to reply that they are against what has happened. We have already taken the decision for Kennedy St-Pierre; he is going to get his cash prize and he does not need hon. Uteem to get his cash prize.

Madam Speaker: Hon. Baloomoody!

(10.38 p.m.)

CAMP CHAPELON – SEWERAGE

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): My question is addressed to the hon. Deputy Prime Minister. I hope he will be positive as he has been recently with regard to my request.

My request is simple. The inhabitants of Camp Chapelon - especially with the weather, the raining situation - are suffering with regard to their septic tanks. They want to know when they will be connected to the sewerage system.

The Deputy Prime Minister: Madam Speaker, Camp Chapelon is part of the Pailles Guibies Project. The Pailles Guibies Project is implemented. The contract is being awarded in the next few days and Camp Chapelon will have the sewerage. And again, it is like *défoncer une porte ouverte*. Thank you.

COROMANDEL, POMMIERS STREET – SEWERAGE WATER

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Madame la présidente, ma requête s'adresse à l'honorable *Deputy Prime Minister*. J'aurai voulu reprendre ce qu'il avait dit juste avant, suite à la requête de l'honorable Uteem, mais comme le temps est limité, je vais laisser l'honorable *Deputy Prime Minister* à ce qu'il a dit et qu'il assume ce qu'il a dit. Si nous n'avons pas été présents, c'est parce qu'on a tout fait pour que

nous ne soyons pas présents. J'avais demandé, ici, à ce qu'on nous donne une accréditation ou un laissez-passer. On a tout fait pour nous éviter, Madame la présidente. Il faut rétablir les faits.

(Interruptions)

Madam Speaker: Hon. Quirin, please ! Hon. Quirin! Please! Please! You had a matter to raise on Adjournment, please raise your matter! I don't think you should make a statement.

Mr Quirin: Il faut que je rétablisse les faits.

Madam Speaker: You do not have to make a statement. Please!

Mr Quirin: C'est la seule raison qui nous a empêchées d'être présents partout !

Madam Speaker: Hon. Quirin, then I will interrupt you! Right! I will interrupt you! I will pass on to the next one because I have been telling you to raise the matter that you had. You had an issue to raise, but raise it now!

Mr Quirin: Donc, je disais que ma requête s'adresse au *Deputy Prime Minister* et concerne justement un problème de débordement récurrent d'eaux usées. J'ai en ma possession une copie de la pétition signée par des habitants de la Rue des Pommiers à Chebel. Donc, ce problème est récurrent comme je l'ai dit, et cela principalement en période de grosses pluies. Même à l'intérieur des maisons, dans les toilettes, dans les salles de bains, etc., cette eau usée déborde. Donc, des plaintes ont été adressées au *Risk Management Authority* de Beau Bassin, qui, je dois dire, ont répondu favorablement aux requêtes, ils sont venus mais malheureusement le problème n'est toujours pas résolu et c'est pourquoi je fais un appel à l'honorable *Deputy Prime Minister* de façon à ce qu'on puisse une fois pour toute régler ce problème.

The Deputy Prime Minister: Madame la présidente, je suis au courant du problème. D'ailleurs, un des habitants de la Rue des Pommiers était venu me voir il y a un mois de cela sur ce problème. C'est un problème presque insoluble parce que c'est une question de pente. Comme l'honorable Quirin le dit justement, avec justesse, la *Wastewater* intervient à chaque fois qu'il y a des débordements car il y va d'une question de santé publique. Il y a un *survey* qui est en train d'être fait pour voir comment résoudre le problème mais la question est difficile et nous sympathisons avec les habitants de la Rue des Pommiers. Mais comme l'honorable Quirin le sait, sur ces questions il y a ni politique, ni quoi que ce soit, il fait aider

ces personnes et nous ferons de notre mieux. J'ai parlé au *Chairman* plusieurs fois. Nous essayons mais nous ne pouvons pas faire l'impossible.

Quant à la première partie de son intervention, je ne comprends pas comment pour le PMSD il n'y a pas eu de problème. Ils étaient là ; ils étaient tous présents. Et pourquoi ici il y a eu des problèmes ?

Madam Speaker: Let's close the debate on this issue because I have asked the hon. Member not to mention it. So, let's close the debate.

Hon. Armance!

CITE RICHELIEU, LA FOURCHE LANE - DRAINS

Mr P. Armance (First Member for GRNW & Port Louis West): Merci, Madame la présidente, Ma requête ce soir s'adresse au *Vice-Prime Minister, Minister of Local Government* et cela concerne les drains qui se trouvent à La Fourche Lane à Cité Richelieu. Donc, ces drains-là ont été commencé il y a pas mal d'années et le projet n'a pas été complété. C'est un projet joint de la NDU et du District Council de Rivière Noire. Donc, cette eau inonde bien souvent pendant des grosses pluies toute la région de Cité Richelieu. Si on peut envoyer une équipe avant l'arrivée de l'été pour voir afin de terminer ces drains-là ? Merci.

