



FIFTH NATIONAL ASSEMBLY

**PARLIAMENTARY
DEBATES
(HANSARD)**

**FIRST SESSION
TUESDAY 22 MAY 2012**

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THE CABINET**(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

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| Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP | Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues |
| Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP | Deputy Prime Minister, Minister of Energy and Public Utilities |
| Hon. Charles Gaëtan Xavier-Luc Duval, GCSK | Vice-Prime Minister, Minister of Finance and Economic Development |
| Hon. Anil Kumar Bachoo, GOSK | Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping |
| Dr. the Hon. Arvin Boolell, GOSK | Minister of Foreign Affairs, Regional Integration and International Trade |
| Dr. the Hon. Abu Twalib Kasenally, GOSK, FRCS | Minister of Housing and Lands |
| Hon. Mrs Sheilabai Bappoo, GOSK | Minister of Social Security, National Solidarity and Reform Institutions |
| Dr. the Hon. Vasant Kumar Bunwaree | Minister of Education and Human Resources |
| Hon. Satya Veyash Faugoo | Minister of Agro-Industry and Food Security |
| Hon. Devanand Virahsawmy, GOSK | Minister of Environment and Sustainable Development |
| Dr. the Hon. Rajeshwar Jeetah | Minister of Tertiary Education, Science, Research and Technology |
| Hon. Tassarajen Pillay Chedumbrum | Minister of Information and Communication Technology |
| Hon. Louis Joseph Von-Mally, GOSK | Minister of Fisheries |
| Hon. Satyaprakash Ritoo | Minister of Youth and Sports |
| Hon. Louis Hervé Aimée | Minister of Local Government and Outer Islands |

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| Hon. Mookhesswur Choonee | Minister of Arts and Culture |
| Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed | Minister of Labour, Industrial Relations and Employment |
| Hon. Yatindra Nath Varma | Attorney General |
| Hon. John Michaël Tzoun Sao Yeung Sik Yuen | Minister of Tourism and Leisure |
| Hon. Lormus Bundhoo | Minister of Health and Quality of Life |
| Hon. Sayyad Abd-Al-Cader Sayed-Hossen | Minister of Industry, Commerce and Consumer Protection |
| Hon. Surendra Dayal | Minister of Social Integration and Economic Empowerment |
| Hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram | Minister of Business, Enterprise and Cooperatives |
| Hon. Mrs Maria Francesca Mireille Martin | Minister of Gender Equality, Child Development and Family Welfare |
| Hon. Sutyadeo Moutia | Minister of Civil Service and Administrative Reforms |

Members

Members

PRINCIPAL OFFICERS AND OFFICIALS

| | |
|---|-------------------------------------|
| <i>Mr Speaker</i> | Purryag, Hon. Rajkeswur, GCSK, GOSK |
| <i>Deputy Speaker</i> | Peetumber, Hon. Maneswar |
| <i>Deputy Chairperson of Committees</i> | Deerpalsing, Ms Kumaree Rajeshree |
| <i>Clerk of the National Assembly</i> | Dowlutta, Mr R. Ranjit |
| <i>Deputy Clerk</i> | Lotun, Mrs B. Safeena |
| <i>Clerk Assistant</i> | Ramchurn, Ms Urmeelah Devi |
| <i>Hansard Editor</i> | Jankee, Mrs Chitra |
| <i>Senior Library Officer</i> | Pallen, Mr Noël |
| <i>Serjeant-at-Arms</i> | Munroop, Mr Kishore |

MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 04 of 2012

Sitting of 22 May 2012

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENTS

COMMITTEES – MEMBERS – APPOINTMENT

Mr Speaker: Hon. Members, I wish to inform the House that, in accordance with Standing Order 69 (1), and following consultations I have had with both sides of the House, I have nominated the following hon. Members to serve on the Committee of Selection.

The hon. Ms Marie Geneviève Stéphanie Anquetil

The hon. Rajesh Anand Bhagwan

The hon. Ms Kumaree Rajeshree Deerpalsing

Dr. the hon. Rihun Raj Hawoldar

The hon. Ahmed Reza Goolam Mamode Issack

The hon. Joseph Christian Leopold

The hon. Mrs Marie Arianne Navarre-Marie

The hon. Showkutally Soodhun

In accordance with the same Standing Order, I shall be the Chairperson of this Committee.

Further, the Committee of Selection met under my chairmanship on Thursday 17 May, and has approved the composition of the following Sessional Select Committees as hereunder -

I. PUBLIC ACCOUNTS COMMITTEE

The hon. Ms Marie Geneviève Stéphanie Anquetil

The hon. Sayed Muhammad Aadil Ameer Meea

The hon. Ms Kumaree Rajeshree Deerpalsing

The hon. Joseph Hugo Thierry Henry

The hon. Hafeez Abdullah Hossen

The hon. Ahmed Reza Goolam Mamode Issack

The hon. Dhiraj Singh Khamajeet

The hon. Keechong Li Kwong Wing

The hon. Mahen Kumar Seeruttun

In addition, I have to announce that, in accordance with Standing Order 69 (2), I have appointed the hon. Alan Ganoo as Chairman of the Public Accounts Committee.

II. STANDING ORDERS COMMITTEE

The hon. Vedasingam Vasudevachariar Baloomoody

The hon. Surendra Dayal

The hon. Prithvirajsing Roopun

The hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram

In accordance with Standing Order 69 (3), the hon. Deputy Speaker is an *ex-officio* Member and I am the Chairperson of the Committee.

III. HOUSE COMMITTEE

The hon. Ms Marie Geneviève Stéphanie Anquetil

The hon. Jean-Claude Barbier

The hon. Purmanund Jhugroo

The hon. Dhiraj Singh Khamajeet

The hon. Joseph Christian Leopold

In accordance with Standing Order 69 (4), the hon. Deputy Speaker will be the Chairman of the House Committee.

IV. PARLIAMENTARY COMMITTEE ON ICAC

I also have to inform the House that pursuant to section 59 (2) of the Prevention of Corruption Act, Dr. the hon. Prime Minister has designated the following hon. Members namely

-

The hon. Ms Kumaree Rajeshree Deerpalsing

Dr. the hon. Rihun Raj Hawoldar

Dr. the hon. Balkissoon Hookoom

The hon. Ahmed Reza Goolam Mamode Issack

The hon. Mrs Marie-Aurore Marie-Joyce Perraud

to serve on the Parliamentary Committee on the Independent Commission Against Corruption.

Further, pursuant to section 59 (3) of the Act, Dr. the hon. Prime Minister has designated Dr. the hon. Rihun Raj Hawoldar as Chairperson of the Committee.

QUESTION TIME - POINTS OF ORDER

Hon. Members, at the Sitting of Tuesday 15 May 2012, the hon. Second Member for Port Louis South and Port Louis Central, hon. Uteem, rose to take a point of order during Prime

Minister's Question Time, whilst the hon. Fourth Member for Vacoas and Floreal, Ms Anquetil, was putting a supplementary question to Parliamentary Question No. B/48.

I stated that points of order should be taken at the end of Question Time unless they require the immediate intervention of the Chair, basing my decision on the prescription laid down by Erskine May at page 455 of its treatise on parliamentary procedure (24th Edition). I quote -

“Speakers have exercised discretion over the taking of points of order and have indicated at what point in the proceedings they are prepared to hear them. It is usual for the Speaker to deal with points of order after question time....unless the point of order requires the Chair's immediate intervention.”

I also stated that it has been the practice in the House of Commons and in this august Assembly that Speakers have ruled that they will not take points of order during Question Time, but have allowed the points of order to be taken at the end thereof.

The rationale behind this practice is that Question Time being at the heart of Parliamentary democracy, it is, as the hon. Speaker Selwyn Lloyd of the House of Commons, ruled in 1971- “unwise and a waste of time to raise points of order during question time”. (House of Commons Deb. (1970-71) (Volume 816, cc.425- 6). This stand was followed in 1984, (House of Commons Debate 1984 volume 57, cc. 647-51).

Guided by the above principle, my predecessor ruled accordingly in this august Assembly on 22 March and 23 June 1994 respectively. I have also ruled along the same line on 27 May 2008 and 10 May 2011.

The Parliamentary device of asking questions on the floor of the House is a very potent and effective mechanism available to the elected representatives of the people for eliciting responses from the Government.

Consequently the time allotted for taking up questions is of immense significance which has to be gainfully and effectively utilised.

It is also the legitimate right of each hon. Member, as representative of their constituents, to have a chance for their Questions appearing on the Notice Paper to be reached. Hon. Members, I have on numerous occasions in this House, stated accordingly.

It is the duty of the Chair to ensure that Question Time be utilised to its optimum.

I therefore rule that, notwithstanding the discretionary powers vested in the Chair, should a Member wish to raise a point of order arising out of a Parliamentary Question, I would allow him or her to do so at the end of Question Time, unless the immediate intervention of the Chair is warranted.

The hon. Leader of the Opposition made a request for the said rulings to be circulated. I have already referred to these rulings in the present announcement.

As far as reference to press articles at Question Time is concerned, I stated that hon. Members who are not connected with Government can cite. I would like to further state that incidental reference to press articles is in order, but not verbatim quotations therefrom.

Thank you.

PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Prime Minister's Office –

Certificate of Urgency in respect of the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill (No. IX of 2012).

B. Ministry of Agro Industry and Food Security –

- (a) The Annual Report 2009-2010 of the Farmers Service Corporation.
- (b) The Annual Report of the Vallée D'Osterlog Endemic Garden Foundation for the period July 2009 to December 2010.

C. Ministry of Labour, Industrial Relations and Employment –

- (a) The Attorneys' and Notaries' Workers (Remuneration) (Amendment) Regulations 2012 (Government Notice No. 67 of 2012).
- (b) The Baking Industry (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 68 of 2012).
- (c) The Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 69 of 2012).
- (d) The Catering and Tourism Industries (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 70 of 2012).

- (e) The Cinema Employees (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 71 of 2012).
- (f) The Cleaning Enterprises (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 72 of 2012).
- (g) The Distributive Trades (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 73 of 2012).
- (h) The Domestic Workers (Remuneration) (Amendment) Regulations 2012 (Government Notice No. 74 of 2012).
- (i) The Electrical, Engineering and Mechanical Workshops (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 75 of 2012).
- (j) The Export Enterprises (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No.76 of 2012).
- (k) The Factory Employees (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 77 of 2012).
- (l) The Field-Crop and Orchard Workers (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 78 of 2012).
- (m) The Light Metal and Wooden Furniture Workshops (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 79 of 2012).
- (n) The Livestock Workers (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 80 of 2012).
- (o) The Newspaper and Periodicals Employees (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 81 of 2012).
- (p) The Nursing Homes (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 82 of 2012).
- (q) The Office Attendants (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 83 of 2012).
- (r) The Pre-Primary School Employees (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 84 of 2012).

- (s) The Printing Industry (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 85 of 2012).
- (t) The Private Secondary School Employees (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 86 of 2012).
- (u) The Public Transport (Buses) Workers (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 87 of 2012).
- (v) The Road Haulage Industry (Remuneration) (Amendment) Regulations 2012 (Government Notice No. 88 of 2012).
- (w) The Salt-Manufacturing Industry (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 89 of 2012).
- (x) The Sugar Industry (Agricultural Workers) (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 90 of 2012).
- (y) The Sugar Industry (Non-Agricultural Workers) (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 91 of 2012).
- (z) The Tailoring Trade (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 92 of 2012).
- (aa) The Tea Industry Workers (Remuneration Order) (Amendment) Regulations 2012 (Government Notice No. 93 of 2012).
- (ab) The Travel Agents and Tour Operators Workers Remuneration (Amendment) Regulations 2012 (Government Notice No. 94 of 2012).

ORAL ANSWERS TO QUESTIONS

MADAGASCAR - ROSEWOOD - SMUGGLING

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the alleged case of smuggling of rosewood in June 2011 from Madagascar, he will, for the benefit of the House, obtain from the –

- (a) Commissioner of Police, information as to if the Police inquiry has now been completed and, if so, the outcome thereof –
 - (i) indicating the entity or person who was informed by the *Bureau Indépendant Anti-Corruption* (BIANCO) Madagascar that it is in

possession of a recording of a phone conversation involving a Mauritian politician, and

(ii) obtain and lay copy of the letter dated 02 August 2011 from the Ministry of Justice of Madagascar requesting assistance, and

(b) Independent Commission Against Corruption, information as to if *BIANCO* Madagascar requested assistance therefrom.

The Prime Minister: Mr Speaker, Sir, regarding part (a) of the question, Police enquiry, in the light of information received, is continuing as I stated in my reply to PQ B/48 at our last Tuesday's sitting. The outcome will thus have to be awaited.

In regard to the enquiry which was initiated in Mauritius, I refer the hon. Leader of the Opposition to the statement by the hon. vice-Prime Minister, Minister of Finance and Economic Development in the House last week. In fact as indicated by him, in June 2011, when he was still Minister of Social Integration, he received a phone call from the then Prime Minister of Madagascar concerning an alleged shipment of rosewood which was to transit through Port Louis. The then Prime Minister of Madagascar gave him the identification number of the container for its interception.

Immediately, the hon. vice-Prime Minister, Minister of Finance and Economic Development called the Director-General of the Mauritius Revenue Authority to inform him of same.

I should add, Mr Speaker, Sir, that ADSU had already received the intelligence of the illegal shipment of '*Bois de Rose*' on six containers, not one.

Later on, on the same date, the Director-General of the Mauritius Revenue Authority called the hon. vice-Prime Minister, Minister of Finance and Economic Development and informed him that not one but six containers had been seized. The same week, he informed his colleagues in Government. Sometime later, whilst he was still at the Ministry of Social Integration, he received a request from the then Prime Minister asking for support for the restitution of the said containers to the Government of Madagascar in view of the very high value of their contents.

On 23 August 2011, our Mission in Madagascar transmitted a copy of a press article which appeared in a Malagasy newspaper "*La Gazette*" referring to, I quote -

“Un enregistrement d’une conversation téléphonique entre un politicien mauricien, commanditaire de six conteneurs de Bois de Rose saisis par les douaniers à Port Louis, et son contact malgache pourrait faire prendre une nouvelle tournure à l’enquête menée par le Bureau indépendant anticorruption de Madagascar (BIANCO). Cette enquête pourrait connaître un nouveau développement dans les jours à venir après que le Bureau indépendant anticorruption avait informé les autorités mauriciennes que ses enquêteurs sont en possession de cet enregistrement compromettant. Dans cette conversation qui a été transcrite par les autorités malgaches, le politicien mauricien donne des instructions à l’individu en question pour aller superviser l’abattage des arbres de Bois de Rose jusqu’à leur embarquement à bord du cargo.” Unquote

Mr Speaker, Sir, in a letter dated 14 September 2011, our Mission in Madagascar forwarded to ADSU through the Commissioner of Police a letter from General Richard Ravalomana, *Chef de Gendarmerie of Analamanga* region conveying information to Mauritius Police regarding the Malagasy persons involved in the traffic of Rosewood. In that letter the General gave a list of “*coordonnées téléphoniques*” and other information regarding persons involved in this matter. For obvious reasons, this cannot be made public because of the ongoing enquiry.

Regarding part (a) (ii) of the question, I am advised that the request dated 02 August 2011 from the Minister of Justice of Madagascar was addressed to the hon. Attorney-General and is a privileged document by virtue of section 20 of the Mutual Assistance in Criminal and Related Matters Act, and its disclosure constitutes a criminal offence under section 22 of that Act. However, strictly for the purpose of allowing the hon. Leader of the Opposition to ascertain the contents of the request and in the interest of transparency, I am prepared to hand over a copy of the request to him, whilst drawing his attention to the provisions of sections 20 and 22 of the Mutual Assistance in Criminal and Related Matters Act.

In regard to part (b) of the question, the ICAC started an investigation on 28 June 2011 following the receipt of a signed letter dated 27 June 2011 from Mr Richard Via, *Chargé d’affaires* at the Madagascar Embassy requesting an investigation into the transshipment of the containers of ‘*Bois de Rose*’ wood coming fraudulently from Madagascar. According to

complainant, there might be cases of corruption and money laundering behind the suspicious transshipment which can be a threat to the economy of the two countries.

On 29 June 2011, the BIANCO made a request to ICAC for the gathering of information in respect of the six containers suspected to contain “*Bois de Rose*” and seized by the Mauritius Customs.

On 06 July 2011, the ICAC sent a letter to the Mauritius Revenue Authority asking for information on the issue of the seized containers.

On 11 July 2011, the Mauritius Customs informed the ICAC that on 18 June 2011, six containers coming from Madagascar were intercepted and seized when found to contain suspected ‘*Bois de Rose*’ wood. The wood is suspected to be Rosewood which is actually a prohibited export in Madagascar and the Customs Declaration forms revealed to be fake. According to the manifest, the goods were meant for transshipment to China and described as dried beans, worked horns and Aquaris. In fact, these were found to be ‘*Bois de Rose*’ wood and fishing products when verified by the Mauritian Customs. Moreover, the country of destination was mentioned as Kenya, instead of China and Hong Kong. A Custom Offence Report has been opened and the matter has been referred to ADSU on 12 August 2011.

Mr Speaker, Sir, from information provided by the Malagasy Authorities, the Customs declaration dated 09 June 2011 relating to the containers showed the destination of the goods as Kenya, but on 12 June 2011 the documents were modified in order to show the destination as China. In fact, the Cargo manifest also indicated the final destination as China.

Mr Speaker, Sir, I am informed that ADSU is proceeding with its inquiry in the light of new and sensitive intelligence it has received.

I should like to inform the House that a letter dated 03 January 2012 addressed to the Minister of Environment and Sustainable Development and the Director-General of the Mauritius Revenue Authority, the Ministry of Environment and Forests of the Malagasy Republic having as object “*Demande d’Assistance Administrative Mutuelle pour les six conteneurs de rondins de bois interceptés et saisis à Maurice*” stated, I quote -

“Nous voudrions en premier lieu, vous exprimer notre reconnaissance pour l’excellente coopération dont ont fait preuve les autorités Mauriciennes dans le cadre de la Convention d’Assistance Administrative Mutuelle entre nos deux pays.

Par courrier de la Direction Générale des Douanes sus référencé, confirmé par les saisines émises respectivement par le Ministère de la Justice et le Ministère des Affaires Etrangères du Gouvernement de Madagascar, nous avons sollicité l'assistance des autorités mauriciennes, pour la saisie et le rapatriement de six conteneurs de rondins de bois mentionnés en objet, illégalement exportés de Madagascar et interceptés par les services de la Douane de votre pays.

Il se trouve que conformément à l'Ordonnance No. 2011-001 du 08 août 2011, portant réglementation et répression des infractions relatives aux bois de rose et d'ébène à Madagascar, le Gouvernement de notre pays a pris la décision de procéder à la mise en vente des bois de rose et d'ébène saisis et confisqués, au bénéfice du pays tout entier. Suivant les principes de bonne gouvernance et de transparence, il a été confié au Ministère de l'Environnement et de Forêts de lancer un appel d'offres international ouvert pour la vente de la totalité des stocks de bois précieux dûment saisis."

On receipt of the letter, the Director-General of the Mauritius Revenue Authority sought the advice of the Attorney General's Office on the matter. The Attorney General's Office in a letter dated 02 May 2012 indicated, and I quote -

"As regards the 'auctioning' of the rosewood, you would have noted that it is still in the custody of the MRA and, therefore, the MRA can have resort to section 144(1) of the Customs Act for a public auction."

However, Mr Speaker, Sir, as the Police enquiry is ongoing, we will have to wait for the enquiry to be completed before contemplating any action.

Mr Bérenger: So, we are informed, Mr Speaker, Sir, that one year later, the police enquiry is still ongoing. Could I know the name of the police officer who has been in charge of the enquiry?

The Prime Minister: The police officer, here, in Mauritius?

Mr Bérenger: Yes, of course.

The Prime Minister: It is under enquiry by the Commissioner of Police, who has involved several officers, mainly from ADSU.

Mr Bérenger: We are one year later. Is the hon. Prime Minister in a position to tell us who has been questioned, who are the people who have given statements to the police to date, one year later, and whether the police have sought statements from any Member of Parliament?

The Prime Minister: The answer is no, Mr Speaker, Sir, because the enquiry is still going on. It appears, Mr Speaker, Sir, that we need to have more information from Madagascar and we are getting different types of information. That is why, the Commissioner of Police, I believe, is sending or has already sent people to cooperate with BIANCO there and see what additional information can be got from them.

Mr Bérenger: In fact, I have seen documents to the effect that it is one of the top international shipping firms, Mediterranean Shipping Company Ltd that handles those containers from Madagascar to Port Louis harbour, here, in Mauritius. Can I know whether all documents concerned have been impounded, especially whether a statement has been taken from those responsible at Mediterranean Shipping Company Ltd and whether, as I said, the bill of lading has been impounded, which would give us all required information on the movement from Madagascar to Mauritius?

The Prime Minister: Yes, in fact, the person who is in charge of the Mediterranean Shipping Company Ltd has been questioned. He has made a statement to the police and the bill has been impounded.

Mr Bérenger: Being given that, according to my information, at least two local firms here, in Mauritius - and I have the names, the names of the firms, the names of the people responsible - have been involved in the transshipment of those containers, here, in Mauritius, can I know whether the police have taken statements from these two firms and the people responsible in those two firms?

The Prime Minister: What we have, Mr Speaker, Sir, is the name of the exporter of the *Bois de Rose*, the booking agent in Madagascar for the export of this, and then the forwarding agent, Mr Raoul, who has already been arrested by the Malagasy authorities. Then, there is the declarant, which is the *Compagnie des Comptoirs de Madagascar*, the shipping agent which is the Mediterranean Shipping Company Ltd, which is a mother company from Geneva. There has been identification of the people who actually effected payment in kind to the maritime company for the transport of the containers. There are two people's names which are involved. According to information that we have received that people, here, in Mauritius have participated in this traffic *de Bois de Rose*, there is a *gérant de la Société* Princewood Ltd and her former husband is a resident of Mauritius, and then there is the PDG du Group Sodina who has activities in Mauritius. All these people are being questioned.

Mr Bérenger: May I know from the hon. Prime Minister whether the police enquiry has looked into the following? My information is that a very important businessman, who was subject to an *interdiction de sortie du territoire malgache en date du 7 juillet* - I have the reference and everything. I am sure the police should have it - this year, in fact, left Madagascar on 13 July at 15.00 hours in the afternoon to come here to Mauritius. Can I know whether the police are aware of that, whether statements have been taken from that person, whether we know what he was up to and who he met, here, in Mauritius?

The Prime Minister: My understanding, Mr Speaker, Sir, is that the police are questioning all the people involved, including that person. First of all, we need to know how he was able to leave Madagascar when he was supposed not to have left Madagascar. All these people involved are being questioned.

Mr Bérenger: At this point in time, is the hon. Prime Minister aware whether he has met any Member of Parliament?

The Prime Minister: Not that I am aware of, Mr Speaker, Sir.

Mr Bérenger: As far as the information to the effect that BIANCO supposedly was in presence of a recording of a telephone conversation implicating a Mauritian parliamentarian, the hon. Prime Minister will agree that he was totally categorical last Tuesday when he said: 'he said that BIANCO are in possession of a recording of a phone conversation implicating a Mauritian politician in this smuggling case.' He will agree with me that today he has admitted that it is not BIANCO who said that, but a press article reported BIANCO as being in presence of such a recording. He aware that last Wednesday, the day following his categorical statement that BIANCO had said so, the Director-General of BIANCO, Mr Rabetrano, in fact, denied on Radio Plus, publicly that, and I quote, Mr Speaker, Sir -

« J'ignore l'existence de cet enregistrement. Peut-être qu'il est avec quelqu'un de haut placé, mais en tout cas pas chez nous. Notre enquête n'a pas révélé une quelconque existence d'un enregistrement. »

Can I know whether I am right in saying that it is not BIANCO that gave that information - they have, in fact, denied it - and that it is in a press article, to which the hon. Prime Minister referred?

The Prime Minister: Mr Speaker, Sir, we have to be very careful because there are people who are involved in Madagascar itself, in that traffic. So, everybody is trying to run for cover. So, I would be very careful with this. What is a fact is that the article has appeared in a

press that somebody sent it to our Mission in Madagascar, which I referred to, and if you note, he himself says: maybe that exists, but not from there. But my information is that actually the enquiry is going on, that is why we have sent people from ADSU apparently. If you look at what I have also mentioned about the General Ravalomanana, he also mentions - I think I quoted it just now. He is the *Chef de Gendarmerie* d'Analamanga region. He conveyed information about a list of *coordonnées téléphoniques* and other information regarding persons involved in this matter, including people here. For obvious reason, I have said this cannot be made public at this stage, but enquiry is going on about this, whatever telephonic conversation there has been.

Mr Bérenger: The fact remains that BIANCO has denied being in presence of a phone conversation, contradicting...

(Interruptions)

...what the hon. Prime Minister said.

Mr Speaker: Order! Some order, please!

(Interruptions)

Some order, please!

Mr Bérenger: Mr Speaker, Sir, I will look carefully at the copy of the letter from the Minister of Justice of Madagascar to the Government of Mauritius, which will be provided to me by the hon. Prime Minister. In that letter, is any reference made to contacts between a present Minister of this Government and people in Madagascar involved in this *trafic de Bois de Rose*?

(Interruptions)

The Prime Minister: Mr Speaker, Sir, I am going to give the letter, in fact, so that there is no insinuation of things that do not exist. There is a copy of the letter, Mr Speaker, Sir; if I can give it to the hon. Leader of the Opposition.

(Interruptions)

Mr Speaker: It should not be laid on the Table; it has to be given directly to the hon. Leader of the Opposition.

(Interruptions)

The Prime Minister: And I also want to say I am not denying that this...

(Interruptions)

Mr Speaker: This is not a document which can be laid on the Table.

The Prime Minister: I am not saying that this telephone conversation does not exist. I am not saying that. I am not denying it.

(Interruptions)

Mr Bérenger: So, police enquiry is still on one year later. I would like a point of clarification, as to whether ICAC is also in parallel carrying out an enquiry.

The Prime Minister: Yes, ICAC also is carrying out an inquiry, but, as I said, Mr Speaker, there have been new information, sensitive information, that have been given, and that is why the inquiry is still going on.

Mr Bérenger: Can the hon. Prime Minister enlighten us? In cases like that, where the police, I suppose, have started an inquiry one year ago and then ICAC starts an inquiry. Which is which? Who is responsible for what?

The Prime Minister: Mr Speaker, Sir, there have been requests for inquiries to be carried out. First of all, as I said, the Minister for Environment and Forests himself and the Commissioner of Police of Madagascar came to Mauritius and, after having looked at everything, they suggested that the goods be repatriated to Madagascar, but ICAC started an investigation. There was a letter from different sources to say that we should look at it as an anticorruption and money laundering question. That is why ICAC was involved. The Customs had done the investigation; the ADSU is doing the investigation. In fact, it has to be said that ICAC is relying partly on the information that we will get from the police who have gone to Madagascar to try to get the maximum information possible.

Mr Bérenger: Also the police inquiry is on one year later, and now ICAC has started its own inquiry. Can I know, specifically in that case of that big businessman I referred to, who surprisingly travelled to Mauritius in spite of, as I said, *une interdiction de sortie du territoire*, had been communicated to the airlines and to all the authorities concerned. Can I know whether it is the police or ICAC which is going to deal with this important businessman to find out especially who he met here in Mauritius?

The Prime Minister: I don't know whether we are talking about the same person, Mr Speaker, Sir. There is a *gérant de la société* Princewood Limited who is a lady and her ex-husband resides in Mauritius. I don't know whether we are referring to the same person, but these people have been questioned by the police and are still being questioned by the police.

Mr Bérenger: I referred specifically to a big businessman. As I said, there is *an interdiction de sortie du territoire en date du 07 juillet* and I have the reference. I hope that the police do have the reference also. He travelled into Mauritius on 30 July having caught the plane in Tananarive at 15.00 hours on that day. That is the gentleman I have in mind. I want to know whether it is the police or ICAC who is going to establish who he met here in Mauritius.

The Prime Minister: Mr Speaker, Sir, there are insinuations. In fact, I don't know what the hon. Leader of the Opposition is trying to say, who he met. I don't know whether he can tell us the name then we can be sure whether we are talking about the same person, because I have different names here, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Let the Prime Minister answer.

The Prime Minister: We have different names. Different people are being questioned. We need to know who we are referring to, Mr Speaker, Sir, unless the Leader of the Opposition wants to give it to me later; I don't know. It just shows he was not supposed to leave Madagascar, but he managed to leave Madagascar. So, we can see the web of involvement of people in Madagascar itself.

Mr Bérenger: I said last week that it looks as if a police inquiry will not allow us to see clearly who is involved, what took place and so on. It is more than a year now that the police inquiry started, and ICAC has started an inquiry on its own. Can I ask the hon. Prime Minister to keep us posted as soon as the police inquiry is over?

(Interruptions)

Mr Speaker: Order! Order!

(Interruptions)

The Prime Minister has said to the Leader of the Opposition, while answering the question, if he can communicate the name to him. That is the end of the matter. I don't want any provocation from anybody here.

Mr Jugnauth: Can the hon. Prime Minister say, since it is a very serious issue, whether the then Minister of Social Integration, hon. Xavier Luc Duval, has raised this matter at any meeting or committee at Government level and, if so, when, and at what meeting?

Mr Speaker: I will rule that question concerning Cabinet matters. Cabinet matters cannot be made a subject question unless it is outside Cabinet.

Mr Jugnauth: Had hon. Xavier Luc Duval, at that time, raised this matter at Government level and, if so, when, and at what time?

The Prime Minister: The answer is yes. In fact, I mentioned that when he got the information from the then Prime Minister of Madagascar, he immediately informed the MRA, and then he informed Government at the next meeting.

Mr Bhagwan: Can I know from the hon. Prime Minister, if the gentleman was forbidden to leave Madagascar, how could he board Air Mauritius? Has any inquiry been made with Air Mauritius? How did they allow this passenger to travel by Air Mauritius?

The Prime Minister: Mr Speaker, Sir, you know it is difficult to answer the question when we don't know who actually the hon. Member is referring to. If he gives me the name, I will be able to tell him.

Mr Speaker: I would like here to inform hon. Jugnauth that last week when the vice-Prime Minister and Minister of Finance gave a personal explanation, he stated: 'Sir, I informed Government at all times of the above.'

(Interruptions)

Order! Order I said. Hon. Duval, I will never allow you to have cross-talks! Please!

Mr Jhugroo: Can I ask the hon. Prime Minister why did the Prime Minister of Madagascar at all times interact with the vice-Prime Minister, Xavier-Luc Duval, and not the Prime Minister of Mauritius? Is the Prime Minister aware that, on a private visit to Madagascar last year, the vice-Prime Minister met some political personalities with regard to this issue?

Mr Speaker: The Prime Minister cannot be answerable to the House as to why the Prime Minister of Madagascar talked to the vice-Prime Minister.

(Interruptions)

Mr Roopun: If there is no legal impediment, is the Prime Minister ready to lay before this House the two letters addressed by the Ministry of Environment of Madagascar?

The Prime Minister: Mr Speaker, Sir, there is an inquiry going on. These are all sensitive matters. I cannot now come and lay it. This is why I said I am giving only the Leader of the Opposition, because this is going to be against the law if we do that. There is an inquiry, and we must remember also, Mr Speaker, Sir, that people in Madagascar who are involved are also trying to cover up. So, we have to be careful of what is happening.

Mr Uteem: The hon. Prime Minister mentioned that inquiry is still ongoing, and yet there was a request for assistance from Madagascar. May I know from the hon. Prime Minister whether he is aware if the inquiry in Madagascar in this matter has been completed and, if not, does he have a feeling about when this inquiry will be over?

The Prime Minister: Well, in fact, we are surprised that the inquiry in Madagascar has been completed, precisely because there are people involved in Madagascar. If the hon. Member wants me to spell it out, that is why there is cover-up. That is we have to be very careful. That is why we don't have to believe everything that is being given to us from Madagascar.

Mr Jugnauth: Is the hon. Prime Minister aware that, in 2009, there was a Mauritian company by the name of Sunover Size Limited which, on two occasions, had imported rosewood from Madagascar, and whether an inquiry has been conducted with regard to this matter?

Mr Speaker: This question relates to the woods that have been imported on a specific date, that is, in June 2011. Therefore, if the hon. Member wants to put a question about woods imported in 2009, he can come with a substantive question.

Mr Bérenger: My question to the hon. Prime Minister is: can we be given the assurance that, since now ICAC is starting an enquiry and the police have been enquiring for more than one year by now, we won't have the kind of situation that prevailed in reference to Med Point, that is, ICAC going on and on and on, for months and months, without coming to any conclusion, and that in this case, the police are enquiring and that ICAC's enquiry...

(Interruptions)

Mr Speaker: Let me hear the question!

Mr Bérenger: ...will be completed as soon as possible?

The Prime Minister: We hope, Mr Speaker, Sir, that we can get to the bottom of this matter as soon as possible, but I cannot go and tell ICAC to do this or to do that, as the hon. Leader of the Opposition knows. But it is our wish that this enquiry comes to an end, and we get to the bottom of the matter.

Mr Speaker: Questions addressed Dr. the hon. Prime Minister! The Table has been advised that PQ No. B/115 addressed to Dr. the hon. Prime Minister will be replied by the hon. Minister of Housing and Lands. Hon. Dr. Sorefan!

SORÈZE – ACCIDENT – 31 MARCH 2012

(No. B/102) **Dr R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the accident that occurred on 31 March 2012, at the Sorèze diversion, in which two persons died, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto, indicating if the lorry has been examined by the police expert and by the Forensic Science Laboratory and, if so, table copy of the reports thereof in connection therewith.

The Prime Minister: Mr Speaker, Sir, may I start my reply by extending my deepest sympathy to the families who have lost their dear ones in the accident which occurred on 31 March 2012 at the New Trunk Road, Sorèze.

The Commissioner of Police has informed that on that date at 12.30 hours, a fatal road accident occurred at Sorèze involving a Prime Mover drawing two trailers, a private lorry and a private car. The driver of the Prime Mover and the helper of the private lorry were killed in the accident. Two persons were injured and they were admitted to Victoria Hospital. Four other persons sustained slight injuries and were given medical treatment.

I am also informed by the Commissioner of Police that investigation is continuing. Both the lorry and the trailers were examined by the Police Vehicle Examiner and the Mechanical Engineer of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping. Exhibits have been sent to Forensic Science Laboratory for further investigation.

It would not be in order to table any document related to the enquiry, prior to the enquiry being completed and the file being sent to the Office of the Director of Public Prosecutions for advice.

At this stage, when the enquiry is still ongoing, documents connected to the enquiry are privileged.

Dr. Sorefan: May I know from the hon. Prime Minister if the lorry concerned is equipped with an air brake system?

The Prime Minister: I believe so, Mr Speaker, Sir.

Dr. Sorefan: May I know from the hon. Prime Minister if, with the air brake system, this brake does not work, the fail system takes over, and the lorry will stop before the accident?

Mr Speaker: This is a technical question...

(Interruptions)

The Prime Minister: I am not an engineer to be able to answer this question, Mr Speaker, Sir.

Mr Speaker: I have just made an announcement in the House. Do not waste time.

Mr Lesjongard: Does the hon. Prime Minister agree with what all drivers of this country - including myself - are saying, that although this is a temporary deviation, this is the most stupid and dangerous curve ever to be designed and implemented on our highway?

The Prime Minister: No, I do not agree, Mr Speaker, Sir. I have been told that there was no other way, and we had to do this diversion. They have posted all sorts of warnings - in fact, 90 warnings, I am told, at different places - to show that the speed limit has been changed. But unfortunately, many people do not respect the speed limit.

Mr Bhagwan: Following what happened, even the enquiry is still on, the question of problems with the brakes was mentioned. Has Government initiated action with regard to the importation of second-hand heavy lorries, about their braking system being well checked at the NTA, and whether this is being done? Is Government making doubly sure that imported second-hand of such type of lorries have a special check at our fitness centre?

The Prime Minister: We are, in fact, having checks for the old vehicles; this is being privatised because we need to have it done properly, as there are too many. Also, we are introducing what we call speed limiters in lorries, so that they cannot go at a certain speed. To answer your question, I believe this is being done, but I have to check to say.

(Interruptions)

This would be illegal.

Mr Obeegadoo: Is the hon. Prime Minister aware that, in the aftermath of this accident, there has been a quite ridiculous speed limit of 40 km per hour imposed on that stretch of road, with cameras and police officers monitoring, as a result of which all measures to facilitate traffic for fluidity are now being negated, whereas the real source of danger is the design of the diversion? Is he aware of that and, if so, for how long will motorists have, day in and day out, to bear with this diversion, and the associated speed limit of 40 km per hr?

The Prime Minister: Mr Speaker, Sir, we cannot say that we are the experts and we know what kind of diversion we have to bear. There are experts who work on this field, and they

have decided that this is so - they had no choice but to have this diversion. This will have to be so until the work is finished. I believe it should be by September.

Mr Lesjongard: On that day, our main highway was blocked for six hours. Vehicle drivers had to spend almost six hours on the road. Can I know what measures are being now taken to prevent same in the future if ever we have an accident on the highway? Because the hon. Minister responsible said that we do not have an emergency lane on our highway.

The Prime Minister: That is why we are extending the highways in places where we can do three lanes, Mr Speaker, Sir. But this is not new. Every time there is an accident, the same thing happens. Since years, it is the same problem. In fact, Mr Speaker, Sir, the police are doing what they can to have everything removed in time. But, unfortunately, it was at a place where it was difficult to get access to.

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Prime Minister whether there is an emergency plan which would allow the police helicopter to get near, so as to be able to remove any casualties because the traffic is too blocked at the time of an accident?

Mr Speaker: We are talking of this accident.

The Prime Minister: In fact, there are plans not only for helicopters. We have amended the regulations to allow even motorcycles with first aid to be able to go through traffic, when there is heavy traffic, to be able to give assistance to everybody immediately.

Mr Jhugroo: Can I ask the hon. Prime Minister why this speed limit of 40 km has been introduced - not before the accident - and what criteria are being used to decide for the speed limit?

The Prime Minister: It's the experts who decide, Mr Speaker, Sir. They already had put a speed limit at that time, and I think they might have reduced it, I don't know, but these are matters for experts.

Mr Speaker: Last question, hon. Dr. Sorefan.

Dr. Sorefan: Can I know from the hon. Prime Minister whether this tortuous diversion was done on the eve when the contractor decided to do the underpass - it was just on the eve that they decided to do it - and whether he is aware if the Egyptian consultant working for this contractor did it in Mauritius?

The Prime Minister: It is not the case, Mr Speaker, Sir. This has been pre-planned since a long time; it is not just one day before that they decided to do the diversion.

MBC – TELEVISION NEWS BULLETIN - 01 MAY 2012 –

(No. B/103) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the television news bulletins of the 1 May 2012, he will –

- (a) for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to if the 7.30 p.m. edition thereof was delayed and if so, indicate
 - (i) the reasons therefor;
 - (ii) the time at which it was broadcast, and
 - (iii) if the content of the 6.00 p.m. and 7.00 p.m. editions thereof were different from that of the 7.30 p.m. edition and if so, indicate the reasons therefor, and
- (b) state if he has received representations to the effect that the different editions thereof were broadcast in a biased and impartial manner.

The Prime Minister: Mr Speaker, Sir, in regard to parts (a), (a)(i) and (a)(ii) of the question, I am informed by the Director-General of the Corporation that all news bulletins, that is, Hindustani, English, Kreol and French, are run from the news studio of the MBC.

The television news bulletin of 19.30 hours on 01 May 2012 was delayed as the first news bulletin on that day, that is, the Hindustani bulletin had overrun by 19 minutes. In fact, it started normally at 18.00 hours, but ended at 18.39 hours. Consequently, the English and the Kreol bulletins started later than the scheduled time.

The English news bulletin started at 18.44 hours and ended at 19.15 hours whereas the Kreol news bulletin was presented from 19.23 hours to 19.52 hours. Thus, the French news bulletin started at 20.00 hours.

The Hindustani, English, Kreol and French bulletins overran on that day on account of numerous events covered in the context of the Labour Day and the Shivaji Day.

The Director-General has pointed out that, in exceptional circumstances, the news bulletins of the MBC have been delayed, for instance on the occasion of the Budget Day, the Election Day and the presentation of the Government Programme.

In regard to part (a)(iii) of the question, I am informed by the Director-General of the Corporation that all television news bulletins contain substantially the same elements of information.

However, all the news bulletins are not of the same duration. As the French news bulletin is twice as long as the Hindustani and Kreol news bulletin, the news items in the French news bulletin are broadcast/presented in more details.

In the Hindustani and Kreol bulletins of 01 May 2012, concise reports on the two public gatherings at Port Louis and Vacoas respectively were aired, whereas in the French news bulletin the report was more elaborate and consequently with more images.

Regarding part (b) of the question, I have not been made aware of any such representations that have been received.

Mr Bhagwan: Can I know from the hon. Prime Minister whether the Director-General of the MBC was taken to task by himself, by Government following the 7.00 and the 6.00 hours bulletins because the MBC, in the edition, showed the presence of foreign workers?

(Interruptions)

Mr Speaker: Hon. Bhagwan!

(Interruptions)

I said order!

(Interruptions)

No, I have not finished hon. Bhagwan! May I request the hon. Member that, at Question Time, he cannot make a speech! He has just to put the question, and ask whether the Director-General of the MBC was taken to task by the Prime Minister.

Mr Bhagwan: I am giving the reason as to why they were taken to task because when the camera of the MBC was travelling on the crowd at the 7.00 and the 6.00 hours bulletins, it showed the presence of hundreds and thousands of foreign workers.

(Interruptions)

The Prime Minister: It just shows *combien de mal cela a fait*.

(Interruptions)

But perhaps he should ask – I don't know whether I should say colleague or friend or whatever - hon. Soodhun whether he contacted Bangladeshi workers to come to the meeting.

(Interruptions)

Mr Speaker: Order! Time is running out! I just made a statement.

(Interruptions)

No! I am calling both sides of the House to keep quiet!

(Interruptions)

Alright! Come on, hon. Bhagwan! Order now!

Mr Bhagwan: The Prime Minister has not replied whether he, personally, has taken to task the Director-General on that particular night. 'Mr Ciseaux' was taken to task - Mr Callikan - for having prepared ...

(Interruptions)

Mr Speaker: I don't understand who is 'Mr Ciseaux'! The hon. Member has to say who. He is making a joke at question time, it is not possible. I will not allow this!

(Interruptions)

Mr Bhagwan: *Li servi ciseaux tous les jours pou coupe film l'opposition !*

(Interruptions)

Mr Speaker: I don't know who that is! The Chair has to understand the question.

The Prime Minister: I don't know whether the hon. Member is mixing up between *rasoir* and *ciseaux*, but I don't know any 'Mr Ciseaux'.

(Interruptions)

Mr Speaker: Hon. Jugnauth!

Mr Jugnauth: The hon. Prime Minister is saying here that because of Shivaji day and because of Labour Day those bulletins were delayed. Now, every year, there is Shivaji day and Labour Day. Why is it that, for so many years, these bulletins have not been delayed, and it is only now, in this case, that they have been delayed?

The Prime Minister: I was about to say that but, in fact, I thank the hon. Member for asking me the question. In fact, every year it is delayed.

(Interruptions)

Mr Fakeemeeah: Mr Speaker, Sir, does the hon. Prime Minister find it proper that my party obtained only 54 seconds coverage on 01 May, and that some comics hanging themselves in public obtained 1 minute 54 seconds?

(Interruptions)

Mr Speaker: Order! I think the hon. Member has to rephrase his question; whether what he said was in order. He must not ask the opinion of the Prime Minister.

Mr Fakeemeeah: Does the hon. Prime Minister find it in order ...

(Interruptions)

Mr Speaker: Whether that was in order. The hon. Member must not ask the hon. Prime Minister whether that was in order.

Mr Fakeemeeah: ... that we, elected Members of this House, obtained only 54 seconds of coverage on 01 May, whereas some comics hanging themselves publicly obtained 1 minute 54 seconds?

The Prime Minister: I think probably because they were being comical, I don't know, Mr Speaker, Sir. But I think I am going to refer this matter to the Director-General of the MBC.

Mr Obeegadoo: Mr Speaker, Sir, I have listened carefully to the Prime Minister. Is he aware that not only were the news broadcast delayed, but that the images shown of the two public rallies differ as between the 6.00 p.m. broadcast and the one which came at 7.44 p.m., and if so, why is it?

The Prime Minister: I have just explained, Mr Speaker, Sir, from the very start, that it was delayed, that the French programme, the news bulletin is longer and in more detail. Is the hon. Member suggesting that I made a new film at the time?

Mr Bhagwan: Mr Speaker, Sir, can the hon. Prime Minister, at least, inform the House whether now that there is unanimity in the country that the Director-General of the MBC/TV ...

(Interruptions)

You are saying "no". I have not yet finished, Sir!

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Bhagwan: Many of them want to take your place, Sir! Mr Speaker, Sir, from what we have seen of the broadcast of 01 May, we confirm that the MBC is acting more like *un outil de propagande pour le gouvernement et le Directeur général comme un agent politique*. Can the hon. Prime Minister inform the House when he is coming to bring legislation to have a free and fair TV in Mauritius?

The Prime Minister: Well, hon. Bhagwan should also refer to press coverage; whether it is not biased or whether it is proper. He just has to look at the pictures. You need to have a fair balance everywhere.

(Interruptions)

Mr Speaker: Hon. Guimbeau! That will be the last question.

Mr Guimbeau: Mr Speaker, Sir, I would like to make a proposition to the hon. Prime Minister. I think the best thing to do, Mr Speaker, Sir, is to get Mr Dan Callikan to resign and put a professional at the head of the MBC; and this will do it, Mr Speaker, Sir.

The Prime Minister: But Mr Callikan is a professional.

MBC – MR J. V. - EMPLOYMENT

(No. B/104) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr J. V., he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to -

- (a) the capacity in which he is employed, indicating -
 - (i) since when;
 - (ii) his qualifications, and
 - (iii) terms and conditions of employment, and
- (b) if he had previously been employed by the Corporation, and if so, indicate the -
 - (i) post held;
 - (ii) period of employment, and
 - (iii) reasons as to why he had left.

The Prime Minister: Mr Speaker, Sir, in regard to parts (a), (a)(i) and (a)(ii) of the question, I am informed by the Director-General of the MBC that Mr J.V. is employed as News Research Officer, on contract basis, since 01 October 2009. He holds the following qualifications -

- Cambridge GCE (O Level);
- Cambridge GCE (A Level);
- *Attestation de Stage “Perfectionnement aux techniques du journalisme”;*
- *Cours de Perfectionnement aux techniques du journalisme (l'école des métiers de l'information à Paris).*

Prior to that, he worked as a journalist. He was also Chief Editor from July 2003 to September 2009 at *Radio Plus*.

Regarding part (a) (iii) of the question, the Director-General has informed that Mr J.V.'s terms and conditions of employment are in accordance with the provisions of the Pay Research Bureau Report 2008.

In regard to parts (b), (b)(i), (b)(ii) and (b)(iii) of the question, I am informed by the Director-General of the Corporation that Mr J.V. was employed by the MBC as Freelance News Editor from December 1998 to June 2000, when he resigned from the services of the Corporation on his own and not as a result of disciplinary action against him.

Mr Jhugroo: Mr Speaker, Sir, can I ask the hon. Prime Minister whether there was a case of falsification of his academic qualification and for this reason he has not resigned but was sacked from the MBC? On the other hand, he has been re-employed, and you have other...

Mr Speaker: One question at a time, please!

The Prime Minister: In fact, I just said, Mr Speaker, Sir, that he was not sacked; he resigned.

Mr Speaker: He was not sacked...

The Prime Minister: And I am not aware of any falsification. I have all the certificates that the hon. Member is mentioning.

Mr Jhugroo: If the hon. Prime Minister does not have the information now, can I have it later from him?

The Prime Minister: I have just answered, Mr Speaker, Sir. I have just mentioned what are the qualifications that he has. This has been checked. He has not been sacked, but he himself resigned.

Mr Speaker: If the hon. Member has any further point to make on this question, he can raise it at Adjournment Time.

Mr Jhugroo: Is the hon. Prime Minister aware that *Mr Jean Valère avait agressé un de ses collègues de la MBC, un monteur technician*, with a cutter on the parking of Shoprite on or about 01 September 2011 *à cause d'une affaire de Coeur*, and this incident had been reported on the same day at the Rose Hill Police Station?

(Interruptions)

Mr Speaker: I will ask the hon. Member to put his question again because I want to know whether it is relevant or not.

(Interruptions)

Mr Speaker: Order!

Mr Jhugroo: Is the hon. Prime Minister aware that Mr J. V. *avait agressé un de ses collègues de la MBC, un monteur technicien* with a cutter on the parking of Shoprite on or about 01 September 2011 *à cause d'une affaire de coeur* and this incident had been reported on the same day at the Rose Hill Police Station? Can I know from the hon. Prime Minister what action has been taken by the Police and where matters stand?

The Prime Minister: Mr Speaker, Sir, I always say that nobody is above the law. If there has been a case of aggression, as the hon. Member is suggesting, and there has been a report to the police, I am sure the enquiry is going on. But if the hon. Member asks a substantive question, I will be able to give him the details.

Mr Jhugroo: Can I know from the hon. Prime Minister whether any internal enquiry has been carried out following this incident by the management of the MBC and, if so, what is the outcome thereof? If not, why not? Is it because he is the blue-eyed boy of the ...

(Interruptions)

Mr Speaker: No, I am sorry; the hon. Member cannot make comments. If he does that next time, I am not going to call him. He will not catch my eye. That is all. Hon. Bhagwan!

(Interruptions)

Do not make comments, please!

Mr Bhagwan: Has the hon. Prime Minister, as Minister responsible for the MBC/TV, received representations from the trade unions that undue favour is being given to the person against whom there have been accusations, whereas honest staff of the MBC are debarred from their promotion because that person is a *protégé du Directeur général*?

The Prime Minister: I am not aware of this, Mr Speaker, Sir.

Mr Bhagwan: Has the hon. Prime Minister received representations, written or verbal, even from the Chairperson of the MBC/TV?

The Prime Minister: Written by the Chairman of the MBC?

Mr Speaker: From?

(Interruptions)

The Prime Minister: I am not aware of this, Mr Speaker, Sir.

Mr Jhugroo: Can I ask the hon. Prime Minister whether Mr J. V. was present during his face-à-face avec *les journalistes de la radio* and, if so, can he inform the House whether his Security Adviser has approved his presence because ...