Madam Speaker: Who will reply for Local Government?

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): I will pass on the message to the Vice-Prime Minister.

Madam Speaker: Hon. Osman Mahomed!

VOLTAGE SURGE – PORT LOUIS

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. My request is addressed to the hon. Deputy Prime Minister and Minister of Public Utilities...

(Interruptions)

We have not had problems before, so, I hope tonight will be okay

Madam Speaker, the problem pertains to a voltage surge that occurred on the electricity distribution network on Thursday 26 July at around 23 00 hrs at Lenepveu Street

and Impasse Lenepveu in Port Louis. The consequence of this is that the electrical appliances of several households have been damaged: refrigerators, microwave ovens and so on and so forth. I did a site visit at the request of the inhabitants on Saturday 28 July and came to the conclusion that a lot of appliances have been damaged. They are reporting the cases to CEB at La Poudrière Street and they have continued to do so this morning because Sunday and Monday were a public holiday. So, my request to the hon. Deputy Prime Minister is as follows - because what happened is quite unusual, the surge was quite high:

- (i) to request CEB to do a throughout check-up on the network and to maintain it, because I am given to understand that this problem happens quite often there, and
- (ii) of course, to make sure that those who are affected by this problem, to get their prompt reimbursement because, as you know, without a refrigerator life can be quite difficult.

Thank you.

The Deputy Prime Minister: I am not aware of the particular case. But I am aware of the general protocol and the hon. Member is aware. The protocol is that complaints are made, a survey is done and an investigation is made. CEB is properly insured for this sort of cases. But since the hon. Member is himself an engineer, he would probably wish to make a report on the technical aspects of the matter and that would help the insurers which are, I believe, the Island Insurance, to take a decision. These matters are normally sorted out very promptly and I know that the acting General Manager is very focused on these matters.

Madam Speaker: Hon. Abbas Mamode!

COTTON STREET – CONSTRUCTION WORKS

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Merci, Madame la présidente. Ma requête s'adresse au Premier ministre qui est responsable de la *NDU*. J'espère que le *Deputy Prime Minister* va certainement m'aider. Cela concerne une ruelle. *I will table* la dite photographie. Cela se trouve à la Rue Cotton où réside un handicapé tout au fond de la ruelle. C'est un *dead end*. Donc, il n'y a pas d'autre issue. Cela fait presque deux ou trois semaines que les travaux ont démarré, malheureusement cela ne bouge plus.

Donc, il y avait un incident ce matin avec le contracteur et les habitants de la région à la Rue Coton. Je demanderai au *Deputy Prime Minister* de transmettre au Premier ministre, responsable de la *NDU*. Merci.

The Deputy Prime Minister: Thank you. I will take note and I will transmit.

Madam Speaker: Hon. Thierry Henry!

BEAU VALLON - MITD PROJECT

Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien): Merci, Madame la présidente. Ma requête va à la ministre de l'Éducation à propos du projet de la MITD à Beau Vallon. Les habitants de Beau Vallon ne sont pas contre le projet d'implanter la MITD dans l'endroit, mais ils sont un peu déçus par l'endroit choisi pour monter le bâtiment. C'est un endroit que tous les sportifs, les enfants des alentours, pas que Beau Vallon, de Mahebourg, tout le monde vient là pour pratiquer le sport.

Madame la présidente, malheureusement, les habitants sont en train de s'organiser pour ce dimanche-ci car ils vont faire une marche pacifique pour exprimer leur mécontentement. Il y a d'autres options d'endroit à Beau Vallon même, dans les alentours, pour pourvoir monter ce MITD. Donc je demanderai à la ministre de bien vouloir voir cela avec l'aide des habitants afin de leur permettre de garder leur terrain de sport.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madame la présidente, puisqu'il y avait une question basée dessus, je peux transmettre à l'honorable membre les faits comme ils sont.

Au fait, c'est déjà dès juin 2017, qu'il y a eu des consultations qui ont été faites au niveau du District Council de Grand Port et le District Council m'a fait part du fait que les District Councillors et les Village Councillors de Beau Vallon ont été informés de ce projet et c'est vrai aussi que, à partir de septembre 2017, le terrain a déjà été *vested* au ministère de l'éducation ; et c'est vrai aussi on m'a informé que le Council est en présence d'une lettre du Youth Network of Mauritius demandant des clarifications à propos du bâtiment.

Et voilà, je peux informer l'honorable membre que le ministère de l'éducation compte aller de l'avant avec le projet de la MITD tout en assurant que les habitants de Beau Vallon ait un terrain de foot à l'endroit. D'ailleurs c'est un terrain de 6 arpents, 3 arpents ont été

alloués au ministère de la jeunesse et des sports pour mettre sur pied - pour préparer le terrain de foot et venir avec d'autres aménités telles *cloakroom, jogging track, etc.*

En ce qu'il s'agit du MITD Training Centre, toute autre projet sportif que nous aurons sur le terrain c'est-à-dire en terme de terrain de volley-ball etc. seront mis à la disposition des gens de la région.

Madam Speaker: Hon. Mrs Perraud!

(10.49 p.m.)

CRÈVE-CŒUR - RIVALLAND STREET- WATER SHORTAGE

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue): Ma question ce soir est adressée au Premier ministre adjoint.

(Interruptions)

Oui, en ce qu'il s'agit de la situation qui prévaut à Crève-Cœur, plus précisément à la rue Rivalland à Crève-Cœur. Donc les habitants sont pénalisés par rapport aux coupures d'eau fréquentes et aussi à la fourniture d'eau qui est très irrégulière. Donc la CWA a été sollicitée plusieurs fois mais jusqu'à maintenant aucune solution n'a été trouvée à ce problème et aucune réponse aussi n'a été donnée aux habitants par rapport, pour expliquer pourquoi il y a autant de coupures d'eau dans cette région.

Donc, je demanderai au Premier ministre adjoint de veiller à ce que les habitants puissent avoir l'eau 24/7, s'il vous plaît.

The Deputy Prime Minister: Je dois vous avouer très franchement ne pas être au courant de cette situation de cette rue particulière. Si vous m'aviez donné un petit coup de téléphone, je vous aurais accueilli avec grand plaisir et j'aurais essayé de résoudre mais je vais le faire demain matin pour voir de quoi il s'agit. Envoyez-moi une petite note pour me donner le nom des habitants, etc.

Madam Speaker: Hon. Lepoigneur!

(10.51 p.m.)

WORLD BEACH HANDBALL CHAMPIONSHIP - VISION DREAM LTD - ORGANISATION

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Merci, Madame la présidente.

Ma requête s'adresse au ministre des Sports mais je suppose que c'est le DPM qui va me répondre parce qu'il avait répondu à sa place avant.

(Interruptions)

Pas peur! Pas peur personne! Par rapport aux grévistes de la faim en l'occurrence Mr Gerald Alcindor de la compagnie Vision Dream Ltd, concernant les Championnats du monde de Beach Handball des -17 ans qui eut lieu du 11 au 16 juillet à Flic-en-Flac. La fédération a laissé une ardoise de plus de R8 m. due à cette compagnie et aussi un chèque de R2 m. non honoré par la banque où l'un des signataires a déjà été arrêté par la police. Monsieur Alcindor a sollicité mon aide en disant qu'il est disposé à rencontrer toutes les personnes concernées, y compris le ministre des Sports pour trouver un consensus, c'est-à-dire payer au moins ses dettes qui s'élèvent à plus de R4 m. concernant cette organisation, en plusieurs tranches s'il le faut et je dispose d'une copie...

(Interruptions)

Madam Speaker: I cannot understand why everybody is so excited. What is the matter? Why is it that you have interrupted him?

(Interruptions)

Yes, please resume!

(Interruptions)

Hon. Thierry Henry, please! Please calm down! Can you please proceed? If anybody wants to have a conversation, I will ask him to go outside. If you want to settle scores, go outside in the corridor and settle your score there!

Mr Lepoigneur: Je disais que...

(Interruptions)

Je disais qu'il est disposé à rencontrer le ministre et toutes les personnes concernées par rapport à ce problème. Je dispose d'une copie des documents relatifs à cet événement pour que le ministre puisse prendre connaissance du problème, et je souhaiterais, si c'est possible, qu'il soit contacté le plus vite possible.

(Interruptions)

Merci, Madame la présidente.

Madam Speaker: Hon. Quirin, if you continue to interrupt, then hon. Sewocksingh will not be able to raise her point.

The Deputy Prime Minister: I remember, quite some time ago, having been told of that situation which appears to me - I am not the Minister of Sports as you rightly pointed out - to be an internal matter of the federation, but, this being said - well first of all, let me put on record the Government's appreciation of the participation of the PMSD...

(Interruptions)

and add that, with regard to this particular matter, well there was no impediment for you and we will, of course, try and see with the Minister of Sports what is the situation.

Madam Speaker: Hon. Ms Sewocksingh!

(10.54 p.m.)