Mr Speaker: Not allowed! Hon. Jugnauth!

(Interruptions)

Mr Jugnauth: The hon. Prime Minister has just answered that he is not aware of a criminal case against Mr J. V. Since the question has been asked about Mr J. V. to the hon. Prime Minister, doesn't he find that serious that the MBC did not provide him with that information with regard to answering that question?

Mr Speaker: No, I allowed the question on a matter of flexibility. This is a question relating to whether he was sacked or he was not sacked. The hon. Prime Minister has answered the question. If a substantive question is put to him, he will give the information. Please, put the question! Next question, hon. Ameer Meea!

DRUGS - COMMISSION OF INQUIRY – SETTING UP

(No. B/105) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to drugs, he will state if consideration will be given for the setting up of a Commission of Inquiry to look into the aspects thereof.

(Interruptions)

Mr Speaker: Order! There is somebody on the other side who is provoking Members on this side of the House. He will get it from me! Wait!

(Interruptions)

Order now! Order, order! I have done my work.

(Interruptions)

Hon. Patrick Assirvaden, could you please keep quiet? Next time, I am warning you again, if you are going to provoke any Member on this side of the House, I will take action against you! Carry on, hon. Prime Minister!

(Interruptions)

Order, I said! I said order!

(Interruptions)

Now stop, on this side of the House!

The Prime Minister: Mr Speaker, Sir, with your permission, I am replying to Parliamentary Questions B/105 and B/110 together as they relate to the same issue.

My Government, Mr Speaker, Sir, is firmly committed to tackling the drug problem in our country. I have, on numerous occasions, stated in this very House that the fight against the drug scourge remains one of the priority issues of Government. Mauritius is, of course, not unique in having to confront this problem.

Drug abuse concerns the whole society and it has a profound and negative effect on communities, families and individuals. We all recognise the complexity of the drug problem and that is why I have always said that each one of us has a role to play in the fight against the drug scourge and contribute to build a better society for all.

In the Government Programme 2012–2015, we announced that Government will provide the Police with high tech equipment to combat drugs, smuggling and other illegal activities at sea. Also, stakeholders will be invited to assist Government in formulating a new approach to tackle drug-related crime. While traffickers will continue to be dealt with severely through the criminal justice system, more effective ways of reducing criminality of appropriate drug-abusing offenders by addressing their drug dependency.

Our approach to the drug problem is multi-faceted, involving collaboration with law enforcement agencies, the community, the health services, the Non-Governmental Organisations and other regional and international partners. The strategy, Mr Speaker, Sir, focuses on supply reduction, demand reduction and harm reduction, prevention and education, and, very importantly, on rehabilitation and treatment.

We are determined to reduce the drug supply further through a coordinated response across the law enforcement agencies and in collaboration with regional States and international organisations. There is already a “*Plateforme Sécurité*” at the Indian Ocean Commission whereby Police exchanges intelligence with their counterparts. We are providing the law enforcement agencies with the necessary tools and resources to crack down on drug traffickers.

Mr Speaker, Sir, new methods and technologies are increasingly being used to improve the operational capabilities of law enforcement agencies in combating drug trafficking. In this regard, a series of measures have been taken.

- (i) CCTV cameras have been installed in all operational areas in the Port, the Airport and the Parcel Post Office;
- (ii) scanners are being used for drug detection in passengers' luggage, courier and cargo. These equipment have been installed at various strategic points namely, the Mauritius Container Terminal and the Aurelie Perrine Passenger Terminal at the Port Louis Harbour and Government has recently made the acquisition of a container-scanner for the seaport;
- (iii) the Coastal Surveillance Radar System which comprises eight radars is operational as from April of last year, it enables the National Coast Guard to monitor the movements of vessels, pleasure crafts, yachts, private boats and pirogues passing close to mainland Mauritius, Rodrigues, Agalega and St Brandon against any illegal activities in the Mauritian waters. An Automatic Identification System is also operational round the clock;
- (iv) the Dog Unit which initially comprised three sniffer dogs, has been reinforced with the recent purchase of three additional sniffer dogs which are deployed at the Port, Airport and Parcel Post and Courier Services;
- (v) a dedicated Risk Management System at the Customs is operational since January 2010 for the collection, analysis and dissemination of intelligence, including drugs related matters. Alert messages on significant drugs seizures are communicated to the relevant agencies through the MRA Customs Intranet, and
- (vi) since August 2010, a national Customs Enforcement Network has been set up to facilitate the exchange and use of data by members of the World Customs Organisation in a timely, reliable and secure manner.

Government, Mr Speaker, Sir, has recently allocated an amount of Rs100 m. for the procurement of additional modern tools and equipment to reinforce the capacity of law enforcement agencies in the fight against drug trafficking. The purchase of patrol boats, scanners and drug identification tools are in progress.

As the trade of illicit drugs is a global business, networks have been established for sharing of drug-related intelligence at regional and international levels.

The measures taken by the law enforcement agencies coupled with intelligence-led approach are yielding positive results. The number of persons arrested in connection with drug

related offences has increased from 1,504 in 2000 to 1,899 in 2010, 1,910 in 2011. For this year, up to 13 May, the figure is 632.

Also, large quantities of illicit drugs have been seized. For instance, last year, about 3.6 kgs of heroin, 102.6 kgs of cannabis and 28,093 tablets of subutex were seized for a total value of Rs143 m. This year itself, 9,403 subutex tablets, 8.2 kgs of cannabis and 3.7 kgs of heroin with a total street value of Rs73,208,500 were seized.

In the fight against drug trafficking, Mr Speaker, Sir, it is universally recognised that one of the most effective tools is the seizure of the assets of those involved in drug trafficking. In April last year, the Asset Recovery Act was passed by this august Assembly. The Act was proclaimed on 01 February this year. This piece of legislation prescribes the procedure to enable the State to recover assets, which are proceeds or instrumentalities of crime or terrorist property, where a person has been convicted of an offence or where there has been no prosecution, but it can be proved on a balance of probabilities that the property represents proceeds or instrumentalities of an unlawful activity. The Act creates a comprehensive asset recovery framework which applies not only to drug offences, but also to all offences against the laws of Mauritius, which are punishable by a maximum term of imprisonment of not less than 12 months.

The Enforcement Authority established under the Asset Recovery Act under the aegis of the Office of the Director of Public Prosecutions, is operational as from February of this year. As at to date, 13 cases have been referred to the Enforcement Authority for investigation.

Now, the Asset Recovery Act, as I mentioned, will be further strengthened. In fact, in the Government Programme 2012 - 2015, we have announced that the Act will be amended to cover all accumulated assets of persons convicted of specified offences with retroactive effect. The Enforcement Authority would be vested with powers to probe into illegal assets, that is, proceeds of drugs, which had accrued to the guilty party as a benefit not only at the time the offence is detected, but also accumulated at a time prior to the detection of the illegal activity.

Mr Speaker, Sir, Government is determined to create a drug-free environment in the prisons. We have put in place a comprehensive range of security measures to prevent access to drugs in the prisons. The CCTV Camera Surveillance System is in place and BOSS chairs are being used to detect prohibited items. We are also exploring the potential of new technologies to

disrupt drugs from entering the prisons. Emphasis is also being laid on the rehabilitation and treatment of substance abusers in the prisons.

Mr Speaker, Sir, Government is fully conscious of the fact that in addition to repressive measures, there is need to reduce the harm caused by drugs to the society. We are creating an environment where the vast majority of people who have never taken drugs continue to resist any pressures to do so and those who are taking drugs to stop.

We are conscious of the fact that schools have to play a vital role in drug prevention activities. Provision has been made in the National Curriculum Framework in both primary and secondary schools to integrate drug abuse prevention within the curricula. Also, drug education and prevention programmes are being carried out at schools. Furthermore, sensitisation campaigns are held through workshops, talks and extra-curricular activities. School Health Clubs have been set up and psychological back-up services are being provided by the Education School Psychologist.

NATReSA has also been carrying out prevention activities in different sectors targeting students, young people and women.

In regard to treatment and rehabilitation of substance abusers, these are being undertaken by the Ministry of Health and Quality of Life with the support of NGOs and NATReSA. 12 centres are providing treatment and rehabilitation services to substance abusers. A harm reduction programme, which includes the Methadone Substitution Therapy Programme and the Needle Exchange Programme is in place since 2006. As at 30 April 2012, 5,393 drug abusers have been induced on the Methadone Substitution Therapy and some 5,600 beneficiaries have been registered on the Needle Exchange Programme.

The Ministry of Health and Quality of Life is also setting up Drop-in Centres to provide prevention, treatment and rehabilitation services to drug users.

I don't want to read everything, it is a long answer, Mr Speaker Sir, may be to come to the matter - because I need to explain - we need to say that, Mr Speaker, Sir, we have set up the appropriate legislative, institutional and the administrative framework to deal effectively with the problem of drug. We are continuously reviewing the operational capabilities of the law enforcement agencies.

However, hon. Members will also be aware that any evidence obtained in the course of a Commission of Inquiry cannot be used in any civil or criminal proceedings, except in perjury proceedings.

For these reasons, Mr Speaker, Sir, I do not, at this stage, propose to set up a Commission of Inquiry in regard to the drug problem. This being said, it should not be understood, Mr Speaker, Sir, to imply that I am against the setting up of a Commission of Inquiry, but whenever the need arises, we would set up a Commission of Inquiry.

Mr Ameer Meea: Can I ask the hon. Prime Minister if he is aware that, during his last meeting with Père Grégoire, the latter stated that during the meeting the hon. Prime Minister told him that he is not against the setting up of a Commission of Inquiry on drugs, and this was reported in the press back in March 2012?

The Prime Minister: That is correct, and this is what I have told.

Mr Guimbeau: M. le président, la raison pour laquelle je demande l'institution d'une commission d'enquête, c'est que je crois qu'il est important aujourd'hui de comprendre les ramifications derrière tout ce trafic de drogue. Il n'est pas normal qu'une île Maurice, un grain du sable dans l'océan, soit 'on top' de liste dans le trafic de drogue. Nous sommes devenus une plateforme. Il faut instituer une commission d'enquête afin de comprendre le système, parce que trop souvent ce sont les innocents qui payent les pots cassés, M. le président.

The Prime Minister: I have explained in my answer - maybe the hon. Member did not hear it - that I am not against the setting up of a Commission of Inquiry. We are getting results. We have to see and let the institutions work. I have the figures, I did not read everything; otherwise it would be too long for me to answer, Mr Speaker, Sir.

Mr Bhagwan: We, as Members of Parliament, have listened carefully to the statement made by the hon. Prime Minister. We, as Members of Parliament, are on the field - everybody of us - and we see what is happening in the *quartiers*, even in urban and rural areas. Can the hon. Prime Minister inform the House what is the situation - as it is *explosif dans les quartiers* - and what is the action that Government is taking? Day by day, Subutex and other types of drugs are killing these areas and the youngs of these areas and even NGOs are sometimes disturbed. Can the hon. Prime Minister inform the House what is the situation? Whatever action Government is taking, there is urgency at least to find these *marchands de la mort*, those who are enriching themselves and those who are supplying. Even, Mr Speaker, Sir, ADSU does not have sufficient

means, and we see the transport in which ADSU is travelling. There is a real lack of equipment. There must be an urgent and immediate action by Government, at least, to have a Commission of Inquiry or whatever to tackle this problem.

The Prime Minister: I have explained, Mr Speaker, Sir, that this is not unique to Mauritius, and it is not true to say that we are number one in Africa. This is a misapprehension by the report and they are actually correcting the report. We have allocated Rs100 m., I think, I mentioned, Mr Speaker, Sir, for the procurement of additional **body** and tools, but believe it or not, the intelligence-led operation that we are doing is giving results and we are adding to that – I said that I did not want to mention exactly what because I don't think I should - very high-tech equipment to combat this problem where we have difficulties.

Mr Fakeemeeah: Will there be a multifaceted approach to the issue of drug problem by having a new Master Plan to look into the whole issue?

The Prime Minister: We are having a multifaceted approach, Mr Speaker, Sir. There are details that I would rather not give in the House, but I know in what way the ADSU specialists and the other police investigation are being done. That is why we need additional equipment - very sophisticated equipment which we are getting.

Mr Ganoo: I would like to ask the hon. Prime Minister a question about a particular aspect of drug trafficking: the French connection. Very often, we hear of passengers coming from France, and French nationals arrested. A few weeks ago, there was a young lady of about 20 years old who was arrested with millions worth of Subutex, and this is a recurrent phenomenon. How is it then that, in spite of all these new technologies that the authorities are using, that the ADSU are equipped with now, we can't put an end to that French connection, and why are we still arresting people hailing from France? Can I ask the hon. Prime Minister to ask the ADSU officers and the authorities to address this particular phenomenon in the drug business?

The Prime Minister: In fact, we have done so, Mr Speaker, Sir. We have even sent people to France to investigate how this is happening. Unfortunately, in France, their approach is different. They are saying that they can't understand why we are doing this. In fact, they prefer people to use subutex than heroin or whatever. This is what they have said, and that is why they can get it in France easily. It is not like here, that you can't get it. But because of intelligence that

we are gathering, lot of intelligence, that is why so many people are being arrested because there is a great cooperation between France and here.

Mr Speaker: Hon. Dr. S. Boolell, then hon. Ameer Meea, and then final question hon. Guimbeau.

Dr. S. Boolell: May I ask the hon. Prime Minister why as yet we do not have a National Drug Policy which will form part of a comprehensive anti-drug program, a National Drug Policy to monitor the activities of the NATReSA?

The Prime Minister: We have a National Drug Policy. Whether it is working well, as well as it could, I am not sure, but we have a National Drug Policy. There is a National Drug Policy with the Police.

Mr Speaker: Hon. Ameer Meea, and then hon. Guimbeau. I have said time has run out.

Mr Soodhun: On the same issues, the hon. Prime Minister suggested certain initiatives. Would it not be possible for the hon. Prime Minister to re-open the Nicolay ADSU branch, in view of the fact that he is well aware of the situation? Is it not high time to re-open this branch in order to combat the drug traffic?

The Prime Minister: I will pass on this suggestion to the Commissioner of Police. Maybe that is a good suggestion.

Mr Ameer Meea: The question of the setting up of a commission of enquiry on drugs is above political consideration, and we should not leave any stone unturned in our fight...

Mr Speaker: Is this a statement?

Mr Ameer Meea:... against these drugs. So, my question today is that the last time that we had a commission of enquiry dates back to 1986, that is, more than 25 years back...

Mr Speaker: There is no need to do calculation ...

Mr Ameer Meea: So, would the hon. Prime Minister agree with me that the setting up of a commission of enquiry would, in fact, help a lot in this fight?

The Prime Minister: As I have said, we would set up a commission of enquiry if we find the need. But remember one thing. The hon. Member is talking about the 1986 commission of enquiry. There were a lot of manipulations in that commission of enquiry, as you know. You just have to refer to the book Mr Cuttaree has written, you will see what happened about 'Ayoob La Guitare', to Mr Harish Boodhoo, how things were changed, how manipulation was done, and

those who were accusing people of drug trafficking were themselves being accused. So, we have to be very careful.

Mr Speaker: One last question, hon. Guimbeau!

Mr Guimbeau: M. le président le Premier ministre vient d'instituer une commission d'enquête sur la prescription des terres et sur le *sale by levy*. Je félicite le Premier ministre pour cela, M. le président. Pourquoi ne pas instituer maintenant une commission d'enquête sur le trafic de drogue, qui va nous aider à savoir où est la source du mal ? Je crois qu'il faut prendre le problème à la source, M. le président, parce que trop souvent c'est le petit consommateur qui va en prison et qui est tué.

The Prime Minister: In fact, that is why we are doing that. We are amending the Asset Recovery Act; it is precisely for this, Mr Speaker Sir.

Mr Speaker: I have to inform the House that question PQ No. B/114 has been withdrawn.

At 12.56 p.m. the sitting was suspended.

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

SPORTS ACT - AMENDMENTS

(No. B/119) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the proposed amendments to be brought to the Sports Act, he will state where matters stand, indicating if consultations have been carried out with all the parties concerned, including the National Sports Federations and the Mauritius Olympic Committee, and, if so, when in each case.

Mr Ritoo: Mr Deputy Speaker, Sir, the tentative draft Bill is nearly ready and, once received from the State Law Office, would be circulated to all stakeholders for any comments and suggestions prior to its introduction in this August Assembly.

I must assure the hon. Member that there have been extensive consultations on several occasions with Sports Federations and with the Mauritius Olympic Committee.

Mr Quirin: M. le président, le ministre vient d'affirmer que les amendements sont prêts et que les consultations ont déjà été faites. Donc, ne serait-il pas souhaitable que ces amendements soient circulés au niveau du mouvement sportif tel que souhaité par le Comité Olympique Mauricien et les Fédérations Nationales?

Mr Ritoo: I have no objection to circulate. Once we get the approval of Cabinet, it will be circulated to the Federations and the National Olympic Committee.

Mr Quirin: M. le président, le ministre est sûrement au courant d'une réunion qui s'est tenue à Moscou entre un représentant du Comité International Olympique, M. Jérôme Poivey, en présence des représentants du Comité Olympique Mauricien et du *PS* de son ministère. Et suite à cette réunion, M. Poivey a fait parvenir aux personnes concernées une synthèse de cette réunion et tout en faisant une série, de recommandations qui pourraient servir justement au Ministère de la Jeunesse et des Sports dans ces amendements aux *Sports Act*. Entre autres, parmi ces amendements, le représentant du Comité International Olympique recommande que ces amendements soient présentés avant les prochains Jeux Olympiques. Est-ce que le ministre est sur la même longueur d'onde que M. Poivey?

Mr Ritoo: Mr Deputy Speaker, Sir, in fact, the draft Amendment Bill was finalised quite some time back. However, each and every time action was initiated for its introduction into the National Assembly, additional valid suggestions for amendments have been received from stakeholders.

In fact, immediately after the Indian Ocean Island Games, the National Olympic Committee amended its statutes and made submissions to my Ministry last October. I have examined these suggestions and, consequently, these proposals have to be included in the proposed amendments.

However, I consider that stakeholders have had considerable time to submit their proposals. Besides, I am proposing to give them another opportunity by circulating the draft Bill for their comments and suggestions.

Mr Quirin: M. le président, parmi les recommandations de M. Jérôme Poivey, il y a justement certaines que je considère très pertinentes et que je voudrais rapidement, avec votre permission, partager avec les honorables membres de cette Assemblée.

Par rapport à la nouvelle législation sportive, et c'est mentionné ici, il souhaite que cela soit compatible avec les principes fondamentaux du mouvement olympique et qui permettra à tout un chacun de travailler sur une base saine et solide. Il dit aussi 'afin de résoudre les problèmes actuels liés notamment à la législation sportive en vigueur, il a été recommandé que le processus de révision de cette législation - c'est-à-dire le *Sports Act* - soit accompli au plus vite et si possible avant les prochains Jeux Olympiques de Londres', comme je viens de le mentionner.

Il dit aussi ‘il est tout à fait clair, logique et légitime que ces organisations soient tenues de rendre compte aux autorités gouvernementales compétentes de l’utilisation des fonds publics qu’elles peuvent recevoir’. Sur ce point, je suis d’accord. Mais il dit aussi que ces organisations non-gouvernementales autonomes, qui ont en principe une personnalité juridique qui leur est propre et qui sont donc, par nature, juridiquement indépendante...

The Deputy Speaker: I will advise the hon. Member to come to the substantive question!

Mr Quirin: Effectivement! Je vais déposer copie de cette lettre qui, j’en suis persuadé, sera d’une aide à tous ceux qui travaillent sur les amendements à apporter au *Sports Act*.

M. le président, vu l’urgence de la situation, vu l’urgence sur la nécessité d’amender le *Sports Act*, je vais faire allusion à deux de mes *PQs* qui ont été posées le 16 Novembre 2010, où le ministre avait dit qu’il allait venir *very soon* avec les amendements. Je reviens une année après, le 12 Juillet 2011, où il dit que -

“I am proposing to introduce the Bill in the National Assembly after the Indian Ocean Island Games.”

Tout ça pour dire : est-ce que cette fois-ci ces amendements vont venir pour de bon dans cette Assemblée, ou ce sera encore une fois *very soon* ou après un événement?

Mr Ritoo: Mr Deputy Speaker, Sir, I think the hon. Member is making mention of a meeting that the Permanent Secretary of my Ministry had with Mr Jérôme Poivey.

I just wanted to inform the hon. Member that, in the same letter, Mr Jérôme Poivey also informed us that le CIO, Comité International Olympique, a rappelé clairement que l’élaboration des lois nationales relèvent naturellement de la compétence étatique.

In another correspondence, il a mentionné ‘le CIO n’a pas le pouvoir d’approuver formellement une loi nationale qui relève de la compétence exclusive des états souverains que nous respectons.’

Of course, we are already dealing with the Mauritius Olympic Committee which, in turn, is a member of the International Olympic Committee, and we have no problems. In fact, je voudrais dire, M. le président, le Sports Act existe depuis 1984 et a été voté ici à l’Assemblée Nationale. Cet acte n’a jamais été contesté et est très respecté par toutes les instances sportives.

Donc, les fédérations sportives avec qui nous avons fait au moins une dizaine de consultations, même en décembre on avait réuni toutes les fédérations, n’ont même pas eu une

question concernant le *Sports Act*. Je pense en vérité que tous ce tapage autour de ces amendements c'est surtout le fruit d'une poignée de personnes au sein de certaines instances sportives qui ont peur de voir leur règne s'effondrer. Car je vous rappelle, M. le président, l'un des objectifs de ces amendements c'est de combattre la prolifération des *clubs* fictifs, qui est le vrai mal qui ronge le sport local, et qui a permis à certains dirigeants de régner comme seul maître à bord. D'ailleurs, actuellement, nous sommes très fiers de la performance de nos athlètes. Malheureusement, nous avons aussi des dirigeants qui ne font pas honneur de par leur ego personnel et de part leur intérêt personnel, et qui sont en train de semer la zizanie entre le ministère et les fédérations.

The Deputy Speaker: Hon. Bhagwan!

Mr Bhagwan: *The hon. Minister himself has stated that there are fictitious clubs and so on. We have asked so many PQs. The hon. Minister has not given a deadline; he has given an indication. Can the hon. Minister inform the House, the country, le monde sportif, à ce jour combien de fédérations sont dans l'illégalité avec la loi actuelle? Si on n'amende pas la loi, il n'y a pas de deadline, ces fédérations continueront à être dans l'illégalité, et ce sera la fête de plus belle.*

Mr Ritoo: Mr Deputy Speaker, Sir, I replied to the hon. Member that approximately 23 Sports Federations are not in conformity with the Sports Act.

However, they are getting all the facilities and all the infrastructures are put at their disposal. I just want to inform the hon. Member that I just replied that stakeholders have had considerable time to submit their proposals. Now, I am proposing to give them another opportunity by circulating the draft Bill for their comments and suggestions, and it will be finalised shortly.

Mr Quirin: M. le président, je fais allusion à cette lettre de Jérôme Poivey, car ce que l'honorable ministre ne dit pas encore une fois, c'est que dans cette même lettre - et c'est très important de le préciser - il est dit 'par conséquent personne ne doit se substituer au pouvoir de décision des assemblées générales de ces organisations sportives, et ces dispositions internes qui relèvent de la compétence directe de chaque organisation sportive nationale n'ont donc, par vocation, été inscrites dans la législation nationale.' Ce qui veut dire que tout ce qui concerne le fonctionnement des fédérations ne doit pas figurer dans le *Sports Act*. Leur organisation interne, leur assemblée générale est suprême, et c'est dit dedans. C'est pour cela que j'attire l'attention

de l'honorable ministre de façon à ce que quand il va présenter ses amendements, qu'il prenne en considération toutes ces recommandations de M. Poivey, représentant du comité international olympique.

Mr Ritoo: Mr Deputy Speaker, Sir, I think, I replied to this question. In fact, we are consulting all the stakeholders, and we will be finalising very shortly. If I understand the hon. Member, each sports federation has its international sports federation, and we have to come with this specific Sports Act for each sports federation. It's not possible. So, we will have to take everyone on board and come with amendments which are agreeable to all the parties concerned because we are also financing all the federations.

Mr Jhugroo: L'honorable ministre vient de mentionner qu'il y beaucoup de clubs fictifs. Can I ask the hon. Minister what he has done to redress this situation regarding the *clubs fictifs*?

Mr Ritoo: I think I have replied that this is what we are addressing in the amendment of the new Sports Act. Comme je vous ai dit, M. le président, les fédérations ne s'intéressent pas aux amendements. Les fédérations ne s'intéressent qu'à l'argent que vous allez leur donner comme budget de fonctionnement pour une année. C'est ce qui les intéresse, ainsi que le progrès de la discipline et leurs athlètes. Il n'y a jamais eu une fédération qui est venue voir le ministère pour dire qu'elle souhaiterait avoir tel ou tel amendement. C'est le comité olympique qui est en train de *deal* avec le ministère.

Mr Jhugroo: Est-ce que je peux demander à l'honorable ministre si le ministère est en train de tolérer qu'il y a des clubs fictifs au lieu de prendre des actions immédiates?

Mr Ritoo: M. le président, en ce qui concerne les clubs fictifs, c'est le *Registrar of Associations* qui régularise l'inscription de tous les clubs. Donc, à leur niveau, ils sont en train de venir avec des lois pour pouvoir éliminer la prolifération des clubs fictifs. Comme je vous ai dit, il y a des dirigeants qui sont en train de régner dans certaines instances à travers les clubs fictifs, et tout le monde sait qui c'est.

ATHLETES – WAGES - CSR FUND

(No. B/120) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the measure announced in the 2012 Budget Speech whereby private companies employing high level athletes are allowed to pay 50% of the wages thereof through their Corporate Social Responsibility Fund, he will state the -

- (a) companies and athletes concerned therewith;
- (b) conditions and formalities attached thereto, and
- (c) how does this measure benefit these athletes.

Mr Ritoo: Mr Deputy Speaker, Sir, concerning parts (a) and (b) of the question, I am liaising with the National Corporate Social Responsibility Committee to compile the information which will eventually be placed in the Library of the National Assembly. However, the list of high level athletes eligible for this scheme is available on the website of my Ministry.

Concerning part (c) of the question, the measure will enable athletes to train and participate in competitions in optimum conditions without having as constraint the risk of getting their salaries deducted because of regular absences for the purpose of training and participation in international competitions. It will also increase the chances of high level athletes being employed.

Mr Quirin: M. le président, est-ce que le ministre est au courant des contraintes et des difficultés administratives qu'ont les compagnies pour appliquer cette mesure?

Mr Ritoo: Mr Deputy Speaker, Sir, my Ministry only certifies that the athlete is a high level athlete from the high level sports unit. So, the regulations concerning the company and the CSR Committee is at the level of Ministry of Finance.

CAUDAN FLYOVER ROUNDABOUT – CONSRUCTION – CONTRACTUAL COST

(No. B/121) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of the Caudan flyover roundabout, he will –

- (a) state the -
 - (i) contractual cost thereof;
 - (ii) date on which works started and the expected date of completion thereof;
 - (iii) variation of works, if any, enumerating each item thereof and indicating the cost thereof, and
 - (iv) if an assessment of the financial burden on the vehicle owners, who are stuck in traffic jams as a result of the works being carried out, has been made, and
- (b) table copy of the contract therefor.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, the initial estimated cost of the project as worked out by the Road Development Authority is Rs320 m. It must be pointed out that this is the first time ever that a road infrastructure development project is undertaken on the basis of a very innovative concept of design and build.

On the strength of a formal bidding exercise, the Central Procurement Board decided that the contract be awarded to General Construction Co. Ltd for the sum of Rs124,449,073.14.

The second lowest offer was from Rehm Grinaker Construction Co. Ltd for a bid of Rs259,073,207.60.

Even at the very initial stage and before the award was made to Central Procurement Board based on the Bid evaluation, exercise concluded that additional works would be involved.

The Central Procurement Board, in a letter dated 23 March 2010 clearly pointed out that any additional work must be agreed with the Road Development Authority at implementation stage.

As for part (a) (ii) of the question, I have to inform that works on the project started on 16 June 2010 and the contractual completion date was 9 September 2011. However, in view of the additional civil works and the re-routing of 50-year old sewer pipelines, the expected date of substantial completion has been reviewed to 30 June 2012.

Besides the re-routing and replacement of sewer pipes, several other additional works, including demolition and reconstruction of the existing neighbouring structures, putting up of additional traffic management measures and enlargement of the bridge had to be effected. A detailed list of additional works is being tabled. The total amount of all these works is Rs93,691,355.44.

Mr Deputy Speaker, Sir, I would like to assure the House that the contract is being executed together with the additional works within an approved legal framework and in strict compliance with section 46(3) of the Public Procurement Act and in keeping with the User Guide issued by the Public Procurement Office, in particular, section 7.4 which deals with contract modification.

Regarding part (a) (iv) whatever loss that road users have undergone during construction phase has not been quantified but, for sure, they will be compensated with compound interest

when reaping the benefits of the road infrastructure when it will be fully operational very shortly.

As regards part (b), I am tabling a copy of the contract to be laid in the Library.

Dr. Sorefan: Mr Deputy Speaker, Sir, may we know whether the delay that has led to the completion as at 30 June this year is not only for the pipeline or sewer, and that probably it also emanates from the RDA for not having initiated the Ministry of Housing and Lands for compulsory land acquisition?

Mr Bachoo: Mr Deputy Speaker, Sir, in fact, there were many causes for the delay. First of all, the offer of General Construction was based on a tentative design which had taken on board minimum acceptable standards in order to dwell within the constraints of land available. The Bid Evaluation Committee itself had made certain proposals which had to be included, but definitely together with the agreement of RDA. That had taken too much of time.

Secondly, we have got 50-year old sewer connections and other connections which had to be looked into. They were about 15 metres deep, and that too took a lot of time.

As far as land acquisitions are concerned, only a few strips of land were acquired. But, in fact, land acquisition was not a main problem in this. The main problem here was the services which had to be removed and additional works which we had to do because it was a design and build project.

Delays have also been due to land acquisitions for final layout and diversion purposes, authorisations for pulling down buildings, clearances from Water Resources Unit for bridge construction, increased construction time for increase in extent of work, utilities, diversions and major sewerage works. These are the causes that led to the delay in the implementation.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, may I know from the hon. vice-Prime Minister why the contract was on a design and build one when it is well-known that it is the RDA that has the responsibility and the competence to design roads, while General Construction Co. Ltd has never had any experience of road or such type of design for the fly-over?

Mr Bachoo: The reason is very simple, Mr Deputy Speaker, Sir. In fact, this concept is a new one in RDA, but this is a concept which has already been put into practice at the Ministry of Public Infrastructure as far as buildings are concerned.

Secondly, RDA has only a limited number of staff and does not have many engineers who could have looked after each and every project. Thirdly, we have followed all the rules of

the game by publishing it and by inviting tenders for the work, and General Construction is known for having constructed many modern roads in our country. The only problem was that they quoted very low and, with the approval of the Central Procurement Board, we had to give them additional works to do. That's all.

Dr. Sorefan: May we know from the hon. vice-Prime Minister why we are now having leveling of the road below the flyover?

Mr Bachoo: Mr Deputy Speaker, Sir, I am not an engineer, but I am made to understand that each and everything is being looked after properly by the technicians of my Ministry. They are leveling the road because the work has already been completed above, if I am not mistaken. But as far as the technicalities are concerned, I am not in a position to answer. I am made to understand that shortly the works will be completed.

Mr Bhagwan: The hon. Minister has used the words "if I am not mistaken". Is the hon. Minister aware that we are talking of under the bridge? While designing the bridge in the project, the authorities, it might be the RDA, the Ministry of Public Infrastructure, even the contractor ultimately, did not think about the height of buses and lorries. This is why they are digging now to have a new underpath. *Après la mort la tisane!*

Mr Bachoo: Mr Deputy Speaker, Sir, in fact, a topographical survey was conducted. It is not the height, but basically the old structures had to be removed. This is what I have been told. It is not the height. It had been properly cared for. I don't think that my technicians are not up to the level that they won't know that the height has to be kept in mind.

Mr Obeegadoo: Will the hon. Minister tell us why the variation, he says, includes enlargement of the bridge? Why was the enlargement of the bridge not taken care of either in the tentative design or in the design which was proposed and approved by the CPB?

Mr Bachoo: Mr Deputy Speaker, Sir, I have just mentioned, that it is a turnkey project. When it is a turnkey project, then we do not look at the design at the initial level. The contractor came forward with the proposal and once the proposal had been studied by the Central Procurement Board, it was then that they, in the evaluation report, submitted the recommendations which RDA had to accept. That is what we call a turnkey project because the detailed designs are not worked out prior to the allocation of the contract.

Mrs Hanoomanjee: In the same line as my colleague hon. Obeegadoo, has not become now a general principle for contractors to quote low prices so that they get the tender and then

ultimately inflate the cost, just as in this case, the variation works, the enlargement of the bridge which, ultimately, then bring the cost at a higher level?

Mr Bachoo: Mr Deputy Speaker, Sir, there is a difference with the normal type of tenders and the turnkey project. I give you one example. Section 25 (d) of the Public Procurement Act states “where additional works which were not included in the initial contract have through unforeseeable circumstances become necessary and the separation of additional works from the initial contract would be difficult for technical and economic reason, there is no need for fresh tenders.” Besides, it is impossible to have more than one contractor on one site at a time, and in design and build we cannot even nominate a sub-contractor. That is the only difference between the normal contract that we have and this turnkey project.

Mr Lesjongard: Mr Deputy Speaker, Sir, since the hon. Minister has stated that this project is a design and build project, and he also stated that additional cost was due to presence of utilities also, can he inform the House whether this information was not provided to prospective bidders at the time the tenders were launched?

Mr Bachoo: In fact, information was provided to them, but it was spelt out by the contractors themselves that what is beneath was not very clear. Because already 50 years sewerage connections were there, there were consultations with Wastewater Authority and even with the hon. Deputy Prime Minister. We had been on site on many occasions. At one given point in time, we decided that we are not going to remove the sewerage connections. But after that, we changed our opinion, we thought that in the future that can be detrimental to the road. That is the reason why we had to undertake the work, and that cost us a minimum of about Rs17.8 m., and for the other utilities, CWA pipes, that cost us about Rs8.5 m. There was no other alternative than to go for it. My Ministry could have requested the Ministry of Public Utilities to undertake the work, but it is basically the same Government, and instead of having a second contractor, where the work would have to be stopped for two, three months, we preferred the contractor who was on site to undertake the work.

Mr Uteem: The hon. vice-Prime Minister just told us that the variation amounted to Rs93 m., which is a huge sum. May I know exactly what amount referred to the sewerage unexpected works, and what amount related to the enlargement of the bridge that was not anticipated?

Mr Bachoo: As far as the pipes and other utilities are concerned, RDA had to spend Rs8.5 m. For relocation of the main sewerage pipe, an amount of Rs18.4 m. was spent, and one

bridge which had to be widened on both sides cost Rs17.8 m. That was one of the recommendations made by the Central Procurement Board.

The Deputy Speaker: Last question hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Mr Deputy Speaker, Sir. I am just going to raise a question of safety. If anyone coming from Caudan going to the North takes the side road, and to the South, there is the jersey barrier, which is too high when you approach - I did it as an experience - we can't see in the *rétrovisueur* the one coming down the flyover. I think designwise, the contractor should taper it down so that we can get a good visibility. Can the hon. Minister look into it with the contractor?

Mr Bachoo: Mr Deputy Speaker, Sir, I will request the hon. Member to be a bit patient. Let the work be completed, and then any remedial work that needs to be done will be undertaken by them.

IBRAHIM ABDULLAH MARKET FAIR, CITE MARTIAL – RENT

(No. B/122) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government and Outer Islands whether, in regard to the Ibrahim Abdullah Market Fair, at Cité Martial, Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if it has received representations in relation to the rent payable, indicating the -

- (a) actions that have been or will be taken in relation thereto, and
- (b) reasons why the decision to reduce the rent payable to a standard rate has not been implemented.

The Minister of Social Integration and Economic Empowerment (Mr S. Dayal): Mr Deputy Speaker, Sir, I am informed that the various representations have been made by the association of Ibrahim Abdullah Market Fair to the City Council for a reduction in the rental fees payable by the tenants of the market.

I am also informed that representations were also made to the Deputy Prime Minister, Minister of Energy and Public Utilities, the Minister of Labour and Industrial Relations and hon. Abdullah Hossen, who took up the matter with the substantive Minister. Subsequently, there were consultations and meetings with these associations where hon. Mohamed was also present and in November 2011, the Council decided to reduce the fees payable to a standard rate of Rs400 per month by all stallholders of the market.

In the meantime representations were received at the Council from stallholders of other markets for a similar reduction in the rental fees. Taking into consideration the serious shortfall, which would likely result in the Council's revenue from the reduction of rent and its negative impact on its financial situation, the decision has not been implemented by the Council. I also wish to inform the House that a Ministerial committee, chaired by the vice-Prime Minister, Minister of Finance and Economic Development and comprising the Minister of Local Government and Outer Islands, the Minister of Labour, Industrial Relations and Employment has been set up to look into this issue.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask the hon. Minister - I know he is not the substantive Minister - what is the amount of loss that would result in the decrease of all the fairs that are situated in Port Louis? What would be the total loss?

Mr Dayal: Mr Deputy Speaker, Sir, I do not have this information.

The Deputy Speaker: The Member said it wisely that he is not the substantive Minister. He can reserve the question till such time when the substantive Minister comes back.

Mr Ameer Meea: I will rephrase my question. I would humbly ask the hon. Minister to listen carefully. The Abercrombie market fair pays an amount of Rs345 and Rs465 per month. Ruisseau du Pouce, which is not comparable because it works seven days a week, pays an amount of Rs1,000 per month, whereas Ibrahim Abdullah market fair pays a higher amount of Rs800 per month, but operates only three times a week. When we work out all the figures - and I have checked with the Estimates of the Municipality of Port Louis - we can find that the total income for all these four fairs for the year 2011 is only Rs6 m. The total rent is Rs6 m. according to its income statement. Can I ask the hon. Minister if he decreases the amount of Ibrahim Abdullah market fair by half, which was already agreed by the Minister in a reply dated December 2011, what will be the loss to the Municipality of Port Louis?

Mr Dayal: Mr Deputy Speaker, Sir, let me inform the House that the rates of Ibrahim Abdullah market fair are like this. For some, it is Rs1200 per month regarding beef, chicken, fish, food court and kiosk; Rs500 per month for vegetables, and for fancy goods Rs800 per month. Regarding this information, I will definitely try to see that the information sought by the hon. Member could be provided. I don't have the information with me.

The Deputy Speaker: I think that we have got to be fair to the Minister. As the hon. Member said himself, the question has to be put to the substantive Minister when he is back.

Mr Uteem: The hon. Minister just mentioned that, for certain fairs, there is a monthly charge of Rs1,200. This follows from a Government Notice Regulation in 2007, and the Rs1,200 monthly rent is, and I quote from that regulation, ‘for continuous activities from Mondays to Sundays including public holidays’. So, that means for seven days a week, and we all know that the market is open only three days a week. How is it then that people are being charged Rs1,200 under the regulation, when the fair should have been opened for seven days and, as a matter of fact, it is opened for only three days?

Mr Dayal: Mr Deputy Speaker, Sir, I think this question has to be put to the substantive Minister, but I’ll pass on the information.

ISLAMIC CULTURAL CENTRE - BOARD OF TRUSTEES - MEMBERS

(No. B/123) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Culture whether, in regard to the Board of Trustees of the Islamic Cultural Centre, he will, for the benefit of the House, obtain from the Centre, information as to the names and qualifications of each member thereof, indicating in each case –

- (a) who appointed them and when, and
- (b) the allowances, benefits and perks drawn.

Mr Choonee: Mr Deputy Speaker, Sir, I am tabling a list of names and qualifications of each of the member of the current Board of Trustees of the Islamic Cultural Centre together with the first date of appointment to the Board.

The ex-officio members are designated by their respective Ministries, that is, the Prime Minister’s office, the Ministry of Finance and Economic Development and the Ministry of Arts and Culture.

The Waqf Board designated its representative.

In April 2000, October 2003 and July 2005, the Rabita Office submitted only two names to represent the Rabita and the Islamic Development Bank in the board.

However, I must point out that in 2005, the Rabita Office in Mauritius was not operational and there was no Director. Moreover, the representative of Rabita, if any, did not attend meetings of the ICC Board. In August 2005, the Rabita Office in Saudi Arabia was so informed and two nominations were made by Mauritian authorities to complete the constitution of the ICC Board.

Furthermore, on each of these occasions, Rabita did not make any submission in respect of the five Islamic Socio-Cultural Organisations. The respective Ministers of Arts and Culture thus held consultations with Islamic Socio-Cultural Organisations for the designation of the five members required to sit on the ICC Board. The same practice has been followed in July 2007 and April 2009 when the ICC Board was renewed.

Regarding part (b) of the question, allowances are paid to the Board members as per PRB Report 2008.

Mr Uteem: The hon. Minister mentioned that Rabita Office has never communicated the name of anyone to sit on the Board. I would like to lay on the Table of the Assembly the letter which Rabita has sent addressed to the hon. Minister Choonee on 26 April 2012 referring to repeated representations made and pointing out that, I quote: ‘two persons, who are presently sitting on the ICC Board, are fraudulently claiming to be representing Rabita and Islamic Development Bank.’ In the light of this letter from the Rabita, would the hon. Minister inform the House what action he took?

Mr Choonee: Mr Deputy Speaker, Sir, this is a letter emanating from the Rabita Office in Mauritius. It is not the Rabita Head Office from Saudi Arabia. It is headed by a politician from the Mauritian party. Now, this person wrote to me on 26 April, and I am following up the matter. I have written to the Saudi authorities - Rabita Office in Saudi Arabia - to inquire about the name of the person he has mentioned.

(Interruptions)

Mr Uteem: Mr Deputy Speaker, Sir, I am very surprised by two remarks made by the hon. Minister. First of all, he mentioned about not knowing who wrote that. He must surely be aware that, in Mauritius, there is a Rabita-Al-Alam-Al-Islami Act of 1981 which sets up a branch at Rabita in Mauritius, and which has appointed as its representative Dr. Maudarbocus. So, it is proper. If you look at the ICC Act now, section 5 tells you, and I quote: ‘Rabita Office in Mauritius’. We are not talking about Rabita Office in Saudi; we are talking about Rabita Office in Mauritius. So, why did the hon. Minister ignore a letter from the representative of Rabita Office in Mauritius?

Mr Choonee: Let me reconfirm. Mr Deputy Speaker, the Rabita Act of 1981 also stipulates that every three years there should be a new member nominated. That has never been the case and, further to that, I have got a letter from Dr. Maudarbocus...

(Interruptions)

He paid me a courtesy visit. Dr. Maudarbocus came to my office and told me that, as from June 2006, he is the representative of Rabita. He sent me a letter. Do you know when? On 10 April 2012. How come? Somebody who is appointed as from 2006 supposedly! I say supposedly because I have two more names to give you, Mr Deputy Speaker, Sir, where there is contradiction. Dr. Maudarbocus says that he is appointed as from June 2006, and I got a letter written by two representatives of Rabita Mauritius informing me that they are the ones who represent Rabita Office in Mauritius. Which is which? That is why I have to get clarification from the Head Office there to know exactly who the real representative is.

(Interruptions)

The Deputy Speaker: Order! Order please!

Mr Uteem: What the hon. Minister said is extremely serious, and I hope that he will make a declaration to the police to look at who fraudulently purports to represent Rabita. In this very same House, on 09 October 2010, answering to a PQ, the hon. Minister said, I quote: 'As a caring and forward looking Government, we will come with a new Board.' May I know why, after one and a half year, when he, himself, said that the Board was illegal, does ICC continue to have the same Board?

(Interruptions)

The Deputy Speaker: Let the hon. Minister reply, please!

(Interruptions)

You can ask your question later.

(Interruptions)

Order! Order, please!

(Interruptions)

Hon. Uteem, hon. Dr. Sorefan, let the hon. Minister reply please!

(Interruptions)

Let him reply! Hon. Ameer Meea, have you got a supplementary question?

Mr Ameer Meea: Mr Deputy Speaker, Sir...

Mr Choonee: Mr Deputy Speaker, Sir, I have not replied to the question yet.

The Deputy Speaker: Why did the Minister resume his seat then?

Mr Choonee: But I cannot answer; there is so much noise.

The Deputy Speaker: Please, go ahead! And then the hon. Member will ask his supplementary question.

Mr Choonee: Mr Deputy Speaker, Sir, first, in 2010, I said this serious Government is committed to the whole of the nation, including the Muslim community. I said that we were coming up with a new Act.

Before I come to this House with a new Act, I need to have consultations with all parties concerned, and all those parties include Rabita and so many socio-cultural organisations, the Waqf Board and so many other people.

There is some more important information that I want to share with this House. As from 06 October 1991, there is a letter emanating from Head Office, Islamic Development Bank (IDB), which was supposed to be part of the Board. Islamic Development Bank replied to the then Minister saying: "Sir, our regulations do not allow us to sit on such Boards." So, they never had any representative officially from IDB in the ICC Board, yet successive governments since - 1991 onwards - Islamic Cultural Centre Trust Fund was enacted in 1989 - to date, 2012, all Governments that have been through, nobody cared about it, and they kept on nominating one person from IDB on the Board. So, the blame is shared. Different governments came; they nominated two members, one from Rabita and one from IDB. IDB should not have a member in any case, yet nominations were done and, further to that, five members of socio-cultural organisations were supposed to be nominated by the Board upon consultation with Rabita, even that exercise was not carried out.

All governments did the same, and we continued. Today, again I repeat, as a responsible government, as a government that understands the concern of the pilgrims, ours more importantly, is the welfare of the pilgrims, because Hadj was linked, we have Islamic Cultural Centre which looks after Hadj matters and other pilgrimages that people conduct. Because both are linked, now government has come again responsibly with a new committee set up, and decides about the decoupling of the activities of the ICC which would be going on the same line as other cultural centres and Hadj matters separately. We have a new committee set up, two co-chairmen are there; our good friend, hon. Reza Issack and Dr. Farhad Aumeer from the ICC are sitting in the committee. We are waiting for their recommendations.

My Act is almost ready, but I want the recommendations to come in, some new input to be there, and then come to Parliament with the new, revised, amended Act of ICC and the Hadj Committee separately - I kept my promise, Sir.

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Minister just stated that the ICC looks at the pilgrimage of Hadj and other pilgrimage. This is total nonsense.

(Interruptions)

The ICC does not look at other pilgrimage. He does not know even the Act, the duties and responsibilities of the ICC. It is not mentioned that they look after other pilgrimage; it is not in the Act.

The hon. Minister stated that he asked for clarification from Rabita Saudi. Can I ask him what was the date he asked for clarification and, secondly, if he can table the letter where he asked for clarification? May we also know who the representative of Rabita in Mauritius is?

Mr Choonee: Let me first, Mr Deputy Speaker, Sir, confirm that the hon. Member cannot know the Act better than me.

(Interruptions)

The Deputy Speaker: Hon. Henry, please!

Mr Choonee: Section 4(h) of the Act deals with matters relating to the organisation, facilitation, monitoring and supervision of Islamic pilgrimage to holy places. There is not only one Islamic pilgrimage, there is more than that. You have Hadj, you have Omrah also. Further to that, Mr Deputy Speaker, Sir, Cabinet's decision, which went public two weeks ago, Friday 04 May, has taken note that a committee, chaired jointly by hon. Reza Issack, Parliamentary Private Secretary, and Dr. Farhad Aumeer, Chairperson of the Islamic Cultural Centre, has been set up to review – this is English – all procedures...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo!

Mr Choonee: I am replying to the question. It has been set up to review all procedures for the organisation of Hadj, and all activities organised under the auspices of Islamic Cultural Centre. I will be tabling the letter.

(Interruptions)

I am saying I will be tabling the letter.

Mr Soodhun: Mr Deputy Speaker, Sir, it is really a pity today...

(Interruptions)

The Deputy Speaker: Please, put your question!

Mr Soodhun: Let me tell you exactly about the role of Rabita-Ul-Islamia. We are blaming a religious institution of great importance in the world. Rabita-Ul-Islamia started in 1988 with Dr. Omar Naseef, General Secretary of Rabita, and with the help of Rabita-Ul-Islamia, today we have an Islamic Cultural Centre in Mauritius.

(Interruptions)

It is a fact that I am the only Member of Parliament who initiated the project of ICC with the help of Mr N. Nasif.

(Interruptions)

The Deputy Speaker: I have given the hon. Member some latitude.

Mr Soodhun: Let me ask the question: if the hon. Minister...

(Interruptions)

The Deputy Speaker: Order, please!

(Interruptions)

Mr Soodhun: This might cause us a lot of damage for the pilgrimage, because Rabita-Ul-Islamia is linked with Hadj affairs and is the main organiser of Hadj in Saudi Arabia; we should take into consideration the services they put for the Mauritian Hadjees by Rabita-Ul-Islamia.

(Interruptions)

The Deputy Speaker: Hon. Soodhun, put your question, please!

Mr Soodhun: When the Minister is talking about the Hadj...

(Interruptions)

The Deputy Speaker: Order, please! Hon. Soodun, please! I am on my feet!

(Interruptions)

Sorry! Order, please! I don't want any comment from this side! You are talking from a sitting position. Hon. Soodhun, put your question, please! Don't make a statement.

(Interruptions)

No statement, please!

Mr Soodhun: But I would like to ask the hon. Minister when he is coming with the new Act which he just mentioned. He is going to include the representatives of Rabita Al-Alam-Al Islami in the Board of ICC, yes or no?

(Interruptions)

The Deputy Speaker: Hon. Soodhun! Hon. Soodhun! Hon. Hossen! Hon. Hossen, I am calling you to order! Hon. Soodhun! I am calling you to order! Hon. Hossen, you have got no right to make any comment from a sitting position!

(Interruptions)

Hon. Ameer Meea! Let the hon. Minister answer, please!

Mr Choonee: Mr Deputy Speaker, Sir, firstly, there is no harm being caused to Rabita office. It could be that harm is being caused to the member representing Rabita Office in Mauritius, who is a politician. Secondly, in Saudi Arabia, it's the Ministry of Hajj affairs that looks after Hajj matters. It's not Rabita. Rabita facilitates. It's an organisation ...

(Interruptions)

The Deputy Speaker: Let the hon. Minister answer, please!