ROBINSON FOOTBALL PLAYGROUND

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): Madam Speaker, I have an issue in my Constituency concerning the lighting of the football playground of Robinson, which is out of use since months.

I have pictures, Madam, of the football pitch where we can see - the lighting is just the lights of my camera - that the lights are out of use. This is causing a lot of frustration among inhabitants. So, I would like if the message is being transmitted to the hon. Vice-Prime Minister and Minister of Local Government.

The Deputy Prime Minister: I will certainly look into the matter.

At 10.55 p.m., the Assembly was, on its rising, adjourned to Tuesday 06 August 2019 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

PORT - WHEEL LOADER - DRUGS SEIZURE

(No. B/704) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the discovery of 95 kgs of cocaine in a *tractopelle* onsite an importing firm at Pailles, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry initiated thereinto, indicating the actions taken, if any, against the officers of the Anti-Drug and Smuggling Unit and of the

Mauritius Revenue Authority who were on duty at the Customs Department, on the arrival and delivery of the said *tractopelle*.

Reply: I will reply to Parliamentary Questions B/704 and B/711 together as they relate to the same subject matter.

I am informed by the Commissioner of Police that on 10 July 2019 at about 16.20 hours, following a request from the Service Manager, Scomat Ltd, Grewals Lane, Pailles, a team from Anti-Drug Smuggling Unit (ADSU) proceeded to the location of the said company where they were informed that on the same day, whilst workers were checking the engine of a wheel loader (*tractopelle*), which was imported by the company from Brazil, they came across three black kit bags which were found concealed in the engine compartment near the exhaust muffler. The three bags containing several rectangular parcels, suspected to be dangerous drugs, were handed over to the ADSU Officers.

An enquiry into the case has been initiated.

With regard to part (a) of Parliamentary Question B/711, I am informed by the Commissioner of Police that the wheel loader was shipped from Brazil to Morocco on board Vessel “Grande Francia” and from Morocco to Port Louis on board Vessel “Hoegh Antwerp”.

Regarding part (b) of the question, I am informed by the Director General, Mauritius Revenue Authority (MRA), that the Customs Department selects consignments for scanning and examination or search based on risk management which is automated on pre-set selectivity criteria and also based on intelligence and profiling.

As the consignment was not selected by risk management and no specific intelligence was available, the wheel loader was neither examined nor scanned.

As per normal Customs procedures, the Bill of entry which was passed by the agent on 09 July 2019, was subjected to documentary check by the Compliance Officer of the Mauritius Revenue Authority Customs. No discrepancy was noted and the Compliance Officer allowed the delivery of the wheel loader on the same day.

As regards part (c) of the question, I am informed by the Commissioner of Police that seven persons have been interviewed by ADSU and at this stage of enquiry, no arrest has been effected.

(No. B/705) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the investigation carried out by a team of auditors of the Ministry of Finance and Economic Development in October 2018 into the alleged case of fraud at the Mauritius Institute of Education, she will state the –

- (a) extent thereof detected as at to date, indicating the quantum thereof recovered, if any, and
- (b) actions, if any, taken against the officer/s incriminated therein.

Reply: The MIE had reported to the Ministry on 04 June 2018 that following an internal audit carried out by the Internal Auditor of the MIE, it was found that an officer in the grade of Assistant Financial Officer had been involved in a case of misappropriation of funds.

The MIE reported the matter to the Police and to ICAC.

Meanwhile, a Transaction Audit Trail was carried out on the accounting software system to determine the extent of tampering effected on the system. On 20 June 2018, the Finance Section of the MIE and the Internal Audit Section of the Ministry also undertook an in-depth investigation into the Finance Division to ascertain the extent of funds misappropriated.

Moreover, an independent team of four external auditors from the Ministry and from the Ministry of Finance and Economic Development was appointed to conduct a full scale audit at the MIE, as from 01 August 2018, to determine the extent to which funds had been misappropriated and to propose appropriate checks and balances to be put in place for greater accountability and to eliminate risks of fraud and malpractices.

In addition, the Office of Public Sector Governance was tasked to put in place a robust system at the MIE for greater control and security, better checks and balances and improved governance to safeguard the assets of the organisation. It was also assigned the responsibility to set up a mechanism for the detection of fraud and any other irregularities. The Report of the OPSG was submitted on 26 February 2019 and recommendations thereof are being implemented at the level of the MIE.

With regard to part (a) of the question, I am informed that investigation has revealed that the amount of funds misappropriated stood at Rs2,565,386. On 18 and 21 June 2018, the officer concerned refunded Rs900,000 to the MIE through two (2) bank cheques.

The Police has informed that the enquiry is in progress.

Concerning part (b) of the question, the Attorney General's Office has served a *Mise en Demeure* in June 2019 to him for the settlement of the remaining sum of Rs1,665,386. The matter is being closely followed up.