(Interruptions)

Hon. Ameer Meea!

(Interruptions)

Hon. Hossen!

Mr Choonee: Further to that, Mr Deputy Speaker, Sir, our privileged relation ...

(Interruptions)

The Deputy Speaker: I have to remind hon. Members that they have got no right to make any remark from a sitting position. And this refers to both hon. Hossen and hon. Ameer Meea!

Mr Choonee: Mr Deputy Speaker, Sir, further to that, our privileged relation, including diplomatic relations that we have with Saudi Arabia, the privileged relation our Prime Minister and the king of Saudi Arabia has, has facilitated us to organise Hajj in the best possible manner. The pre-hajj mission led by Dr. Abu Kasenally has solved so many problems. So many obstacles have been removed.

(Interruptions)

Today, we are proud; we are in a position to say there are no serious incidents that are happening, which disturb the excellent performance of our pilgrims who go to Saudi Arabia. They are doing excellently. If ever we get any complaint, it is not from ICC or from there. It is only because of one or two Hajj organisers who are not responsible organisers.

The Deputy Speaker: Last question, hon. Uteem!

Mr Uteem: Mr Deputy Speaker, Sir, the hon. Minister who knows the Act by heart should also note that, under section 5(1) (c), it is stated -

“The representative of Islamic Development Bank to be designated by Rabita Office in Mauritius.”

So, it is Rabita Office in Mauritius that designates the representative, not IDB. Can the hon. Minister give a list of all those people he consulted? Because he has just mentioned that since 2010 he has been consulting people for the constitution of the new Board of ICC. Can I have a list of all the people he has met in view of reconstituting the Board of ICC?

Mr Choonee: The list of all the people I met for the new...

(Interruptions)

The Deputy Speaker: Hon. Soodhun, please!

Mr Choonee: But, Mr Deputy Speaker, Sir, to go for the new Bill, to start with, we have set up a committee which is co-chaired; one member from the government, hon. Reza Issack, and the Chairman of ICC. They have just been nominated. They will now start sitting. They will form the committee. They will call in for people concerned and all stakeholders. It is only then that we will be in a position to know who are those who have been consulted. Further, if the Head Office of IDB writes to a Minister saying that they don't want to get involved into the internal affairs of another country's organisation – whether we call it by the name of an institution or an individual! Who are they to challenge the authority of IDB or is it that it's for their own interest that they want to fight for and not for the pilgrims?

(Interruptions)

The Deputy Speaker: Hon. Hossen, the hon. Minister was barring my view, but my attention has been drawn to the fact that you have been making all kinds of remarks from a sitting position. I am warning you once again that you are not expected to do that. Please take note!

The Table has been advised that PQ No. B/126 has been withdrawn. Next question, hon. Uteem!

SIR VIRGIL NAZ STREET, PORT LOUIS - CLOSURE

(No. B/124) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Sir Virgil Naz Street, Port Louis, he will state the reasons why part thereof has been closed to traffic, indicating if any prior assessment of the impact thereof on the traffic had been carried out.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport & Shipping (Mr A. Bachoo): Mr Deputy Speaker Sir, part of Sir Virgil Naz Street, between the junctions of Louis Pasteur Street and Dr. Eugene Laurent Street, has been closed to enable the implementation of Citadelle Mall Project. This building project is of a high rise structure undertaken by private developers and given the lack of space the contractor has to use part of that street for the installation of tower cranes, other plant and equipment. The closing of part of this street also avoids all sorts of hazards to road users.

Prior to the closure of that part of Virgil Naz Street, after assessment, a Traffic Diversion Scheme has been put in place to re-route the traffic with the minimum of inconvenience to the public.

The practice of allowing road closures wherever major constructions are on the way is a normal feature. Examples are many like Newton Tower; SICOM Building; Medine Mews; Telecom Tower; Air Mauritius Building; Hennessy Court.

However, when this case was brought to the Supreme Court, the State Law Office drew our attention to the need to have such decisions supported by appropriate Regulations. Henceforth this is the procedure which is followed.

If we want development, a bit of sacrifice and inconvenience has to be accepted.

Mr Uteem: Mr Deputy Speaker, Sir, is the hon. vice-Prime Minister aware that there was an interim injunction issued by His Honour, Mr Justice Matadeen, on 08 December 2011, preventing the closure of the same road, which, by regulation, the hon. Minister has closed access to the public? I lay a copy of the Order.

Mr Bachoo: Mr Deputy Speaker, Sir, it is a fact that following objections from some owners of some commercial businesses, they had lodged a case at the Supreme Court. An

injunction was imposed by the Supreme Court on 02 December 2011, and PADCO had to stop its construction. The injunction was in force till 11 January, 2012 preventing and prohibiting PADCO Ltd from closing down Sir Virgil Naz Street to traffic from its junction with Louis Pasteur and Eugene Laurent Streets and placing any obstacles and, thirdly, carrying out any construction on the street.

Thereafter, a regulation was made under the Road Traffic Act for that road closure for a period of 18 months as from 24 January. Before that, it was common practice, when huge buildings were to be constructed, and my Ministry was giving the permission. But when this injunction came, we were advised by the State Law Office that, henceforth, if we have to give any such permission, we have to make Regulations. I have just mentioned that it is extremely important because in Port Louis all the old buildings are giving way to new ones, and if we want such development to take place, we are bound to make certain sacrifices.

Mr Uteem: The representative of the Ministry of Public Infrastructure, in an affidavit sworn on 10 January, 2012, stated that PADCO Ltd had made an application to close 36 metres of Sir Virgil Naz Street. However, when the regulation in Government Notice 7 of 2012 was published, instead of 36 metres, Sir Virgil Naz Street was closed over 71.2 metres, at least twice of what was requested. May I know from the hon. Minister why was this amount doubled?

Mr Bachoo: That was basically for security purposes, and the TMRSU, which is responsible for that, might – I use the word “might” - have recommended it because I don’t have the exact information. But, when I had discussions with the technicians of my Ministry, they told me that it is extremely important. In fact, a few weeks back, a request was made if we could try to relieve those people of their problems by opening other parts of the road, and I have requested the officers to have a look at it.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask the hon Minister if he is aware that there are many small local businesses surrounded to the site where the construction is going on, and that they are suffering from the fact that the road is closed? Can I ask the hon. Minister when it is expected for the works to be completed and the road reopened?

Mr Bachoo: In fact, we have given the permission for 18 months and, at the same time, I have also made a statement that most probably we will try to relieve those people of the problem that they are facing by trying to open up as much as possible, and by trying to provide them with other relief measures.

SIMADREE VEERASAMY SSS – INCIDENT – 09 MAY 2012

(No. B/125) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Education and Human Resources whether, in regard to the incident which occurred at the Simadree Veerasamy State Secondary School, at Rivière du Rempart, on or about 9 May 2012, whereby a student was injured, he will state if an inquiry has been carried out into the circumstances thereof and if so, the outcome thereof.

Dr. Bunwaree: Mr Deputy Speaker, Sir, following information received to the effect that an incident, involving a student in Form IV Miss R. M., aged 14 years occurred at the Simadree Veerasamy State Secondary School on Wednesday 09 May 2012, my Ministry immediately requested that an inquiry be carried out to look into the circumstances which led to that tragic accident involving a student who was reported to have jumped from the first floor of the laboratory block of the school and got injured.

The Directorate Zone 1 carried out an inquiry on the same day and the matter was also reported to the Police which called at the school promptly. The Rector and the school personnel have given appropriate statements to the Police. The Police also took the statement from the student on her version. The outcome of the Police inquiry is being awaited.

Mr Deputy Speaker, Sir, in view of the sensitive nature of this case, involving a minor student who is under treatment and is mentally disturbed, it would not be in the interest of any party at this stage, to provide further details on this particular aspect of this case.

However, I wish to point out that the management of the school, upon occurrence of that incident on Wednesday 09 May 2012, immediately made arrangement for the student to be conveyed to the SSRN Hospital for treatment. According to information obtained from the Ministry of Health and Quality of Life, the student had multiple fractures.

On the same day, the Zonal Directorate for Zone 1 arranged for two educational psychologists and one educational social worker of the National Education Counselling Service of the Ministry to be sent to the school. They had working sessions with the Zonal Administrator, the Deputy Rector and the Usher.

Sensitisation and talks were held with the three Form IV classes with a view to reassuring the other students. Back up support had also been provided to students in need of counselling. As a preventive measure, particular attention is also being given to those students who were

close friends of the injured student. Officers of the National Education Counselling Service are visiting the school regularly to provide support to the students.

I would like to inform the House, Mr Deputy Speaker, Sir, as per report received from the Ministry of Health and Quality of Life, that the student has shown good post-operative recovery and has stable vital signs. She is being regularly seen by a general surgeon and a psychiatrist. Medical and supportive care as well as psychotherapy are being provided to her constantly.

Mrs Bholah: Given that so many incidents are taking place in our schools, including violence, does not the hon. Minister think it a priority to have in each school a Health and Safety Officer posted on a permanent basis?

Dr. Bunwaree: This is another question, Mr Deputy Speaker, Sir. If it is put properly, I will certainly reply. But I can assure the hon. Member that priority is already being given to security in schools, but there are so many problems annexed that we have to take care of. There are also many stakeholders involved. In fact, we are reinforcing what is already existent in our schools to see to it that we get better results.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether he is envisaging to have a *table ronde* with all stakeholders to address the issue of attempt at suicide among the youth today?

Dr. Bunwaree: This can be envisaged. It is not being envisaged immediately because there is so much work being done, but at some point in time it could be a good proposal.

Mr Jhugroo: I know that it is a very sensitive issue. Can I ask the hon. Minister whether any teacher on that particular date accused that student of being a thief and, if so, what measures have been taken against that teacher?

Dr. Bunwaree: As I said, and the hon. Member has guessed, in fact, there are so many things that have been said. There are many allegations. I think that because of this sensitive nature, that lady is traumatised, and I would wish not to enter into these details here. But if the hon. Member or Members want to see me personally, especially hon. Mrs Bholah who is a Member of the Constituency, I am prepared to give her all the information.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, my colleague, hon. Mrs Bholah, has mentioned the question of security, but I think that it is more a question of psychological support to students than security, though security also is important. Can the hon. Minister say whether he

proposes to reinforce psychological support in schools by increasing the number of psychologists employed at the Ministry?

Dr. Bunwaree: In fact, I partially already replied to this question just now. We are trying to do our best. We are enrolling a few more psychologists in the course of this Budget. But I must say and reassure the House that a team of professionals are attending, in this particular case, that student. We have educational psychologists, educational social worker, the National Education Counseling Service, a psychiatrist who is taking care of her at the level of the hospital, a psychologist from the Ministry of Gender Equality, Child Development and Family Welfare, the *Brigade des Mineurs* and, of course, the management of the school itself.

Mrs Radegonde: Mr Deputy Speaker, Sir, I heard the hon. Minister stating lots of curative measures: psychologists being sent to the school, social worker and preventive measure offering support to the friends of that student. In view of the seriousness of the problem affecting many schools, I can say, may I ask the hon. Minister if it is proposed to implement a prevention strategy policy to avoid recurrences?

Dr. Bunwaree: We do have a strategy which we are looking into, in fact, in view of reinforcing, and we are liaising with the various Ministries involved and stakeholders to go in line with what the hon. Member is saying.

The Deputy Speaker: Last question, hon. Mrs Ribot!

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister if, instead of having psychologists in schools only when the need arises, it is not high time to consider having full time trained counsellors attached to each and every school.

Dr. Bunwaree: We are coming also with the question of counselors in schools. The question is being discussed with the Ministry of Finance and Economic Development. I cannot offhand say when it is going to happen, but this is an idea that has already been taken into consideration at the level of the Ministry.

LOCAL AUTHORITIES – COMPUTERISATION

(No. B/126) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government and Outer Islands whether, in regard to the local authorities, he will, for the benefit of the House, obtain from each one of them, information as to the date on which the computerisation thereof was –

(a) implemented, and

- (b) commissioned, indicating the number thereof which are facing problems therewith, if any.

(Withdrawn)

UNIVERSITY OF MAURITIUS – PROMOTION EXERCISE

(No. B/127) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the University of Mauritius, he will, for the benefit of the House, obtain from the University, information as to if an inquiry has been carried out into the allegations of irregularity in connection with the last promotion exercise carried out thereat and, if so, indicate the outcome thereof.

Dr. Jeetah: Sir, I am informed as follows –

1. In accordance with Section 12 of the Statutes of the University of Mauritius, the Council shall set up a Staff Committee which shall make recommendations on all appointments except those of the Vice Chancellor, Pro Vice Chancellors and Chairperson of Senate;
2. I am informed by the University of Mauritius that –
 - (i) the Academic Promotion exercise is based on a set of rules and regulations contained in the Guide to the Procedures and Criteria for the Promotion of Academic staff, also known as the O'Connor report, which was approved by the Council after consultations with the University of Mauritius Academic Staff Union. This set of rules is being implemented since 1998;
 - (ii) prior to any appointment exercise, a consultative meeting is held between the management of the University and the University of Mauritius Academic Staff Union to discuss the procedures and criteria to be adopted;
 - (iii) for promotion to the grades of Senior Lecturer and Associate Professor, a first assessment is made at Faculty level by the Faculty Promotions Advisory Committee (FPAC), comprising academic peers which submit a report to the University Staff Committee, after a qualitative assessment of each application and an interview of applicants;

- (iv) the Staff Committee examines the report of the Faculty Promotions Advisory Committee, interviews the applicants and submits its recommendations to the University Council;
- (v) for promotions to the grade of Professor, a sub-committee of the Staff Committee considers all applications and interviews, the applicants and reports to the Staff Committee as to whether there is a *prima facie* case in respect of each applicant, and
- (vi) the Staff Committee then makes recommendations to the Council and the applications are sent for external assessment overseas by distinguished professors. The external assessors are not aware of the identity of the candidates, who are also not aware of the names of the assessors.

As regards allegations of irregularity in the recent appointments, I am informed by the University that the Academic Promotion Procedures provide for an Appeal process, whereby any aggrieved applicant may appeal to the Appeals Committee set up by the Council.

I am further informed by the University of Mauritius that for appointments to the grade of Professor, made in 2009/2010, two candidates have appealed against the decision of the Council. The Appeals Committee is considering the appeals.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether he is aware of the allegation of a few candidates that, irrespective of the Faculty to which they belong, - be it linguistic or not - they have been interviewed by three people all from the scientific side; one of whom is an expert in immunology, the other one in nursing and midwifery, and in faecal incontinence, which has absolutely nothing to do with linguistic.

Dr. Jeetah: No, Mr Deputy Speaker, Sir. This information did not come to me. In fact, as I have said, this is a process whereby the external assessors are not aware of the identity of the candidates, while the candidates are not aware of the names of the assessors. Obviously, there must have been a leak, but this information did not come to my Ministry.

Mr Lesjongard: May I ask the hon. Minister to confirm whether when it comes to promotion exercises in this country, this government fails to implement equal opportunity principles? We have raised issues in this House regarding Mr Jean Bruneau, Mr Gerard Hebrard, General Manager of the CEB, and now we get to Mrs Françoise Driver ...

The Deputy Speaker: I am sorry.

Mr Lesjongard: Let me finish, Mr Deputy Speaker, Sir...

The Deputy Speaker: The substantive question refers to the University of Mauritius. I would like all questions to be confined to the University of Mauritius, please.

Mr Lesjongard: I am coming to that, Mr Deputy Speaker, Sir.

The Deputy Speaker: Go straight to your question then. There is no need to make a statement.

Mr Lesjongard: Now, we have the case of Mrs Françoise Driver and Mr Arnaud Carpouran, who are two brilliant professionals in this country.

Dr. Jeetah: Mr Deputy Speaker, Sir, I am given to understand that for the year 2010-2011, there were 20 candidates who appealed. Mr Deputy Speaker, Sir, I do not know who has appealed and who has not. I would like to lay on the Table of the Assembly a document, which clearly explains the academic promotion exercise procedures. Part of it ...

(Interruptions)

I know the process; I used to be a member of Faculty. Part of the process is taken care of ...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo!

Dr. Jeetah: Mr Deputy Speaker, Sir, with regard to the promotion to become a Senior Lecturer, it is peer reviewed and assessed within the University, independent of whatever the candidate is. With regard to Professorship, it is assessed by external and distinguished Professors from overseas. I do not have any way to tell what these guys want to know; which community the candidates are coming from. So, I think the assumption there is wrong.

The Deputy Speaker: I should like to remind hon. Members that what I have said regarding hon. Hossen applies to each and every hon. Member of the House. No one has got the right, as per the Standing Orders, to speak from a sitting position or to resort to cross-talking. Thank you very much. Hon. Obeegadoo!

Mr Obeegadoo: Mr Deputy Speaker, Sir, being given that never has a promotion exercise at the University of Mauritius proved to be so controversial, and being given that such controversy can cause irreparable and grave damage to the reputation of the University at a time when the hon. Minister is talking to attract foreign students, will the hon. Minister consider making appropriate recommendations pursuant to section (9) of the University of Mauritius Act,

for the appointment of a visitor to enquire into this whole matter and come up with appropriate suggestions?

Dr. Jeetah: No, Mr Deputy Speaker, Sir, but I am willing to consider looking at ways and means of making the process even more transparent. As I have said, I have been discussing as to whether we should put everything online - on the web. Then, of course, I'll have to discuss this issue with all parties concerned. This will be a bold step to show who has achieved which grades, whether they have done research, and the kind of work and contribution that they have made to academics.

Mr Bhagwan: In his reply, the hon. Minister stated that his attention was not drawn to the last exercise to professional status for a linguist - it was assessed by an expert on nursing studies, specialised in faecal incontinence and so on.

(Interruptions)

Don't laugh! You make as if you are superior. *'In fer enn madam dominère. Craz malheureux'*, and this, at the University of Mauritius. We all know.

(Interruptions)

The Deputy Speaker: Hon. Bhagwan, please go ahead with your question!

(Interruptions)

Mr Bhagwan: *'Mo pena leçon pour prend are twa'*!

The Deputy Speaker: Hon. Bhagwan, please!

Mr Bhagwan: The Minister has just stated that he has not been made aware. Now that he is aware, would he give the guarantee to the House that he will do his best, and that justice be given to that lady?

Dr. Jeetah: Mr Deputy Speaker, Sir, the Minister has no power to interfere in a promotion exercise. This has nothing to do with promotion. There is no other Minister who could have interfered ...

(Interruptions)

The Deputy Speaker: Hon. Bhagwan, you asked a question. Let the hon. Minister give the reply now. Just listen to the reply that the hon. Minister is giving.

Dr. Jeetah: Mr Deputy Speaker, Sir, let me list the members of the Appeal Committee for 2010-2011. We have people like Mr Tim Taylor, who does not happen to be a member of the Labour Party, Professor A. Peerally, Dr. Mrs Linda Mamet, Professor T. Ramjeeawon, and Dr.

Sanjeev Soobhee. For the year 2009-2010, the Chairperson was Mr Tim Taylor, Professor A. Peerally again, Dr. Mrs Linda Mamet, Professor Mrs Sheila Bunwaree ...

(Interruptions)

The Deputy Speaker: Hon. Bhagwan, let the hon. Minister reply!

(Interruptions)

Hon. Henry!

(Interruptions)

I have already talked to him.

Dr. Jeetah: ... and Professor D. Jhurry. Mr Deputy Speaker, Sir, at least, on one count, I can say that these are professionals, and I am sure that they know what is their job as professionals. I am sure that they will do their job according to their responsibilities.

The Deputy Speaker: Last question hon. Mrs Ribot!

Mrs Ribot: Mr Deputy Speaker, Sir, I think the hon. Minister will admit that 16 letters of complaint for a tertiary university is enormous. Will the inquiry - which is supposed to be carried out - look into the allegation of conflict of interest of the vice-Chancellor by interim at the level of the staff committee and of the Dean of Social Sciences at the level of the Faculty Promotion Advisory Committee?

Dr. Jeetah: This I can certainly do, Mr Deputy Speaker, Sir. I shall certainly pass on the concern of the hon. Member to the Ag. vice-Chancellor.

The Deputy Speaker: Next question hon. Mrs Ribot!

FAMILIES - REHABILITATION - SUPPORT

(No. B/128) Ms L. Ribot (Third Member for Stanley & Rose Hill) asked Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the rehabilitation of families who have had their children removed from them, she will state the number thereof over the past five years, indicating, for the same period, the -

- (a) number of children who have been returned to their family of origin, indicating their respective age, and
- (b) types of support given to these families, indicating the number of -
 - (i) families who have benefitted therefrom, and
 - (ii) officers responsible therefor.

Mrs Martin: Mr Speaker, Sir, I am informed that families of all child violence cases referred to the Child Development Unit of my Ministry are given support as appropriate to ensure that their functionality with respect to caring and handling of children are restored the soonest possible. Over the past five years, 433 children at risk have been removed from their families or immediate living environment and have been committed to a place of safety after the issue of an Emergency Protection Order under the Child Protection Act 1994.

Coming to part (a) of the question, out of the 433 children removed, 210 of them have been returned to their families of origin or next of kin and the age of those children varies from 0 to 18 years.

As regards part (b) (i) of the question, the families or next of kin of the 210 children returned have benefited from various rehabilitation supports which include psychological counselling and follow up through home visits. Supports are also given by referring families and next of kin to appropriate Ministries for assistance and also to NGOs providing responses to their needs.

In regard to part b (ii) of the question, I am informed that as at date, six (6) Psychologists and nine (9) officers in the grade of Family Welfare Protection Officers are responsible for the rehabilitation of families who have had their children removed from them.

Details of figures of number of children removed to a place of safety and the number reinserted in their families of origin during the past five years indicating their age with the number of families benefiting from various types of support and officers responsible therefore are being tabled.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister whether when the children are back home there are any follow-up and psychological support given to them.

Mrs Martin: I have just mentioned, Mr Deputy Speaker, Sir, that, in fact, the children who are returned home indeed benefit from psychological support and follow-up home visits.

Mrs Ribot: Mr Deputy Speaker, Sir, I would also like to know from the hon. Minister whether, at the level of her Ministry, there is any mechanism to make sure that, for those children once they have been brought back home, it can be ensured that they go back to school as well.

Mrs Martin: Like I have mentioned again, Mr Deputy Speaker, Sir, supports are given to families, and they are referred to different Ministries for assistance. I assume as well that it includes the Ministry of Education.

Mr Obeegadoo: Mr Deputy Speaker, Sir, if my arithmetic is right, every week in this country, two children are being removed from their families. Can the hon. Minister give us some idea what are the main reasons for which protection orders are being issued, and children in that way removed from families?

Mrs Martin: There are a number of factors, Mr Deputy Speaker, Sir, but of course, the removal of children is done as a last resort. Normally, the families from whom we remove the children are seen to be facing extreme socioeconomic difficulties; for example, heavy alcoholism and drug abuse, prostitution, untraceable parents in some cases, multi-partner families, where step parents are themselves perpetrators or on bail, etc.

Mrs Hanoomanjee: The hon. Minister has just said that, out of 433 children, 210 have been sent back to their families of origin. Can we know what has happened to the other half of that number, and why is it that the concept of *'famille d'accueil'* has not worked, and whether an enquiry has been carried out to see what can be done so that these children do not stay forever and ever in these shelters?

Mrs Martin: Mr Deputy Speaker, Sir, some of those children have benefited from foster care projects but, of course, it is an ongoing project, and year by year we have a number of children whom we refer to foster parents, and most of the other children are normally placed in the different shelters as well.

Mr Obeegadoo: Mr Deputy Speaker, Sir, in answer to the question from my colleague, the hon. Minister indicates that there are 15 officers who, apart from their normal duties presumably, also have to ensure follow-up on the 210 children that were returned to their families. That speaks for itself.

Being given the desperate lack of resources of the Ministry, will the hon. Minister tell us how many of the 210 children that were returned to their families had eventually to be the subject yet again of a protection order so as to be taken away a second time from their families?

Mrs Martin: Unfortunately, Mr Deputy Speaker, Sir, I do not have that information.

Dr. S. Boolell: May I ask the hon. Minister whether she is aware that these children who get removed from their families do not go to school at all until such time they return home, and

that there is a gap between in their schooling, which is never made up, and that some form of affirmative action is actually needed in the form of at least a free school meal?

Mrs Martin: Mr Deputy Speaker, Sir, I have just informed the House that support is given by referring the families and the next of kin to other Ministries, depending on the type of problems which they face, and that includes the Ministry of Education. I know for a fact, for example, that there have been cases whereby the children were not going to school which have been referred to our Ministry. We have ensured, along with the Ministry of Education, that the children go to school. If the hon. Member knows of any case, I would appreciate that he refers it to my Ministry, and we will do the needful.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the hon. Minister mentioned that, out of the 433 children who were taken away from their families, some 210 were returned to their families. May I know from the hon. Minister what measures were taken and how were the families concerned rehabilitated, and also what measures were taken to ensure that they could after some time accept their children back?

Mrs Martin: What I can understand from the general procedure is that there is a system which is in place for follow-up visits, and that is ensured by the Family Protection Officers. They ensure that there are follow-up visits, and see if the children are in a conducive atmosphere for their rehabilitation. But, normally, before the children are committed, they go through the decision by the district Magistrate upon whom the onus rests to discharge court orders in order to commit the children to their families again.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister which serious study is done at the level of the family apart from magistrates and everything. Does it come to frequent visits of officers to make sure that those families not only are ready, but are willing and can take those children back home?

Mrs Martin: The decision to return the child and the siblings to his/her family is taken only when there is certainty that the family can accept the child, and that the child would be safe there. Of course, the onus does not rest only with my Ministry, but the district Magistrate also must be satisfied that all the conditions are met before the child reintegrates his family.

Mrs Navarre-Marie: Can the hon. Minister state the number of children who are presently in the shelter owned and managed by her Ministry, stating also the accommodation capacity of that shelter?

Mrs Martin: Actually, Mr Deputy Speaker, Sir, I need notice of that question because I don't have the number of children who are in the different shelters. But I have the list of the different shelters. Maybe, I can make it available to the hon. Member later, should she require it.

CAMP LEVIEUX NHDC HOUSING ESTATE – WATER SUPPLY

(No. B/129) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Housing and Lands whether, in regard to water, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., information as to if the supply thereof is regular at the Camp Levieux NHDC Housing Estate and, if not, indicate the remedial measures that will be taken, including if water pumps will be installed thereat and, if so, when and, if not, why not.

Dr. Kasenally: Mr Deputy Speaker, Sir, at the very outset I wish to inform the House that the country has gone through a severe drought for the past two years and this has entailed drastic cut in water supply by the CWA throughout the island.

I am, however, informed by the NHDC that the inhabitants of Camp Levieux Housing Estate, like inhabitants of regions, have been complaining of irregular water supply. The problem has further been compounded due to low water pressure.

Mr Deputy Speaker, Sir, at Camp Le Vieux Housing Estate, there are three different housing estates and they are equipped with different mode of water supply.

The Camp Levieux Alpha Housing Estate is equipped with a storage tank and a main pump for distribution of water to each housing unit.

At Camp Levieux Exim Housing Estate each unit is equipped with individual water supply and, in fact, in all housing estates this is going to be the case where each inhabitant will have his own supply and pay his individual water bill.

At Camp Levieux Malaysian I Housing Estate, two-roof galvanized mild steel roof water tanks have been provided for a block of apartment.

Furthermore, the inhabitants faced water shortage due to -

- (i) non-payment of electricity bills by syndics; the electrical supply has been interrupted hence water pumps are not operational.
- (ii) non-maintenance of water tanks;
- (iii) acts of vandalism, and
- (iv) syndics having not been set up.

Mr Deputy Speaker, Sir, I wish to draw the attention of the hon. Member that the inhabitants of NHDC housing estates are the owners *de 'plein droit'* and are responsible, through their syndic, for maintenance of all common areas and facilities, including water tanks and water pumps.

However, this Government is helping them like all other housing estates. Funds have been provided to the tune of Rs17 m. for the setting up syndics. So far, we have successfully set up syndic on 6 NHDC Housing Estates, inclusive of Camp Levieux (Alpha). Five additional syndics are being set up in due course at Camp Levieux Malaysian I Housing Estate.

Mr Deputy Speaker, Sir, this Government has gone even further in providing Rs70 m. for the next 3 years to rehabilitate water reticulation on 13 NHDC housing estates inclusive of Camp Levieux Malaysian I Housing Estate.

To that effect, a feasibility study is being carried out to identify the best possible way to restore constant water supply.

Mr Deputy Speaker, Sir, the provision of new water pumps would depend on the findings of the feasibility study.

Mr Deputy Speaker, Sir, the hon. Member may refer to my previous reply to PQ No. 1B/727 of 30 November 2010.

Mr Nagalingum: Mr Deputy Speaker, Sir, I know that some work has been done in the NHDC complex. As regards the water pump, it's one year now that I have put that question and my colleague, hon. Mrs Ribot also. Due to lack of water pump, people are being deprived daily. Even though there is no shortage of water, they have been deprived of water supply. So, I appeal to the hon. Minister, once again, to look into the problem urgently.

Dr. Kasenally: Mr Deputy Speaker, Sir, in fact, I have instructed the NHDC to speed up the setting up of the syndics. It is the syndics who are receiving a certain amount of contribution from government to look after the water supply.

However, in this particular case, I was given to understand that a new pump was being installed - or has been or is being recently - especially in the housing estate which the hon. Member is referring to.

However, water being a very essential commodity for the maintenance of life and comfort to the inhabitants, I shall use my initiative to expedite the installation of this pump in one of the housing estates.

Mr Nagalingum: What I understood from the hon. Minister in his answer a year ago is that the NHDC was going to liaise with the CWA to install the water pump. That's why my question was put; that has not been done. That is what my question is all about.

Dr. Kasenally: CWA is not involved in the setting up of pumps. It is actually, as I said, the work of the syndic. The syndic is being created and, I think, it is one of the most difficult places to get the syndics. But we are trying hard. I have already got one. One has been done and another one is coming up, and I will have to follow it up because I was also given to understand that they were putting up a water pump. This is what I am telling you. It has to be done, and we are going to do it.

MUNICIPAL COUNCIL OF PORT LOUIS – MARKETS & FAIRS – RENTAL FEES

(No. B/130) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the payments of rental fees by stall holders of markets and fairs to the Municipal Council of Port Louis, he will, for the benefit of the House, obtain from the Council, information as to if the accounts in relation thereto have been tampered with, and if so, indicate -

- (a) when, and
- (b) if an inquiry has been carried out thereinto and the outcome thereof.

The Minister of Social Integration and Economic Empowerment (Mr S. Dayal): Mr Deputy Speaker, Sir, I am informed by the City Council of Port Louis that at no point in time there has been any tampering whatsoever in any account in respect of rental fees for any markets and fairs under its jurisdiction.

Mr Nagalingum: Can I know from the hon. Minister how many cases were involved, and the amount of money that was involved?

Mr Dayal: Mr Deputy Speaker, Sir, I have just mentioned that there is no case whatsoever. This is the information that I have got.

Mr Ameer Meea: Mr Deputy Speaker, Sir, since there has not been any account that has been tampered, can I ask the hon. Minister whether there has been any other problem with the accounts of any markets and fairs?

Mr Dayal: Mr Deputy Speaker, Sir, I think that the hon. Member has to come with a substantive question to the substantive Minister.

ICT/BPO INTERNATIONAL CONFERENCE - EXPENSES INCURRED

(No. B/131) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Information and Communication Technology whether, in regard to the ICT/BPO International Conference, held in October 2011, he will -

- (a) give a breakdown of the expenses incurred, including the names of the officers who were paid overtime/allowances for having worked in connection therewith, indicating the quantum thereof in each case, and
- (b) state if the Director of Audit has carried out an audit of all the expenses incurred and, if so, indicate the outcome thereof.

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, as regards part (a) of the question, I am tabling, first, a breakdown of expenses incurred and, second, a list of all officers who were paid allowances and the corresponding quantum thereof in connection with the ICT/BPO Conference that was organised in October 2011. I am informed that no officer was paid overtime for this conference being given that an all inclusive allowance is applicable for such type of event.

As regards part (b) of the question, Mr Deputy Speaker, Sir, I am informed that, as it is the normal practice in all Ministries and Departments, the National Audit Office carries out an annual audit exercise for the preceding financial year.

Mr Deputy Speaker, Sir, I am informed that the process pertaining to the audit of the accounts of my Ministry for Financial Year 2011 is still ongoing.

Mr Jhugroo: Can the hon. Minister inform the House who had appointed the Assistant Secretary, Mr Deenoo, as Chairman of the organising Committee, and on what ground, and why the Permanent Secretary, Mr Pather, had been put aside?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, I am informed that the Permanent Secretary of the Ministry acknowledged him as the Chairman of the organising Committee for the ICT/BPO Conference. One thing that we have to take into consideration is that the officer Deenoo was posted at the Ministry since January 2008 and, at that time itself, Mr Deputy Speaker, Sir, he was assigned by the Permanent Secretary of that period the responsibility of organising events, be it at national or regional level. At that time, in 2008, he was the Chairman of the organising Committee of the SADC ICT Ministers which was held in Mauritius.

In 2010, when I took office, he was still at the Ministry, and with the same scheme of duty as contained in a document signed by Mr Pather himself.

Mr Deputy Speaker, Sir, at the time when we were going to organise that ICT/BPO Conference, I was informed that the Permanent Secretary acknowledged him as the Chairman, and we have documents in support of all that I am saying. I am ready to table it right now, Mr Deputy Speaker, Sir.

Mr Jhugroo: Can we know from the hon. Minister whether AS Deenoo was receiving instructions from your Adviser, Mr Dorasami, and can the hon. Minister table a copy of all the Minutes of Proceedings of the meetings held for the organisation of this event?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, it is absolutely false to say that Mr Deenoo was accountable to Mr Dorasami. In fact, he has to answer to the PAS and the PS, and not to Mr Dorasami.

Secondly, insofar as those Minutes of Proceedings which the hon. Member is asking for - I don't have it with me - I am prepared to table it, Mr Deputy Speaker, Sir.

Mr Bhagwan: Can the hon. Minister confirm to the House whether the Director of Audit, in his management letter to the Ministry, has made severe negative observations to the fact that the VIPSU officers attached to the hon. Minister and his Constituency Clerk was given *ex gratia* allowance in connection with that conference?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, in fact, I must say that there is, in the normal course of things, an audit exercise which is being carried out. Of course, there are certain enlightenments which the auditor wants to have and, through the management letter, he mentions same. But insofar as the officer which, I think, my friend is referring to, I can confirm that no payment has been made to the PRO who was attached to my office.

Again, I can confirm that no such payment has been effected to the PRO although he was helping. There was no payment effected to any PRO. And, insofar as VIPSU is concerned, Mr Deputy Speaker, Sir, there is one thing that you have to take into consideration. Over and above the duties that were assigned to those VIPSU, at the time of that conference, there were foreign officials who were present, and their services were asked for. The organising committee did it through the PS to help in that conference. This is the same procedure as provided in PRB, Mr Deputy Speaker, Sir. Tomorrow, if somebody has a wedding ceremony at his place and wants to retain the services of a police officer to put order, of course, he can do so, and he will have to get paid for that. This is what happened, and I have nothing to do with that. This is a question of pure administrative nature.

Dr. Hawoldar: Mr Deputy Speaker, Sir, may I ask the hon. Minister who was the officer or the person responsible who collected money and made payments for this conference?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, at the time of the organisation of the ICT/BPO conference, a Finance Committee was set up. All payments which were received were made by way of cheques drawn to the order of Government of Mauritius. There was only one payment which was made by way of *virement bancaire*, and it came from HP. Those payments which were received were deposited in a special account, which was under the control and supervision of the Accountant-General. All payments which have been effected from that account were made by the Accountant-General. I can confirm to the House today that there is nobody else who has effected payment other than the Accountant-General.

Mr Jhugroo: After having been aware of the adverse report of the Director of Audit regarding this issue, has the hon. Minister conducted an internal inquiry and, if so, can we know the outcome thereof and if not, why not?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, in fact, I came to know about that management letter through the press article. One thing that I would like to confirm to the hon. Member is that when the auditors came to the office to inspect the accounts of the Ministry, they made certain observations and, of course, those observations were noted down in the management letter which I have just seen. Mr Deputy Speaker, Sir, most of these items will be cleared because at the time they called at the office, they said that the officer responsible for the file did not make available that information. It is good to note that the Permanent Secretary to whom that management letter was addressed has already started working out the enlightenment which the auditor wants to have for the purpose of that conference. Also I can inform the hon. Member that the police have been informed about this incidence, and an inquiry is ongoing.

At the level of the Ministry also, we are conducting an internal inquiry to know where matter stands and how come that such leakage has been made. One thing that we have to take into consideration, Mr Deputy Speaker, Sir, is that the management letter is a document of a confidential nature. Before I can have access to it or even the Permanent Secretary to whom it was addressed got it, this was in the paper. But at the same time, there were certain positive things that were mentioned in that report which, unfortunately, did not appear in the press.

Mr Bérenger: Mr Deputy Speaker, Sir, I will put two questions, if you will allow me. We have been told that the police inquiry is on. Is the hon. Minister saying that he has given a

statement to the police or is he aware himself that the police inquiry is on? Second, is an ICAC inquiry on in parallel?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, I wish to confirm to the hon. Member that the Permanent Secretary, at his level, has already wrote to the Commissioner of Police to complain about the leakage of information. I, personally, went to the Line Barracks to make a declaration at the Central CID of those events which happened and were related in the press. I must also confirm to the hon. Member that ICAC is conducting an inquiry, and it is ongoing.

Mr Bérenger: Did I hear the hon. Minister correctly saying that it is in order for a VIPSU police officer attached to a Minister to be paid for services provided to other people?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, the hon. Member should know better. I am not responsible in any manner insofar as administrative issues are concerned. If any payment is to be effected...

(Interruptions)

I am still on my feet, Mr Deputy Speaker. Sir. Mr Deputy Speaker, Sir, those payments were effected, as I said, by the Accountant-General after obtaining the green light from administration.

Mr Bhagwan: Mr Deputy Speaker, Sir, I think it is *une grande première*. Was the hon. Minister aware at any point in time that the VIPSU attached personally to his service was being hired in the organisation of the conference? This is one question. The hon. Minister has not replied to my question. I asked the question not on PRO...

The Deputy Speaker: Let's move one by one. Let him answer the first question.

Mr Bhagwan: ... but on his Constituency clerk, which he has not replied.

Mr Pillay Chedumbrum: In fact, there is confusion between the Constituency clerk and the PRO. At the time he was attached to my office, he was a PRO and was receiving his payment from the Ministry. I missed the second question.

The Deputy Speaker: That's why I said to move one by one. Hon. Bhagwan, your second question!

Mr Bhagwan: Has his authority been sought? We have been Ministers. When people attached to us are being asked to work for other divisions, for the police, the courtesy would be that the hon. Minister should be aware. Has the hon. Minister been made aware or was his

approval sought? Was the Minister's authority sought for the use of his VIPSU at any point in time in the conference? When the VIPSU attached to him was working at the conference, what was happening to his security? Was other VIPSU officer or police officer delegated to ensure his security?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, the VIPSU is an officer of the police.

(Interruptions)

The Deputy Speaker: Let him answer now!

Mr Pillay Chedumbrum: I think the hon. Member has not put an answer, he has put a question. Let me answer the question. Mr Deputy Speaker, Sir, hon. Ministers are concerned with policy decisions. Insofar as payment is concerned, these are administrative issues and, as I said, no payment has been effected to anybody other than one who drew the cheque himself, the Accountant-General.

The Deputy Speaker: Last question, hon. Jhugroo!

Mr Jhugroo: I have got more supplementaries, it is very important.

The Deputy Speaker: Last question, hon. Jhugroo!

Mr Jhugroo: Why last question?

(Interruptions)

The Deputy Speaker: I am satisfied that this question has been amply mooted.

(Interruptions)

Mr Jhugroo: *Paye nou pou travaille!*

The Deputy Speaker: No need for any comment, hon. Jhugroo!

(Interruptions)

Let's proceed with the question! Hon. Soodhun, there is no need for any comment on your side!

(Interruptions)

It applies to everybody. Please, go ahead with the question!

Mr Jhugroo: Is the hon. Minister aware that, according to the Director of Audit's Report, there was no tender exercise carried out for the holding of the *dîner de gala* at Le Meridien, which cost Rs1,733,760, and Rs227,410 paid to Resort and Spa Limited, La Plantation?

(Interruption)

Another question, because it is the last question. Can the hon. Minister inform the House why all the files in respect of this conference were kept in the office of the AS Dinoo instead of the Registry?

(Interruptions)

The Deputy Speaker: Please, let him answer the question!

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, I am informed that, as per the records, all expenses have been made within the provisions of the Public Procurement Act. With reference to procurement procedures, I am informed that for procurement not exceeding the threshold of Rs500,000, direct procurement may be resorted to.

Moreover, the consulting services and keynote speakers fees for which there is only one supplier, the public procurement also provides for direct procurement. With regard to each and every step in the process of procurement, this is purely an administrative procedure which does not fall under my purview.

Mr Deputy Speaker, Sir, the National Audit Office is presently carrying out an audit exercise, and it is the prerogative of the National Audit Office to state whether all steps were followed. I can assure the House that I have not given any instruction whatsoever, as mentioned, and in insofar as the procurement which is being concerned, I am prepared to table all the tender procedures which have been carried out with the hotels for purchase of articles, etc. I am prepared to table them right now, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon Jhugroo!

Mr Jhugroo: Can the hon. Minister confirm to the House whether he made the following statements to his staff and why on 26 January 2012 at 1.30 p.m, at a meeting convened by him? *‘Kan de éléphants la guerre c’est l’herbe ki crazer, et l’herbe c’est zotte. Pran zotte responsabilité c’est ki zotte faire’*. Being given that an enquiry is being conducted by ICAC and *au nom de la moralité*, as you are a legal person, will the Minister consider stepping down until the end of the enquiry?

(Interruptions)

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, at a time when the ICT sector is making immense progress, how can one come with such type of comments, namely that I have called those officers in my office? We must ignore this. There are so many things which are more important ...

(Interruptions)

We must take one thing into consideration. We have the Euro crisis, we must see what is happening in northern Africa, and we have to convert it in an opportunity ...

(Interruptions)

...instead of looking into all these aspects. He is talking rubbish, Mr Deputy Speaker, Sir!

The Deputy Speaker: Hon. Bhagwan! Hon. Soodhun! No need for any comment, especially from a sitting position.

Mr Bhagwan: Mr Deputy Speaker, Sir, can the hon. Minister confirm to the House, the country and the nation that the then Permanent Secretary was not happy with the way things were being handled in the organisation of that Committee and was not doing the dirty job of certain people, and this is why the Minister asked the hon. Prime Minister that the head of the Ministry be transferred? Because he was not happy with what was happening there?

Mr Pillay Chedumbrum: Mr Deputy Speaker, Sir, one thing that we have to take into consideration...

(Interruptions)

The Deputy Speaker: Hon. Bhagwan! Let the hon. Minister answer please. You have put a question. Let him give the reply.

(Interruptions)

Let the hon. Minister reply. The hon. Minister is replying at the moment.

Mr Pillay Chedumbrum: I am still on my feet, Sir. He should know better.

The Deputy Speaker: Hon. Minister, please go ahead.

Mr Pillay Chedumbrum: Let me tell one thing, Mr Deputy Speaker, Sir. That Permanent Secretary was entrusted to me at the time I took office as Minister. I will quote only two occasions, and then people will see for themselves.

(Interruptions)

The Deputy Speaker: Hon. Minister! Please!

(Interruptions)

Kindly afford to give your answer in a very straightforward manner, and we will round off with this question please. Hon. Bhagwan !

Mr Pillay Chedumbrum: In the wake of the Euro crisis, when we want to look forward and we have the ambition of making ICT the main pillar of our economy, we need people who are most willing to work and not to sit and prevent us from doing our work.

(Interruptions)

As I said, when somebody is receiving his salary at the end of the month, he has to work, and if he was receiving pension, then he can retire.

(Interruptions)

The Deputy Speaker: Next question hon. Li Kwong Wing!

FOREIGN DIRECT INVESTMENTS

(No. B/132) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Foreign Direct Investments, he will state the -

- (a) total amount thereof obtained in 2011 and for the period January to April 2012 compared to the period January to April 2011;
- (b) estimated amount thereof to be obtained in 2012;
- (c) percentage of total Foreign Direct Investments invested in 2011 and estimated for 2012 in the construction and real estate sector, and
- (d) impact of a reduction therein on the balance of payments and the economic growth rate for 2012.

(Interruptions)

The Deputy Speaker: These remarks are unwarranted. Let the hon. Minister answer please!

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, with regard to parts (a) and part (b) of the question, FDI inflows amounted to Rs9.5 billion in 2011. As for the first quarter of 2011, the total FDI inflows amounted to Rs2.1 billion. The figures for the first quarter of 2012 will be released by the Bank of Mauritius next month. For the year 2012, it is estimated that a level of FDI inflows will be broadly similar to last year.

In fact, during the period 2006/2011, Mauritius has attracted an annual average of Rs10.4 billion of FDI in contrast to just Rs1.5 billion during the preceding five years. For example, Mr

Deputy Speaker, Sir, in 2001 Mauritius attracted FDI of only Rs336 m. and in 2002 less than Rs1 billion.

Historical data show that Mauritius continues to attract higher FDI inflows than in the period preceding the reforms, notwithstanding the ups and downs caused by changing global economic cycles.

As far as part (c) of the question is concerned, in 2011 the percentage of total FDI invested in the construction industry and real estate sector, was 22.1 per cent and 48.4 per cent respectively. No sectoral breakdown forecasts are available for 2012.

With regard to part(d) of the question, as already indicated earlier, it is forecast that there will be no slowdown in FDI inflows which is projected to be in the region of Rs9 billion this year. It is also projected that for the sixth year in a row there will be a surplus for the overall balance of payments in 2012. This surplus is expected to be in the region of Rs2.5 billion.

I wish to inform the House that, while higher FDI will lead to higher growth rates, the exact magnitude of the impact would depend on the sector and nature of the investment, its efficiency and the multiplier effect. Similarly, the impact of FDI on the balance of payments is positive. The magnitude of this impact depends on the related export response and the imports required as a result of the investment.

Mr Li Kwong Wing: Mr Deputy Speaker, Sir, in spite of massive FDI obtained over the years, will the hon. Minister agree with us that the FDI has neither increased our export potential nor has it increased our economic growth rate, nor has it increased the private investment, nor has it increased domestic saving, and unemployment is still rising? So, are we not attracting the wrong type of FDI, which is unfavourable to the economy, and adding no value to the economy?

Mr Duval: Obviously, Mr Deputy Speaker, Sir, no one will agree to the statement that the hon. Member just made. However, I will say that if you look at FDI across the sectors and across the years, now it actually spreads out across all the 14 sectors which are identified.

Obviously, it is stating the obvious that when you invest in real estate or when you invest in construction, it is going to be a higher absolute amount than when we invest in other areas. But, I must also point out Mr Deputy Speaker, Sir, that my colleague, the Minister of Industry, has very rightly pointed out that we must put much more emphasis on other types of FDI, for instance, manufacturing, and I myself have repeatedly stated that not only the amount of FDI is important, but the type of FDI is important. I have stated that many times.

Mr Li Kwong Wing: Since a high component of the FDI, more than 68%, is concentrated in the real estate and construction sector, is not this FDI biased towards an unproductive investment creating land speculation and recolonisation of the economy, and it is totally against the democratisation of the economy?

Mr Duval: Mr Deputy Speaker, Sir, when we invest in a hotel, and if the hotel is under construction, then the FDI is said to go into construction. So, obviously, what the hon. Member is saying cannot be right, because construction FDI actually goes into construction activity, and that is important. I will take the point, Mr Deputy Speaker, Sir, of say FDI in construction. It does create employment. It gives jobs to contractors, to subcontractors. It creates activities, and construction is good.

As far as the real estate sector is concerned, it is not as if it is crowding out. If it was crowding out other FDIs, I would take that point. It is not crowding out, it is additional investment. When the money comes in – let's say it is invested in IRS, fantastic, because you are attracting probably a high-net-worth individual who is going to have friends come to Mauritius; who is going to use our restaurants, who is going to use all the facilities in Mauritius not only that, but there are also opportunities, as the hon. Member would know, of investment from these high-net-worth individuals into other productive sectors of the economy.

Mr Li Kwong Wing: May I remind the Minister that investment has not increased in the recent years, that private investment actually has been displaced and decreased in Mauritius, and if total investment has remained stagnant it is because public investment has increased and replaced private investment? Since the contribution of the FDI to the economy has been quite low in significance, will the Minister agree, therefore, that the main contribution of FDI to our economy has been only to prop up the value of the rupee and causing a *roupie forte*, which he is staunchly against?

Mr Duval: Firstly, Mr Deputy Speaker, the hon. Member cannot say that FDI has crowded out local investment, because a lot of the IRS - actually local investment - constructed are being sold as real estate to foreigners; so, this is not on.

Secondly, Mr Deputy Speaker, the Member will know that FDI comes in, and then obviously quite a bit of it goes out again because people buy equipment, people buy a lot of things for the investment to be able to come up. So, the effect on the rupee or the effect on the

balance of payments is overstated because, in fact, large proportions, probably the majority of the FDI that comes in goes back out again when the actual imports are made from that FDI.

The Deputy Speaker: I am afraid, we are running short of time, I'll allow the hon. Member a last question.

Mr Li Kwong Wing: As the Minister has just confirmed, I mean the type of investment that is being attracted by this FDI is not adding value to the economy because most of these inflows are going back as imports. So, may I ask the Minister whether, given the fall in the FDI in the future and the reverse flows of repatriation of capital and profits in the future, will this not lead to depletion of reserves in the future?

Mr Duval: Mr Deputy Speaker, two things. The hon. Member should not put words in my mouth. I did not say that it does not add value. I did not say that. I said there are many types of value: construction, jobs, work for contractors, real estate. It brings in people; other types of investment like Bharat Telecom has made, I think, Rs200 m. recently. It is going to improve ICT in Mauritius, which will be of very great use to society. There are many types of investment. The type of investment that does not work is when people sell shares; like when you sell Mauritius Telecom. That does not bring anything, but the rest of the FDI does bring things to the economy, and I do not agree that it is going to fall in the future. I do not agree. I have just said, Mr Deputy Speaker, that this year FDI is holding up, despite *tous les prophètes de malheur*. It is expected to be roughly similar to what it was last year.