MAURITIUS INSTITUTE OF EDUCATION – TACTILE GIANT SCREENS

(No. B/706) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)

asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the acquisition of some 24 tactile giant screens to the tune of Rs8 m. by the Mauritius Institute of Education, she will, for the benefit of the House, obtain from the MIE, information as to if bids were launched therefor and, if not, why not.

Reply: I am informed that a bidding exercise was carried out by the Mauritius Institute of Education (MIE) for the procurement of the following equipment to be used in classrooms, in the context of the introduction of innovative and interactive technology and systems for enhanced teaching –

- (i) 21 Interactive Touch Flat Panel Display of 65 inches, and
- (ii) 3 Interactive Touch Flat Panel Display of 85 inches.

Tenders were launched on 13 October 2017 (12 panels of 65 inches), 18 October 2018 (9 panels of 65 inches) and 23 October 2018 (3 panels of 85 inches).

Following these tender exercises which involved invitation to bidders and evaluation of bids, the contracts were awarded by MIE to the lowest compliant bidders for the sum of Rs1,438,374, Rs1,086,729.30 and Rs714,143.10, respectively. Hence, the acquisition of the 24 tactile screens was not to the tune of Rs8 m.

The touch panels are integrated units that consist of a touch screen. It has a computer embedded with windows and android operational systems, along with provision for Wi-Fi. The MIE has done away with standard projectors and laptops and opted for a device that allows for interactive classrooms with lesser investment and more possibilities in line with the requirements for the 21st Century classrooms.

I further wish to highlight that the Quality Audit Report of 2013 on the MIE recommended the upgrading and further development of ICT facilities and internet connectivity at the MIE. It is in this context and in line with its Strategic Plan that MIE has taken a series of initiatives to strengthen its provision of technology based content delivery.

POLICE FORCE – CADET OFFICERS

(No. B/707) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the last recruitment exercise of 24 Cadet Officers as Deputy Assistant Superintendent of Police, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if same has given rise to discontent and, if so, indicate if a meeting has been held with the Police Officers Solidarity Union in relation thereto.

Reply: I am informed by the Commissioner of Police that following a recruitment exercise by the Disciplined Forces Service Commission (DFSC) for the filling of the posts of Cadet Officers in different fields of the Mauritius Police Force, 24 Cadet Officers assumed duty on 15 July 2019. On the same day, the President of the Police Officers Solidarity Union (POSU) wrote a letter to the Commissioner of Police making a request for the list of the 24 Cadet Officers to be published in the Police Routine Orders.

As per usual practice, action was taken to publish the list of the 24 Cadet Officers in the Police Routine Orders on 25 July 2019.

So far, no discontent has been expressed by any member of the Mauritius Police Force nor any complaint in connection therewith has been received.

Therefore, the question of having a meeting with the Police Officers Solidarity Union (POSU) does not arise.

PORT - WHEEL LOADER - DRUGS SEIZURE

(No. B/711) Mr A. Ganoo (First Member for Savanne & Black Rive) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the tractopelle in which 95 kgs of cocaine were discovered by the workers of Scomat Ltd., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry initiated thereinto, indicating if –

- (a) the name of the ship which transported same has been established;
- (b) it has been established whether same was scanned and searched at the Customs Department, and
- (c) any arrest has been effected in connection therewith and, if not, why not.

(Vide reply to PQ B/704)

FLIC-EN-FLAC – NEW ACCESS ROAD

(No. B/712) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Project for the implementation of a New Road Access to Flic-en-Flac Project, he will state where matters stand.

Reply: I am informed by the Road Development Authority (RDA) that the New Access Road to Flic-en-Flac is a major road infrastructure project which will link Flic-en-Flac to Beaux Songes, bypassing Flic-en-Flac Road B34 and Beaux Songes village, thus providing an alternative route to Flic-en-Flac.

The new access road to Flic-en-Flac consists of two main segments as described below –

- (i) Segment 1: It starts from Radar Avenue at Flic-en-Flac and connects to Black River Road (A3). Since this segment falls within the Medine Smart City project, it will be entirely financed and implemented by Medine Ltd; RDA will be responsible to upgrade Radar Avenue, and
- (ii) Segment 2: Construction of a new single carriageway (with possibility for future dual carriageway) starting from Black River Road (A3) at Xavier Village through Cascavelle Branch Road up to connection with the New La Vigie-La Brasserie-Beaux Songes Link Road at Pierrefonds (length of road 5.5 km).

A cost sharing policy has been devised by Government whereby road projects in connection with Smart City projects are cost shared on a 50-50 basis between Government and the Smart City promoter. According to the policy, the promoter is also allowed to finance the whole project in exchange for land conversion rights under the Sugar Industry Efficiency Act. The second segment falls under this cost sharing scheme.

In line with the cost sharing policy, Medine Ltd will finance the whole of the segment Pierrefonds to Xavier against land conversion rights. Upon completion, the Road will be gazetted under the Roads Act. A Memorandum of Understanding (MoU) to that end is being drafted for signature between the RDA and the Medine Ltd.

The Medine Ltd has submitted the proposed timeline for the implementation of the project as follows –

- (a) Flic-en-Flac Link Road from Radar Avenue to A3 at Xavier
Expected commencement date: May 2020
Expected completion date: November 2021

Duration: 18 months

(b) Flic-en-Flac Link Road from Xavier to Pierrefonds

Expected commencement date: November 2019

Expected completion date: November 2021

Duration: 24 months

As at date, the alignment has been agreed by RDA. Technical meetings are being held between RDA and Medine's Consultant, Servansingh Jadav & Partners, to finalise the detailed engineering design. Bidding procedures are planned to start in September 2019.

BEAUX SONGES - PALMA ROAD B2 - WALL STRUCTURE

(No. B/714) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the hon. Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the walls erected on the side of the A3 Road, at the level of the Beaux Songes Roundabout to Cressonville and the Flic-en-Flac rock, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the purposes served by same, indicating the cost of the construction thereof and name of the contractor therefor.

Reply: I am informed by the Traffic Management and Road Safety Unit (TMRSU) that the walls erected are not along the A3 road but on the Palma Road B2 in the region of Beaux Songes.

In fact, previously, two-wheelers were facing great difficulties along the road; they were usually forced to ride on the road shoulder that was not fit for that purpose. Several cyclists and motorcyclists even fell on the open drain found on the road sides and sustained serious injuries.

To remedy this situation and to improve road safety, the TMRSU upgraded the road shoulders into hard asphalted shoulder fit for use by two-wheelers and erected the wall to prevent them from falling into the open drain.

According to the TMRSU, the reason for choosing the wall structure is because it has a lower footprint than guardrails and other road barriers, which results in more space being obtained for the hard shoulder. This particular arrangement allowed to have hard shoulders of approximately 1.2 m to 1.5 m wide.

The use of masonry walls also allowed the placing of reflectorized delineators that allows proper visibility of the road geometry at night. Moreover, ribbed road edge markings have been used to segregate the main traffic and the hard shoulder. The ribbed marking

generates vibration and noise when vehicles straddle on it, thus informing the drivers that they are going out of their lane, thus urging them to take corrective action to stay on the road.

I am further informed by the TMRSU that the total cost of the project was 15 m. and the works were carried out by Transinvest Ltd.

CASE NOYALE-CHAMAREL ROAD – UPGRADING & WIDENING

(No. B/715) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the proposed upgrading and widening of the Case Noyale Road up to Chamarel, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

Reply: In my reply to Parliamentary Question B/728 on 24 July 2018, I informed the House that the Baie du Cap-Chamarel-Case Noyale (B104) Road consists of several dangerous bends with mountainous slopes on one side and ravines on the other side. Part of the road between Chamarel and Case Noyale has deteriorated over an approximate length of 1.2 km. The possible causes are the poor retaining road structure coupled with inadequate storm water drainage, thereby causing instability and settlement at the road edges on the ravine side, including the bulging of the existing retaining wall.

As a safety measure, the two-lane road has been converted into a single lane and vehicles are being controlled by traffic lights.

With a view to addressing the above issue, the Road Development Authority (RDA) has appointed Luxconsult (Mtius) Ltd in association with ARQ Geotech Pty Ltd to carry out the following assignment in phases –

- (i) Phase 1 – investigations and preliminary design;
- (ii) Phase 2 – detailed engineering design and bidding documents, and
- (iii) Phase 3 – supervision of the construction works.

I am informed by the RDA that Phase 1 of the consultancy services has been completed and the preparation of the detailed engineering report and bidding documents for the construction works is being finalised. The assignments under Phase 2 are expected to be

completed by August 2019. Thereafter, the Consultant will assist the RDA with the supervision of construction works.

In line with land acquisition and procurement procedures, the construction works are expected to start in May 2020 for a construction period of 15 months.

CHEMIN GRENIER & SURINAM - VRS PROJECTS

(No. B/716) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security whether, in regard to the infrastructural works to be carried out in Chemin Grenier and Surinam with regard to lands allocated to beneficiaries under the VRS Scheme for Bel Air St Felix Sugar Estate, he will state why same have not been completed as at to date.