The Deputy Speaker: The Table has been advised that PQs B/134, B/140, B/141, B/142, B/143 and B/145 have been withdrawn. Time is over!

SUSPENSION OF S.O. 10(2)

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

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

Mrs Martin: Mr Deputy Speaker, Sir, in accordance to the ruling of the Speaker this morning after Question Time, I have a point of order to raise. May I be allowed to proceed, please?

The Deputy Speaker: What is your point of order?

Mrs Martin: My point of order, Mr Deputy Speaker, Sir, relates to what happened during PQ No. B/123 after Question Time, when I overheard hon. Soodhun from a sitting position telling hon. Abdullah Hossen....

(Interruptions)

The Deputy Speaker: Let me hear the point of order.

Mrs Martin: I'll quote what was said, Mr Deputy Speaker, Sir. He said '*ale garde enn fam to fer bien!*'

(Interruptions)

The Deputy Speaker: I am on my feet!

Mrs Martin: Mr Deputy Speaker, Sir, in a spirit of fairness...

The Deputy Speaker: Let the hon. Minister make her point first of all, and then I'll see.

Mrs Martin: In a spirit of fairness, Mr Deputy Speaker, Sir, I would ask you to intervene and ask the hon. Member in a gentlemanly fashion to withdraw this sexist remark, and refrain from such remarks in future to preserve the decorum of the House.

The Deputy Speaker: I'll put it to the hon. Member. Did he make such a statement?

Mr Soodhun: Never! I have never mentioned this in the House!

(Interruptions)

What 'shame'? I have never mentioned that!

(Interruptions)

The Deputy Speaker: If ever the hon. Member did make the statement, I'll ask him to withdraw.

(Interruptions)

If he insists that he did not make the statement, I'll have to listen to the records.

(Interruptions)

Mrs Martin: Mr Deputy Speaker, Sir, you have just seen the hon. Member; he was saying '*al vey martin*' now.

(Interruptions)

The Deputy Speaker: I am sorry! I am on my feet! In case the hon. Member insists that he did not make the statement...

Mr Soodhun: No!

The Deputy Speaker: I'll have to suspend the sitting for fifteen minutes during which time I am going to check the records.

(Interruptions)

PUBLIC BILLS

First Reading

On motion made and seconded the Mauritius Family Planning and Welfare Association (Temporary Provisions) Bill (No. IX of 2012) was read a first time.

The Deputy Speaker: I'll suspend the sitting for half an hour for tea.

At 4.40 p.m. the sitting was suspended.

On resuming at 5.22 p.m. with Mr Speaker in the Chair.

MOTION

GOVERNMENT PROGRAMME 2012-2015

Order read for resuming adjourned debate on the following motion of the hon. Third Member for Port Louis North and Montagne Longue (Mrs B. Juggoo) -

“This Assembly resolves that the Government Programme 2012-2015 presented to this Assembly on Monday 16 April 2012, copy of which has been circularised amongst Honourable Members, be and is hereby approved.”

Question again proposed.

The Minister of Gender Equality, Child Development and Family Welfare (Mrs M. Martin): Mr Speaker, Sir, from the very outset, I would like to thank the Acting President, Her Excellency, Mrs Monique Ohsan-Bellepeau, for presenting the Government Programme 2012-2015 on 16 April last.

Let me also congratulate you, Mr Speaker, Sir, for your re-election as well as the new Deputy Speaker.

I must also thank hon. Mrs Kalyanee Juggoo for the motion presented in this House, which allows us to debate on the Government Programme. Debate, Mr Speaker, Sir, that is the very word.

Je dois le dire honnêtement, M. le président, qu'aujourd'hui, par leur absence, les membres de l'opposition veulent occulter l'importance du discours-programme. Mais leur refus au débat démontre surtout le peu de considération qu'ils accordent à leurs propres serments de parlementaires et à cette Chambre. Cela démontre le peu de respect qu'ils ont, non seulement pour eux-mêmes, mais aussi pour les institutions également, et surtout pour le peuple mauricien. Parce que cette Chambre, M. le président, est le cœur même de l'expression de la démocratie.

L'opposition, dehors, M. le président, justifie son absence en disant que ce gouvernement n'avait pas mandat pour venir avec un deuxième discours-programme. Mais moi, je vous le demande : l'opposition MMM et l'opposition transfuge MSM, puisque comme vous le savez, il y a quelques mois à peine le MSM était au gouvernement, ont-elles un mandat pour ne siéger qu'en dehors du Parlement? C'est la question que je me pose, parce que pour moi c'est ce qu'ils font depuis le début de cette nouvelle session. A chaque fois que nous devons débattre sur le discours-programme, ils sont absents, ils ne sont pas là, et ils ne participent pas.

En fait, les deux partis de l'opposition sont en train de faillir à tous leurs devoirs, à tous leurs serments faits au peuple. Parce que le peuple a-t-il voté pour que le MSM aille s'asseoir dans l'opposition ? Le peuple a-t-il voté le MMM pour faire des *walk-outs* constants ? Le MSM et le MMM sont-ils des partis extra-parlementaires ? Autant de questions que la population peut se poser, et moi je suis arrivée à la conclusion, M. le président, que les honorables Paul Bérenger et Pravind Jugnauth sont en fait des *aliens*. Je vais m'expliquer, M. le président. Vous savez, aux États-Unis, quand vous n'êtes pas natif du sol, vous êtes un *alien*. Et ici, nous nous retrouvons dans une situation où deux *Leaders* de partis de l'opposition choisissent sciemment de devenir *aliens* du Parlement. Et en sus de cela, ils imposent aux autres membres de leurs partis de s'aliéner aussi de la Chambre.

Nous nous retrouvons aujourd'hui dans une position où une opposition censée être une opposition parlementaire, c'est-à-dire participer à tous les débats du Parlement, se complait dans un rôle d'opposition extra-parlementaire. Ils font quasiment toutes les choses en dehors !

- c'est une opposition conférence de presse ;
- une opposition de palabres, sur lesquels je ne m'attarderai pas pour ne pas tomber dans la même bassesse qu'eux ;
- une opposition qui a décidé de faire des pseudos pèlerinages à travers l'île pour essayer de se refaire une crédibilité grandement entamée ;

- une opposition de médisances - qui n'a rien de mieux à faire que des commentaires désobligeants et dénigrants, du *character assassination*, du *mud-slinging* sur l'adversaire politique ;
- une opposition de rumeurs et de faussetés ;
- une opposition de Bhai Looké, qui s'ingère dans la vie privée des individus ;
- bref, une opposition qui brise tous les records du Hit-Parade abyssal de la bassesse.

En sept ans de politique, M. le président, je n'ai jamais vu une opposition descendre aussi bas. Et c'est pour cela que nous nous retrouvons aujourd'hui dans cet hémicycle, nous, membres du gouvernement, avec des travées quasiment vides en face.

Alors que l'opposition avait là une occasion en or de nous confronter sur les mesures énoncées dans le discours-programme, une occasion en or de jouer pleinement son rôle de chien de garde et de contre-pouvoir, ils se dérobent tous, M. le président, hormis les honorables Fakeemeeah et François. Mais c'est pathétique. A leur place, j'aurais honte, M. le président. *It's a shame!*

On this side of the House, Mr Speaker, Sir, we stand determined to pursue the vision of our Prime Minister, hon. Dr. Navinchandra Ramgoolam. This Government Programme gives additional momentum to government's action, which aims at putting our people at the core of development. It bears the mark of a Man of Vision, a Leader who remains undeterred in his will to uplift the country to a new threshold. It is also the result of a concerted team, endeavouring towards the economic and social development of the Republic of Mauritius.

Mr Speaker, Sir, this session marks the consolidation of the programmes and policies of government. It also underlines various measures to make optimum use of available resources to move the nation forward. Government Programme stresses on shared values of democracy, rule of law, sustainable development, shared growth and human rights. And it responds to both local and global aspirations.

The Presidential Address confirms that this government is coherent and consistent in its determination to nurture economic growth, whilst at the same time deliver on the social expectations that allow our nation to realise its full potential, reach for its hopes and meet its ambitions. Government's ability to present a programme that captures well the five axes of development deserves to be acknowledged.

As mentioned in the introduction at paragraph 16 of the Presidential Address, we aim at –

- Enhanced connectivity;
- Empower our people;
- Promote a cohesive society;
- Build a strong nation, and
- Achieve sustainability

These are essential if we are to succeed in building a resilient nation. And we are on the right track, Mr Speaker, Sir.

The evidence that our country is on the move is all the more visible at every nook and corner of our country. Billions have been invested in infrastructure. The hon. vice-Prime Minister and Minister of Public Infrastructure, National Development Unit, Transport and Shipping, under the able leadership of the Prime Minister, is sparing no effort to transform our infrastructural landscape. There are numerous projects that have been completed and many others are ongoing. For example, if you take a look anywhere, you would see the –

- resurfacing and upgrading of existing roads, construction of new ones;
- building new bridges, rehabilitating old ones;
- construction of new drains;
- consolidation of existing community-based infrastructure and implementation of new projects such as cremation grounds, *pétanque* courts, children’s playground, lighting of football grounds and volley ball pitches, handrails, shelters, etc. *Et j’en passe, M. le president!*

All these speak volumes on the will of this government to enhance the quality of life of our people in terms of facilities and amenities.

The Ministers of Education and Human Resources and of Tertiary Education, Science, Research and Technology are also creating novel avenues for our children. No one can deny the remarkable progress made within the education sector as many of the gaps have been addressed. Today, boys and girls participate equally in primary and secondary education. In tertiary education, too, there has been a sharp increase in enrolment rate of students.

These gains have been possible because of the multiple entry points, facilities, policies offered by this Government. Just last week hon. Dr. Jeetah presented the *Université des Mascareignes* Bill to create a fourth university, whose aim is to become an institution of

excellence. This Bill, Mr Speaker, Sir, is very much in line with chapter 1, paragraph 13 of the Government Programme.

This paragraph states that -

“A new National Training Strategy will be developed to ensure that reforms in education and training are attuned to changes occurring in the larger economy, and the labour market so as to cater for the skills needs of the country for 2012-2025.”

L'Université des Mascareignes is one of the numerous projects of this government, which aims at democratising further access to higher education. And here also, we find that the Opposition is against this project. I was appalled by what hon. Obeegadoo said last Tuesday on this Bill. He said -

« Nous ne sommes pas d'accord avec l'idée qu'il soit nécessaire d'avoir une quatrième université publique à Maurice ».

And he further added -

« Il n'y a pas de vision énoncée; il n'y a pas de planification démontrée »

Is it to say that for the hon. Member, Mauritius does not need a fourth university? Our children do not deserve to be able to follow tertiary studies at affordable prices? That public universities in Mauritius are substandard? This is Mauritian bashing, Mr Speaker Sir. It is anti-patriotic, unfair to all the lecturers and to the students who have graduated from our local universities. *Il n'y a pas de vision énoncée ; il n'y a pas de planification démontrée.*

Mr Speaker Sir, the education sector is one of the areas where Mauritius has made great strides. Our planning, starting with free education in 1976, has brought us to an adult literacy rate of 85.6% - as per the 2000 population census. Free education has also fostered a conducive environment for the empowerment of women.

Education under this government has remained a key engine to drive our economy forward -

whether it be free transport, irrespective of the family income, to enable all our children to go to school, college or university;

whether it be the distribution of school materials to needy children supporting parents in distress;

whether it be, through the Net PC programme, allowing our youngsters to familiarise themselves with the internet, free of charge in our social and community centres;

whether it be through the enhancement programme, which allows for the overall development of the child;

whether it be the recent budgetary allocation of Rs500,000 to each and every government school in Mauritius and Rodrigues, for renovation and upgrading.

whether it be through the introduction of Kreol and Bhojpuri as optional languages to enable students who wish to do so, to study their mother tongue.

All this is planning, Mr Speaker Sir. Unless the Opposition does not know the very meaning of planning! *Ce ne sont pas des choses que l'on a fait au petit bonheur! Ce sont des mesures planifiées et bien calculées, avec un but précis : continuer de démocratiser davantage et sans cesse l'accès à l'éducation qui est la clé de tout développement humain.*

Had hon. Obeegadoo bothered to take a look, he would have seen *de visu* that this government has achieved many things up to now. Had he read the Government Programme Chapter 1, paragraph 13 and chapter 3, paragraphs 9 to 30, he would have realised that we are still planning ahead and that there are new measures to be implemented to consolidate our education plan.

Let me just give him a few examples -

As from January 2013, pre-primary education will be made compulsory for the age group 3 to 5.

A new Education Act will be introduced.

Civic Education, Health Literacy, Information Technology, and Sustainable Living will be included in the new school curriculum.

New Entrepreneurship studies will form part of the secondary school curriculum.

This measure underscores the importance given by Government to entrepreneurship development. Inculcating this culture at secondary level is concrete proof of Government's determination to channel its resources in a diversified manner. It also gives equal opportunities to both boys and girls to acquire knowledge on entrepreneurship.

All these are but a glimpse of what has been announced in the Presidential Address. But it is too difficult, I suppose, for hon. Obeegadoo, for the Opposition, to grasp the vision of this government.

The population of Mauritius, in its wisdom, had already seen this in 2010. What they have seen, they had then sanctioned with their vote and this is the reason why they are over there and we are on this side of the House.

Et cette même année, pour le rassemblement du 01 mai, malgré le retour en force de l'ancien président de la République dans l'arène politique, les deux oppositions n'ont pu se mesurer à l'alliance au pouvoir, M. le président. Que ne disaient-ils pas? Ce gouvernement ne tiendra pas après le 1^{er} mai. Seulement aujourd'hui, nous sommes toujours là. Nous avons présenté un discours-programme, et eux, où sont-ils ?

Our children, Mr Speaker Sir, boys and girls, are our future. They are not interested with petty politics. What they want are people who work constructively for their well-being and their future. And this government is doing its utmost to ensure the sustainability of our Nation. Sustainability, Mr Speaker Sir, is not static. It is dynamic and that is why government continuously works towards an all-inclusive and modern society.

Mr Speaker Sir, this Government Programme highlights policies designed to move the Nation Forward. It *de facto* focuses on the need to accelerate our actions to ensure that all segments of our society find their concerns and interests addressed.

I have mentioned earlier the achievements and progresses in terms of infrastructure and education. Although these measures do not explicitly address the gendered dimensions, they can improve gender outcomes.

My Ministry whose mandate covers Gender Equality, Child Development and Family Welfare, has to ensure that gender mainstreaming is an integral part of every government's measure; that the child remains at the centre of development, and that the family unit, which is the building block of our society, is consolidated.

Even where gender equality is not the stated policy objective, it does matter for policy design. Therefore, gender-mainstreaming should be taken on board in a strategic way. And, Mr Speaker, Sir, this is indeed a challenge which my Ministry is poised to meet.

The Government Programme is, in fact, all about development and gender equality. And this is a core development objective in its own right.

The various measures spelt out in this programme have undoubtedly, recognised the gendered implications of developmental issues. Greater gender equality can enhance productivity, improve development outcomes for the next generation, and make institutions more representative. This programme advocates solutions based on people, including individuals' multiple needs, and focuses on women as well as the crucial areas of their economic empowerment, political participation and women's human rights.

Mr Speaker Sir, the measures enunciated in this programme to further economic growth will surely promote women's agenda. Building a policy environment conducive to the development of women's entrepreneurial abilities is essential.

And through the different measures enunciated in this programme we can see the determination of this Government for the advancement of women in this country.

Many measures aim at removing their financial constraints, increasing their economic opportunities and autonomous income.

Fully conscious of the potential that the cooperative sector can offer to women, my Ministry, in collaboration with the National Women Entrepreneur Council and the National Women's Council, has lately been promoting amongst women, the advantages to be derived from this economic development model.

Our efforts have yielded positive results as we succeeded in sensitising members of women's associations to set up cooperative societies and over the last year, eighteen such cooperative societies have been created.

In the same vein, the National Women Entrepreneur Council has increased women's ability to become autonomous by enabling them to take advantage of various measures and schemes in the field of entrepreneurship.

The National Women Entrepreneur Council is coming up with a guide for women entrepreneurs. The guide will highlight the services provided by various institutions for entrepreneurship development as well as list core elements essential for a successful business enterprise. This institution will pursue its endeavour in empowering women to take advantage of the opportunities offered in the entrepreneurship sector and act as facilitator to push forward the women entrepreneur agenda. In fact, this institution is called upon to continue to position itself as a major player advocating for women's economic empowerment at all levels.

Mauritius, Mr Speaker, Sir, and its women cannot afford to miss opportunities that this government is putting in place. For example, when government creates opportunities linked to the potential of the ocean economy, it is going to be imperative that the development of such an area be viewed from a gender perspective. Only then, can women's participation be visible in this sector and their contribution as well be significant.

Progress towards gender equality, Mr Speaker, Sir, entails a wider participation of women in all democratic processes. In a vibrant democracy, full and equal political citizenship must be given to all. Of course, this must be driven by leadership and commitment at the highest levels. Mauritius has a leader in the person of hon. Dr. Navinchandra Ramgoolam who believes in women's capacity. He is the only leader who has taken up the challenge to align three women in one constituency. Mr Speaker, Sir, none of the other party leaders currently sitting in Opposition has had the acumen to do so. This country does not need leaders who belittle women, Mr Speaker, Sir. Who has forgotten the insulting words used against hon. Mrs Bappoo, against hon. Ms K. R. Deerpalsing? Who has forgotten similar attitude from the former President of the Republic and from the hon. Leader of the Opposition? And who has forgotten the demeaning comments used by my person - I am showing Mr Speaker, Sir, that...

Mr Speaker: Hon. Minister, there is no need. Come back to the debate!

Mrs Martin: Mr Speaker, Sir, in chapter 3, at paragraph 37, government reaffirms its commitment to pursue the process of overhauling institutional obstacles denying women their rightful place in our society. All these people before, Mr Speaker, Sir, are aspiring to lead the country, but they are not here today to debate on this Bill and they demean women. This is something which I feel strongly upon. I have not forgotten the words used against my person, hon. Ms Deerpalsing, hon. Mrs Bappoo, and God forbids that our womenfolk get such leaders, Mr Speaker, Sir! The enactment of a new local action...

Mr Speaker: I must remind the hon. Minister that what has happened outside the House cannot be brought into a debate inside the House!

Mrs Martin: The enactment of a new Local Government Act indeed addresses a long felt gender disparity and this legislation paves the way for women's participation at the level of political decision-making. It will have positive impacts on an increased visibility of women on the political front.

Worldwide, it is acknowledged, that women's presence in decision-making instances has resulted in more gender-responsive development outcomes for society as a whole. It is increasingly recognised that women should both empower themselves and 'be empowered'. This relates to individual and collective empowerment.

Government Programme, Mr Speaker, Sir, aims at creating a conducive environment so that women can use their competencies to address the fundamental problems of society at par with their male counterparts. In this context, my Ministry and its strategic partners working for women's political empowerment are actively involved in addressing the issues of women's voices and visibility in the political arena. To that end, we initiated a collective action, geared towards intensifying our campaigns for an increased participation of women in politics.

Mr Speaker, Sir, too often women are demeaned and viewed only as vulnerable. Through this Programme, Government recognises women as leaders, agents of change in their families and in all socio-economic spheres. Effective political participation depends on women's ability and capacity to articulate their interests. We need to provide them with skills and support to make this happen.

My Ministry has initiated actions to build the capacity of aspiring women leaders, in view of preparing them to contest for forthcoming elections. Speaking of organising elections, the Opposition put a question last week, through hon. Nagalingum, asking when Municipal elections were going to be held. *Encore une fois, M. le président, si vous me permettez, l'opposition a fait preuve de démagogie. Ils ne demandent que des élections municipales et pas des élections villageoises. On se demande bien pourquoi ! Le Premier ministre a répondu et leur a rafraîchi la mémoire en leur rappelant le fil des événements. Vous vous souviendrez qu'après la présentation de la nouvelle Local Government Act, ils avaient monté toute une cabale autour de la délimitation des arrondissements municipaux. A tel point qu'il y avait même un rapport qui avait été déposé chez le président de la République d'alors, un soi-disant rapport qui donnait l'impression que l'exercice avait été manipulé de manière communale par l'honorable Hervé Aimée et par le gouvernement. Encore une fois, je trouve cela lamentable, M. le président. D'autant plus que quelque temps après ils ont retiré leur pétition. Un jour on voit qu'il y a 'gerrymandering', on va même jusqu'à déposer une pétition chez papa. Et quelque temps après, papa quitte Le Réduit, et soudainement il n'y a plus de 'gerrymandering'. Il y a maintenant des 'JohnnyWandering' ! Le Premier ministre a bien expliqué.*

I will quote him -

“In view of the changes brought about by the Local Government Act of 2011, new “Municipal City and Town Council Elections Regulations 2012 are being prepared by the Electoral Commissioner’s Office, the Electoral Supervisory Commission and the Attorney General’s Office, under section 44 of the Representation of the People Act, to replace the former Municipal Council Elections Regulations of 1958. The date of the elections will be decided once these Regulations are finalised.”

Contrairement à ce que certains veulent accroire, et contrairement à ce que certains auraient voulu, le Premier ministre ne s’ingère pas dans le bon déroulement des institutions. C’est un homme de principe, animé d’un profond respect des institutions.

Mr Speaker, Sir, with regard to other measures contained in this Government Programme, we have assisted 12 Ministries to integrate gender concerns in their policies. The process is ongoing to rope in the remaining ones by 2015. Whilst reflecting on provisions contained in this Government’s Programme in sectors such as infrastructure, ICT, employment, education, health, culture and sustainable development, it is crucial that we understand their gendered implications. For example, the setting up of a hospital for women is a very important measure in making specialised health care accessible to our women folk. My Ministry will sustain its awareness in raising campaigns on gender and we expect that in the near future, this concept will be understood by one and all.

Over the last decades, in collaboration with the National Women Council, women’s groups, and civil society organisations, my Ministry as well, have all championed the cause of gender equality. Women’s organisations have been central in standing against gender inequality and acting as a force for change. We have, however, noted lately a loss of vibrancy due to the ageing membership. Over the last year the National Women Council has mobilised young women associations with a view to bring innovative ideas, new discourses that would ultimately respond to the emerging needs of the contemporary Mauritian women. My Ministry has, therefore, deemed it necessary to revamp the National Women Council through the enactment of a new Bill that will be introduced in the National Assembly.

We are concurrently reviewing institutional framework of the Gender Unit, which will strengthen the role of this unit as the National Gender Machinery, responsible for design and

coordination of policies, in regard to women's empowerment as well as the monitoring and evaluation thereof.

Hence, the National Women Council will be called upon to be the implementing agency of policies in favour of women through its network of women's associations whilst promoting customised services. The Council's network can also disseminate information, share knowledge, build capacity of women and serve as a spring board for collective action in other spheres. It is only then that we shall collectively deliver a better quality of society, leaving room for both men and women to flourish and build a nation that is fair and just; a nation that is fertile for ambition and talent, where the deepest challenges are first acknowledged, and then tackled head on.

Mr Speaker, Sir, allow me at this stage to commend the various measures laid down in this Government's Programme concerning the development of children. Indeed! This Government is committed to invest in our children and youth. Its commitment confirms that we acknowledge that our human capital remains our main resource. The initiatives spelt out will surely go a long way to ensure that our children get a good start in life.

Education and health investments have huge impacts on the ability of children to function and reach their full potential. Early childhood investments in health influence outcomes throughout the cycle of life of a person.

Childhood exposure to diseases and malnutrition has often been linked to lower cognitive development, schooling attainment, and learning during adolescence. Less healthy children are more at risk of becoming less healthy adults. Mr Speaker, Sir, government's decision to introduce a Child Health Passport will act as a safeguard for early detection of health-related problems as from the early stages of childhood.

There are vulnerable families confronted to all types of difficulties, Mr Speaker, Sir. The decision of government to cater for specific difficulties for children with special needs and those in ZEP schools are well spelt out at chapter 3, paragraphs 11 and 14 of the Presidential Address. And these will surely provide a relief to all concerned, namely parents and relevant institutions.

Mr Speaker, Sir, I sincerely wish to acknowledge government's decision to set up *des Crèches de Quartier*, targeting NHDC estates. I welcome this measure as I look at its benefits from two perspectives -

- (i) it goes a long way in ensuring that babies and toddlers grow up in a conducive environment, and are well looked after in the absence of their parents, and

- (ii) the creation of these *Crèches de Quartier* will also address a long felt need as regards women's personal and professional time constraints.

A significant number of women spend much time on child care. This sometimes denies them the opportunity of seeking economic empowerment. For women coming from low-income background, this situation is definitely detrimental to the overall wellbeing of their family. This governmental measure of setting up new *crèches de quartiers*, coupled with the budgetary measure of providing Rs1,500 for some 2,000 children in Mauritius and Rodrigues for access to *crèches*, will surely go a long way towards giving the opportunity to vulnerable women to seek employment and thus bring in additional income for the betterment of their families and their overall fulfilment.

Mr Speaker, Sir, the Government Programme 2012-2015 has been designed in such a manner to systematically address the various needs of children. One of these needs is well captured in paragraph 48, chapter 4, regarding innovative creativity activities. In fact, my Ministry has lately consolidated the creativity activities for children during school holidays by enlarging its scope of intervention. These programmes are now offered in Women, Social Welfare and Community Centres.

It is important to highlight that the decision to invest in creativity activities for children is harmonised with the promotion of children's life skills development, essential in promoting healthy social behaviours.