Reply: I wish to clarify the following regarding VRS Scheme being implemented by the Bel Air Sugar Estate and the St Felix Sugar Estate, two separate companies –

- the Bel Air Sugar Estate has implemented a VRS project at Rivière des Anguilles in respect of 95 beneficiaries. For this particular project, all the beneficiaries have already signed their title deeds which are at the level of the Registrar General's Office for registration purposes, after which, the title deeds will be handed over to the beneficiaries, and
- the St Felix Sugar Estate, on the other hand, is implementing a VRS project in Chemin Grenier for 144 beneficiaries.

I would presume that the hon. Member is referring to the VRS Scheme implemented by the St Felix Sugar Estate in Chemin Grenier.

For this project, I am informed by the Mauritius Cane Industry Authority that 144 workers of St Felix Sugar Estate have been offered VRS, which included a cash compensation and a land compensation of 7 perches for residential purposes at Chemin Grenier.

I am informed that the project has been delayed for various reasons as follows –

- (i) a canal is located on the site and, as per the existing procedures, this natural water course has to be diverted into a concrete lining structure, which requires

the submission of an affidavit before the Supreme Court and its approval which is a lengthy exercise;

- (ii) the company encountered financial difficulties which affected the progress of works in 2018/2019, and
- (iii) additional works were requested following recommendations made by the relevant authorities during the project implementation stage.

Following the issue of the letter of intent by the Morcellement Board, infrastructural works started in 2018 and were scheduled to be completed by June 2019.

However, due to cash flow problems, the remaining infrastructural works to the extent of 30% could not be completed.

In order to deal with its financial difficulties, the company has initiated arrangements with its bank for overdraft facilities to enable the smooth progress of works, but to no avail.

Thus, the company has, on 24 May 2019, applied for the conversion of 5A 40P of land at Surinam for residential (Morcellement) and commercial purposes in order to enable it to raise funds to complete the outstanding works.

The Land Conversion Permit is being finalised.

As I have previously stated, Government has set up an Inter-Ministerial Committee chaired by the hon. Vice-Prime Minister, Mrs Jeewa-Daureeawoo to look into all bottlenecks and constraints regarding all VRS projects.

Regular meetings are ongoing with all concerned authorities to clear all issues in an expeditious manner so that all beneficiaries obtain their lands within the shortest delay.

**RESIDENCE LA CHAUX, MAHEBOURG - COASTAL PROTECTION
WORKS**

(No. B/718) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the Project for the putting up of an artificial beach at Résidence La Chaux, in Mahebourg, he will state where matters stand as to the implementation thereof.

Reply: There is no project as such for the putting up of an artificial beach at Résidence La Chaux, in Mahebourg.

However, my Ministry carried out coastal protection works at Résidence La Chaux, which started on 26 November 2018 and were completed on 17 March 2019. The works comprised the following -

- (a) construction of groynes at three locations along the marine side of Résidence La Chaux Social Welfare Centre;
- (b) gravel beach nourishment over a length of 75 m along the marine side of Résidence La Chaux Social Welfare Centre, and
- (c) landscaping works, comprising mainly in the rehabilitation of the green area near the banyan tree at the Résidence La Chaux Social Welfare Centre.

OCEAN ECONOMY UNIT - HEAD - POST

(No. B/722) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the post of Head of the Ocean Economy Unit, he will state the –

- (a) number of applications received therefor, indicating the number of applicants interviewed, and
- (b) name and qualifications of the successful applicant.

Reply: I am informed that the post of Head, Ocean Economy Unit has been re-advertised by the Ministry on 29 April 2019 to both local and international candidates. The closing date for the submission of applications was 20 May 2019.

Five applications have been received as at closing date, one from international candidate and four from local candidates.

The screening exercise is in process.

IRRIGATION AUTHORITY - COMMITTEE OF INQUIRY - REPORT

(No. B/723) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Agro-Industry and Food Security whether, in regard to the Report of the

Committee of Inquiry chaired by Mr D. D. into alleged malpractices and mismanagement at the Irrigation Authority, he will –

- (a) table copy thereof, and
- (b) for the benefit of the House, obtain from the Board of the Irrigation Authority, information as to the date on which it has taken cognizance thereof, indicating the remedial actions taken in the light of the findings and recommendations thereof, if any.

Reply: As the House is aware, there were various allegations of malpractices and mismanagement at the Irrigation Authority which were reported in the press following which a Committee of Inquiry was set up in December 2017 to inquire into the allegations.

The Committee was chaired by Mr D. Dodin, Barrister who was assisted by a team of three members. The Committee started its inquiry in February 2018 and submitted its report to my Ministry on 02 April 2019.

The main observations and findings of the report include deteriorated and severely strained industrial relations with –

- no policy and consultations with trade unions;
- lack of training, poor monitoring of attendance;
- no clear policy on recruitment and promotion;
- no effective disciplinary procedure;
- no employee handbook and procedure agreement;
- no anti-corruption framework and policy;
- weak governance structure;
- ignorance of risk management concept;
- outstanding and non-recovery of irrigation dues, and
- non-compliance with health and safety norms and weak procurement procedures and processes and non-compliance with procurement laws.

There are in all some 140 recommendations which have been made by the Committee.

Following the submission of the report, my Ministry has set up a team of officers to implement all the recommendations made.

The team comprises representatives of the Ministry of Labour, Industrial Relations, Employment and Training, the Procurement Policy Office, the Internal Control Unit of the Ministry of Finance and Economic Development, the Manager Human Resources of my Ministry and the General Manager of the Irrigation Authority.

The team has already started its work since 07 June 2019 and is expected to complete the assignment within the shortest delay.

The Board of the Irrigation Authority has also been apprised of the submission of the report at its meeting held on 31 May 2019.

The Report of the Committee of Inquiry will be tabled in due course.

GRADE 12 STUDENTS - INTAKE

(No. B/725) **Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Grade 12 students, she will state the total intake thereof in 2017, 2018 and 2019, respectively, indicating the estimated intake thereof in 2020.

Reply: I am informed that the total intake of Grade 12 students (Republic of Mauritius) in 2017 and 2018 stand at around 9,712 and 8,952 respectively. As regards the intake figure for 2019, I am further informed that same is being compiled by the Statistics Section. However, the preliminary figure turns around 7,772.

Taking into consideration that each cohort comes with its own specificities, strengths and weaknesses, it is expected that intake of Grade 12 students for 2020 would be around 6,000.

METRO EXPRESS PROJECT – MEETING - RESIDENTS

(No. B/727) **Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Metro Express Project, he will state when he will hold the proposed interactive meeting with the residents of Belle Rose and Quatre Bornes to discuss the Social Impact Assessment and Environment Impact Assessment thereof.

Reply: With regard to the Metro Project in Quatre Bornes, I am informed that communication with the residents is under way and will continue to be pursued till completion of the project.

Before the start of works in the region of Quatre Bornes, a meeting was held with the Municipal Councillors together with the Mayor, to present the Metro Express project. As at date, there have been 15 Quatre Bornes Collaborative meeting.

The Government envisages to connect Quatre Bornes to Phase I of the Metro Express Project from Rose Hill to Port Louis, ahead of schedule, that is, by end of 2020 instead of September 2021, through the Quatre Bornes Central Station located near the Municipality.

Metro Express Ltd along with the Municipality of Quatre Bornes are in constant communication with the residents and businesses located near the Metro Alignment and in

particular where the works are being undertaken since the support of the population and the different key stakeholders are required for successful implementation of the project.

1,000 flyers informing about the project in Quatre Bornes have been printed and distributed on site. The contractor Larsen & Toubro Ltd has already performed 87 condition surveys for buildings located near the alignment in Gerard Bruneau Street and is regularly performing door to door communication to inform about the works and gather feedback of residents.

Three Information boards have been placed at strategic location along the site and 2 digital displays are providing information about the project at the Municipality. Two hotlines, one by Larsen & Toubro Ltd on phone number 58980003 and one at the Municipality on phone number 4549662 have been put in place to receive potential complaints or feedback from the population.

As per its contractual obligations, the contractor has developed an Environmental Management and Sustainability Plan which is updated quarterly. Larsen & Toubro also produces Environment, Health, Safety and Sustainability Report on a monthly basis which is reviewed and checked by the supervisor RITES Ltd. I am informed that the different environmental parameters are monitored and regular tests and measurement are conducted like Ambient Air Quality Monitoring, Drinking Water Quality Monitoring, Noise Monitoring. The results are so far satisfactory and are within the stipulated standards under the relevant regulations.

Everything is done on site to ensure that the Metro Express Project is implemented smoothly with respect to the environmental conditions and in close contact with the population so that Quatre Bornes can benefit from the Metro Project in advance compared to the original schedule.

With respect to the Environment Impact Assessment, an Environmental Monitoring Plan (EMP) has been prepared by Larsen & Toubro Ltd and covers all issues under an Environment Impact Assessment. This has been tabled at the National Assembly.

MESSRS TRANSINVEST CONSTRUCTION LTD – PROJECTS

(No. B/731) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Public Infrastructure and Land Transport, Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the projects awarded to

Messrs Transinvest Construction Ltd by his Ministry since 2015 to date, he will give a list thereof, indicating the corresponding –

- (a) contract values thereof, and
- (b) list of subcontractors for Civil/Electrical/Mechanical/Transportation works.

Reply: I am placing the information requested by the hon. Member in the Library of the National Assembly.