To that end, Mr Speaker, Sir, our Centres will use the "Entertain to Educate" concept through the organisation of innovative activities such as cartoon film shows, *fresques murales*, slam, art and music aimed at enhancing the participation of children. Once again, this policy is a two-pronged one -

- (i) to give children an opportunity to develop their creative talents, with potential long term impacts on their development and future, and
- (ii) to support working parents.

Indeed, many working parents are faced with the difficulty of finding alternate ways to cater for their children during school holidays. Such programmes in our centres will ensure that many children are engaged in healthy activities in a secure environment.

Before I wind up on children's issues, Mr Speaker, Sir, let me just say a few words on the forthcoming Comprehensive Children's Bill and the formulation of a National Child Protection

Strategy. These are two essential endeavours, with long term benefits, for the protection of children and they favour the development of an integrated, concerted and partnership approach amongst stakeholders engaged to the cause of children's welfare.

Mr Speaker, Sir, gender based violence remains one of my Ministry's core priorities. A modern society cannot condone the breach of women's human rights, which is an insult to their dignity. The tireless efforts and actions of the Family Welfare and Protection Unit of my Ministry have resulted in more people seeking assistance at our Family Support Bureaux. Concurrently, the figures recorded in our FSBs show that the numbers of cases are decreasing. For instance, we recorded 2,215 cases for 2010 against 1,752 cases for 2011 with an average of 85% comprising women victims of various forms of violence.

Our continuous actions, including -

- the review of the Protection from Domestic Violence Act;
- prescribing interventions and roles for various actors in enforcing laws;
- investigating charges;
- raising societal awareness;
- emergency shelters;
- hotlines, and
- legal assistance, etc.

are concrete measures being implemented to curb the scourge of violence.

In evaluating our achievements and the trends in cases of violence against women, several issues emerge. For instance, support to perpetrators of violence should form an integral part of our response programmes. The Victim Empowerment and Abuser Rehabilitation Policy should contribute significantly to make our actions and interventions more effective. Chapter 3, Paragraph 40 gives a clear signal that Government will practice zero tolerance with respect to domestic violence. Targeting men in the process of eliminating violence against women has proved to be a useful strategy in many parts of the world. My Ministry is, therefore, supporting the Men Against Violence Project as well as the Men as Partners Project, which aim at raising awareness among the men folk.

Education, information and training constitute core elements to change gender norms and mindsets regarding Gender Based Violence. Rigorous Campaigns can help tremendously to strengthen knowledge and enhance protective behaviours against abuse.

Mr Speaker, Sir, in a bid to ensure that our citizens evolve in a violence free society, Chapter 5 of Government's Programme devotes ample space for actions in "Nurturing Proud and Responsible Citizens". The setting up of a National Institute for Civic Education is, indeed, laudable. Nurturing good citizens by fostering a sense of shared human spirit and patriotism will undoubtedly have positive impacts on our society.

Mr Speaker, Sir, our challenges are manifold. The Government Programme has aptly captured new development and important trends as they presently evolve and have set out policies and measures to address social, economic, legal, cultural and political issues.

This Government programme is a call for all of us to focus on what needs to be done to move the nation forward. This government, headed by our Prime Minister, is living up to its mandate by engaging itself constructively in consolidating our nation to stand up to both local and international challenges. This programme provides valuable inspiration and orientation to all, as we continue in our quest to make our nation a modern, just and equitable one.

Allow me to quote as an end note the 3rd President of the United States of America, Mr Thomas Jefferson. He said -

"Determine never to be idle. It is wonderful how much may be done if we are always doing."

And from this side of the House, Mr Speaker, Sir, we have always lived up to this ideal of working for the nation. Laissons les calomniateurs de côté. Nous sommes là pour travailler pour la pérennité de notre pays, pour notre peuple, et pour nos enfants.

Merci, M. le président.

(6.00 p.m.)

Mrs A. Perraud (Fourth Member for Port Louis North & Montagne Longue): Mr Speaker, Sir, I would like, first of all, to congratulate the hon. Prime Minister, Dr. Navin Ramgoolam, and his team, for having produced such an interesting piece of document, the Government Programme 2012-2015, which clearly reflects the dedication, sincerity and seriousness of the Government, the alliance Labour party and PMSD.

The content of the Government Programme strikes, as it reveals that it is people centered, it grasps the challenges to build a better future for our country. It shows continuity with the Budget presented by the vice-Prime Minister, Minister of Finance and Economic Development,

hon. Xavier Luc Duval, in November 2011. It is a programme which is *réaliste et réalisable dans le contexte économique difficile actuel*.

As a Member of the National Assembly, representing Constituency No. 4, Port Louis North and Montagne Longue, I am glad to say that the Government Programme caters for people of my constituency, as it is the case for every Mauritian. Last but not least, Mr Speaker, Sir, we are debating on the Government Programme which is very symbolic, as this shows our determination to work for the people and our respect for democracy and, on the other side, the Opposition, *pour la énième fois de par leur walk out, démontre leur irresponsabilité et leur manque de respect vis-à-vis de leur électorat en jouant aux abonnés absents*.

M. le président, heureusement que de ce côté de la Chambre nous avons des hommes et des femmes sérieux et responsables qui ont un profond respect des institutions, de la démocratie et des Mauriciens.

Indeed, Mr Speaker, Sir, people is our concern; we care for each and every Mauritian. Right at the beginning, in the introduction of the Government Programme, the tone is set, I quote

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“Government will maintain its unflinching determination to nurture a more inclusive, plural and cohesive society based on human dignity, equality of treatment, economic efficiency and social justice”.

Nous, au gouvernement, nous pensons, nous voulons, nous travaillons pour un développement à visage humain. Nous œuvrons pour une société où l’homme est au centre du développement.

Mr Speaker, Sir, be it children, youth, women, vulnerable groups, handicapped persons, unemployed, people from Rodrigues, everybody can find something for him or for her in this Government Programme. Chapter 3 of the Government Programme clearly underlines the objectives of the Government to ensure that our children and youth get a good start in life, our women are empowered, our elderly enjoy a pleasant and active retirement, our vulnerable citizens move up the economic and social ladder, workers are employed in safe and healthy environment, and consumers benefit from competitive markets and fair trading practices.

M. le président, l’initiative de mettre sur pied des crèches de quartier, comme mentionné dans le programme gouvernemental est fort louable et est très bien accueilli par la population. M. le président, Françoise Dolto a dit, je cite –

« Tout se joue avant six ans. Les cinq premières années de la vie d'un enfant sont les plus importantes, déterminantes, les années formatrices. Avant qu'un enfant n'ait atteint ses six ans, les structures essentielles de sa personnalité sont formées, personnalité qu'il portera en lui toute sa vie. Elle déterminera en grande partie sa réussite scolaire et celle de sa vie d'adulte. Les cinq premières années ne sont pas seulement importantes pour le développement émotionnel de l'enfant mais aussi pour son développement intellectuel ».

Le docteur Benjamin Bloom de l'Université de Chicago a conclu, à la suite d'innombrables recherches qui démontrent, ce fait effarant, je cite –

« Qu'un enfant atteint approximativement la moitié de son niveau d'intelligence à l'âge de quatre ans. 30% de plus à huit ans et les 20% qui restent à 17 ans ».

Donc, M. le président, avoir une pensée pour chaque petit Mauricien, lui donner un espace où il sera en sécurité, où il va acquérir les bonnes bases pour affronter la vie c'est reconnaître qu'un enfant est acteur de son développement et qu'il est porteur de potentialité immense. Ces 25 crèches de quartier que le gouvernement compte construire par an seront non seulement bénéfiques pour les tout-petits mais aussi une mesure qui viendra soulager beaucoup de mamans.

Mr Speaker, Sir, as Members of Parliament, when we go in our constituency, we meet women who want and who need to work, but they are unable to do so because they do not have a safe place where to keep their babies. This is a real problem. When we read newspapers, we listen to news, often we hear of cases of children who are abused or ill-treated. Unfortunately, this happens too often.

Mr Speaker, Sir, no woman, no mother will go to work with peace of mind if she feels that her baby is not in good hands. Furthermore, all the measures mentioned in the Government Programme regarding the wellbeing and security of Mauritian children show the good faith of Government to tackle the problems faced by children.

Mr Speaker, Sir, gender equality remains at the forefront of Government's empowerment agenda. Government is proud to have brought landmark legislation for greater participation of women in politics. As a woman MP, I am proud that it was a woman, the acting President, her Excellency, Mrs Monique Ohsan-Bellepeau, who delivered the speech for the Government Programme 2012-2015. Je tiens à la féliciter pour la lecture du programme gouvernemental et

aussi à remercier et à féliciter l'honorable Madame Kalyanee Juggoo pour sa motion qui nous permet de débattre de ce discours aujourd'hui.

Indeed, this Government Programme underlines the position of the Government Parti travailliste/PMSD towards women. As we have already affirmed and shown, we trust women, we work towards greater gender equality, and we strive to protect women. I quote –

“Government’s policy will be based on zero tolerance with respect to domestic violence”.

Mr Speaker, Sir, among all the measures in favour of women, the one regarding a White Paper on reproductive health to facilitate the formulation of modern policies that provide women with better information and services in this area is most welcome.

M. le président, ce *White Paper on reproductive health* vient à point nommé. Nous constatons que trop de femmes, surtout celles au bas de l'échelle, ne connaissent pas ou n'ont pas accès aux méthodes contraceptives. Elles ont beaucoup d'enfants et disent comme une fatalité : « je suis tombée enceinte! » Alors, qu'on sait qu'on ne tombe pas enceinte, qu'une famille responsable prend la décision d'avoir un enfant, de planifier pour l'arrivée d'un enfant. Car faire un enfant ne donne pas automatiquement les moyens de l'élever, de lui assurer un bel avenir. Comme le disait si bien le slogan de la NEF : *'Ti famille grand l'avenir!'*. C'est une initiative qui mérite d'être encouragée pour qu'il y ait moins de familles nombreuses et plus de familles heureuses.

Mr Speaker, Sir, right in the introduction of the Government Programme, Government underlines that it will, I quote -

“(...) maintain its unflinching determination to nurture a more inclusive, plural and cohesive society based on human dignity, equality of treatment, economic efficiency and social justice.”

Through the Ministry of Social Integration and Economic Empowerment, Government has demonstrated its unrelenting drive to fight poverty in all forms. It is important to remind that this Ministry is the first ever to exist in the history of Mauritius. Mr Speaker, Sir, people at the bottom of the ladder, those from vulnerable groups, need a helping hand.

Une fois que la NEF aura atteint sa vitesse de croisière avec ces nombreuses mesures pour aider, encadrer, soutenir les groupes vulnérables, beaucoup de familles pourront sortir de la misère. Comme le dit si bien John Fitzgerald Kennedy, je cite -

« L'homme tient entre ses mains mortelles le pouvoir d'abolir toute forme de pauvreté humaine.»

M. le président, il suffit d'y croire, surtout de le vouloir, et avant tout de nous donner le moyen d'y parvenir.

Mr Speaker, Sir, at paragraph 45 of Chapter 3, we find that Government shows its willingness to find solutions to the acute housing problems faced by those who are at the bottom of the ladder. Indeed, Mr Speaker, Sir, those housing projects of the NHDC, the NEF and the private property developers will alleviate the situation of the poor. The construction of thousands of decent houses by Government is urgent. Mr Speaker, Sir, not only Government acknowledges there is a housing problem, but it is finding solutions to this situation and is encouraging the private sector to contribute also.

Furthermore, Government is coming forward with solutions that fit the actual situation. When it is said at paragraph 45, I quote -

“The size of the existing housing units for the poor will be increased taking into consideration the family size and affordability.”

En effet, M. le président, comme je l'ai évoqué plus tôt, les familles vivant dans les poches de pauvreté sont, dans la plupart des cas, des familles ayant plus de deux enfants ou alors ce sont des familles élargies. Elles vivent dans des bicoques exigües et dans la promiscuité où prévaut une atmosphère malsaine. Il est grand temps que la construction des maisons réponde aux nouvelles exigences de la composition des cellules familiales.

Mr Speaker, Sir, another measure which needs to be underlined in the Government Programme is the introduction of a one-off cash transfer for primary students who are from less privileged backgrounds, where attendance rate is over 90%, and the student has successfully completed yearly examinations. This initiative gives incentive, helps parents to send their children to school. This measure together with other existing measures which lighten the burden of parents like *scolarité gratuite, transport gratuit, manuels gratuits, matériel scolaire gratuit* will definitely help to reduce failure rate at primary level.

Mr Speaker, Sir, we are living in an era of technology where internet is omnipresent in our life. Internet offers an important learning support to students. Those who are deprived of this tool lag behind in this competitive world. *Ils sont défavorisés par rapport à leurs*

camarades qui, à travers l'internet, ont accès à l'information et peuvent faire des recherches sur internet.

The Government is aware of this situation and wants to bridge the gap between those who have a PC at home and those who cannot afford to buy one. This is why the NEF will increase the provision of learning corners with internet facilities in deprived areas, and needy students sitting for SC and HSC exams will benefit from a discount on their broadband internet bill.

Mr Speaker, Sir, in the Government Programme we can also find measures to help people with disabilities to make their life easier. Government also recognises the valuable contribution of senior citizens. This is why there are several measures to protect, empower and ease the life of our elderly people.

Once again, Mr Speaker, Sir, the Government has not forgotten the SME sector even though considerable efforts are already been made in promoting the micro, small and medium enterprise sector. Efforts which are being fruitful in the three months since the start of the scheme, 248 applications have been received from SMEs.

Mr Speaker, Sir, concerning unemployment, Government has achieved, through its labour market reforms, a decline in the unemployment rate. However, Government Programme proposes to find solution to a situation, whereby workers are looking for employment and employers face a scarcity of workers.

M. le président, la jeunesse aussi se retrouve dans le programme gouvernemental. Les mesures concernant le sport et la mise sur pied d'une assise de la jeunesse sont fort louables. M. le président, nous avons démontré que le programme gouvernemental 2012-2015 met l'humain au centre du développement.

Mr Speaker, Sir, as I said in my introduction, this Government Programme meets the expectations of people from my constituency - Port Louis North and Montagne Longue. We welcome the decision of Government to come forward with the promotion of leisure related activities at national level to ensure that leisure facilities and services remain accessible to all citizens, and to improve community leisure facilities. In this context, we have asked for the construction of a Community Centre at Crève Coeur, which is now long overdue. Indeed, people at Crève Coeur don't have a place where they can meet to practice community leisure activities.

Another measure in the Government Programme which is pertaining to Constituency No. 4 is the project to build *des crèches de quartier*. Examples of *crèches de quartier* which are working well, which are success stories, are Rainbow Kids at Cité la Cure et La Maison de l'Enfance à Terre Rouge. Parents who send their kids to those *crèches de quartier*, unanimously say that these crèches lighten their burden. They pay only Rs200 to Rs500, depending on their income, and their babies are in a clean and safe place where they are not only cared for, but they are in a learning environment. We would wish to see many more *crèches de quartier* in other regions of our constituency, namely at Montagne Longue and Vallée des Prêtres.

Mr Speaker, Sir, as I said earlier, it is very important that the programme *Ti famille grand l'avenir* by the NEF is carried out in different regions of Constituency No. 4.

Furthermore, regarding women's health, measures in the Government Programme, which are very valuable, are to take measures to reduce carcinogenic factors, and promote health, nutrition and lifestyle, to continue the implementation of a robust cervical and breast cancer screening programme, to provide additional radiotherapy facilities, to upgrade all existing cancer care facilities.

I would like to make a special appeal to the Ministry of Health, so that provision is made for Montagne Longue Hospital to be equipped with facilities for women suffering from cancer cells so that they receive specialist treatment.

M. le président, dans ma démarche d'être un député de proximité, j'ai fait la tournée des écoles de ma circonscription pour être à l'écoute de la communauté scolaire. Dans certaines écoles, celles de la zone d'éducation prioritaire, j'ai entendu des parents, des enseignants de l'administration des histoires bouleversantes de pauvreté de misère humaine. L'école est impuissante devant le taux alarmant d'absentéisme des enfants.

Mr Speaker, Sir, I think that what Government proposes at paragraph 50 of Chapter 3 is valuable in these situations. I quote –

“Counselling will be provided to children from needy families throughout their school life with a view to boosting the interest in education and overall school performance. Parents of such children will also benefit from such counselling sessions”

Another measure which will give parents incentives to send their children to school regularly is the one of cash transfer where attendance rate is over 90%. Mr Speaker, Sir, these two measures will definitely help children from needy families.

Cependant, outre le fait d'être aidé financièrement et de recevoir un service d'écoute, il serait bénéfique aussi si la famille pourrait être encadrée, accompagnée, suivie, soutenue par un psychologue, un travailleur social formé. Car c'est une situation qui demande un engagement, un travail de longue haleine et une persévérance. Pour cela, la NEF devrait avoir plus de personnel sur le terrain, et l'encadrement devrait être fait de concert avec le ministère de l'éducation.

Mr Speaker, Sir, what Government recommends in the programme for the youth and sports is very interesting. It is said that Government will promote active youth engagement in their regions, will support popular interests in football, will prepare a national plan for the dissemination of street football and mini soccer across the island.

In Constituency No. 4, there are many football clubs playing at regional level. Il y a un réel engouement pour cette discipline sportive que ce soit chez les garçons ou chez les filles. And we will definitely take advantage of this proposition of construction of mini soccer field. Dans ce même souffle, nous faisons un appel pour que les différents terrains de foot existant dans la circonscription soient pourvus d'éclairage, et que les vestiaires soient rénovés et ouverts au public à l'instar des terrains de Terre Rouge, Notre Dame et Crève Coeur.

Mr Speaker, Sir, I have already started to meet youth clubs in my constituency, be it sports clubs or youth clubs engaged in social work. I can say that it has been very enriching, we have a lot to learn from them and we should count on them. This is why it is a laudable idea to organise an annual *assise de la jeunesse*.

Je trouve pertinent ce qui dit René Bazin sur la jeunesse, et je voudrais citer -

« Etre jeune cela signifie être enthousiaste et non pas optimiste. Car l'optimisme est une myopie. Etre enthousiaste, c'est avoir un esprit qui calcule et un cœur qui ne calcule pas, ressembler à un soldat qui compte ses ennemis et puis qui oublie leur nombre en songeant à la beauté de la cause. »

M. le président, les jeunes ont beaucoup à offrir à notre pays. Ils ne demandent qu'à être entendus, aidés, encadrés et valorisés dans ce qu'ils font et ce qu'ils sont. M. le président, face à cette situation que fait l'opposition ? J'ai trouvé la citation suivante qui convient très bien à l'opposition MSM-MMM. Elle est de Roosevelt. Je cite -

« Le progrès est accompli par l'homme qui fait les choses et non pas par celui qui discute de quelle manière elles n'auraient pas dû être faites. »

M. le président, nous avons de ce côté de Chambre le gouvernement Parti travailliste-PMSD, un gouvernement qui s'attelle au travail, qui est sérieux, qui relève les défis socio-économiques qui, comme le démontre le programme gouvernemental 2012-2015, met l'humain au centre du développement. De l'autre côté de la Chambre qui voyons-nous ? Personne, sauf l'honorable Cehl Meeah. Il n'y a personne, M. le président.

(Interruptions)

Seul Cehl est là ! Ils ont tous fuit devant leur responsabilité parlementaire. Ils siègent au Parlement pour jouer aux abonnés absents. Ils sont payés avec l'argent des contribuables, et quand il faut être présent dans hémicycle, ils sont ailleurs. Ils nous ont habitués à cette situation. Nous, de ce côté de la Chambre, qui sommes là pour représenter dignement nos mandants, pour travailler pour le peuple, constatons avec déception que nous avons une opposition de *walk-out*. La population prend note que c'est une opposition de *walk-out*. L'opposition a failli à son devoir quand elle ne prend pas part aux débats parlementaires, quand elle ne participe pas au débat lors des présentations des projets lois. Il est inconcevable et très mal placé que l'opposition MMM-MSM chôme pendant les débats sur le programme gouvernemental au Parlement et qu'elle ose après commenter et même critiquer ces mêmes débats alors qu'ils n'ont pas eu la décence d'y assister et d'apporter leur contribution.

M. le président, le rôle de l'opposition est de s'opposer, d'argumenter, de critiquer, d'être un chien de garde, de chercher la petite bête quoi ; main non, ils ne sont pas à leur poste. *They are out there*.

M. le président, le vice-Premier ministre et ministre des Finances, l'honorable Xavier-Luc Duval, a lancé un défi à maintes reprises au tandem Paul-SAJ pour un débat télévisé sur la situation économique à Maurice.

Mr Speaker: Je viens de dire à l'honorable ministre que tout ce qui se passe en dehors de la Chambre ne peut pas être répété à l'intérieur lors des débats. Je ne sais pas si l'honorable ministre a dit cela à l'intérieur de la Chambre ou il a dit cela à l'extérieur.

Mrs Perraud: Encore une fois, ils sont absents. Ils défilent devant leurs responsabilités. Ils ont peur d'affronter le grand argentier pour un face à face, mais continuent à jouer aux prophètes de malheur. Le Cardinal Suard décrit bien cette situation. Je cite -

« Il est facile, quand on se contente de critiquer sans agir, d'éviter les faux pas qu'on ne commet qu'en marchant. »

Leur attitude est antipatriotique. Leur but c'est détruire, déstabiliser, démobiliser, démotiver, désunir, décontrôler le pays pour accéder au pouvoir. La critique, elle est facile, elle est même trop facile. C'est facile d'émettre une critique, de faire des insinuations lorsqu'on jouit de l'immunité parlementaire. C'est un art que maîtrise bien l'opposition, mais quand il s'agit de se mettre au devant de leurs responsabilités avec sérieux, ils sont absents.

M. le président, le gouvernement de l'alliance Parti travailliste-PMSD, avec le discours du budget 2011 et le programme gouvernemental 2012-2015, vient démontrer qu'il œuvre et prend des mesures courageuses, réalistes, des mesures qui s'imposent pour garder le cap dans cette situation économique mondialement difficile, tout en ayant à cœur l'intérêt de tous les Mauriciens, en mettant l'humain au centre du développement. Ce discours-programme démontre l'ambition de ce gouvernement de conduire son peuple vers un avenir plus prometteur et plus sécurisant en dépit de cette grave crise qui secoue les grandes puissances économiques mondiales. La panoplie de mesures y contenant est courageuse, audacieuse et avant-gardiste. Il est clair que ce programme a été conçu par des hommes de vision. Cela ne pourrait être autre que cette présente équipe.

Je suis très confiante, M. le président, qu'avec le tandem Dr. Navin Ramgoolam et l'honorable Xavier-Luc Duval, formant ce pacte de confiance du peuple, les Mauriciens ont témoigné et témoigneront davantage des changements palpables dans leur vie au quotidien.

M. le président, l'élément clé de la réussite de ce programme repose sur le patriotisme de nos dirigeants, mais bien évidemment pas sur la démagogie ou la partisanerie. Le docteur Navin Ramgoolam et l'honorable Xavier-Luc Duval, ce duo, a fait preuve durant toute leur carrière de politicien de patriotisme. C'est pourquoi nous allons vaincre l'adversité et traduire dans les faits notre programme.

Mr Speaker, Sir, we can say that there is continuity in Budget Speech and Government Programme. However, the Government Programme offers a broader vision of what Government wants for Mauritius. It is the same winning team Parti travailliste-PMSD which is governing the country. The Government Programme has enumerated economic policies that are in line with the vision of the present Government to make Mauritius a high income country, for example, policies regarding SMEs, financial services, ocean industry, education, health, and housing.

Mr Speaker, Sir, this programme is realistic. Macroeconomic situation of the country favours the realisation of the measures listed in the Government Programme.

Et pour terminer, M. le président, j'aimerais dire que nous, au gouvernement, sommes là pour travailler pour le peuple.

Merci beaucoup.

(6.32 p.m.)

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs S. Bappoo): M. le président, je voudrais d'abord remercier et exprimer ma reconnaissance à Son Excellence, le Président de la république suppléant, Mme Monique Ohsan Bellepeau, pour avoir donné lecture du discours-programme de 2012 à 2015. L'honneur nous revient, car cela a été un événement inédit dans l'histoire de notre pays, qui a témoigné d'une nouvelle étape franchie par le Parti travailliste, pour donner la chance à une première femme de notre pays d'assumer la présidence de la république et de prononcer un discours-programme.

Mes félicitations, M. le président, vont également au Premier ministre, l'honorable Dr. Navin Ramgoolam qui, de par ses qualités de *leadership*, aura été le fer de lance du programme et a amené son équipe gouvernementale, le Parti travailliste et le PMSD, et toute la nation à le saluer à l'unison comme un personnage visionnaire et soucieux de la modernité de notre pays. Je voudrais aussi féliciter l'honorable Peetumber, député Souillac/Rivière des Anguilles qui a été élu vice-président de notre auguste Assemblée nationale et qui, j'en suis sûre, sera à la hauteur de ses responsabilités.

Je tiens à exprimer mes remerciements à l'honorable Mme Juggoo, députée de Port Louis/Montagne Longue, qui a fait honneur au pays pour sa motion de remerciement au *Presidential Address*, et dont le contenu était de haute facture. Je dirai qu'elle est bien une étoile filante.

Nous avons devant nous, M. le président, un nouvel espace politique avec le nouveau discours-programme 2012-2015, c'est une nouvelle révolution sociale de modernisation qui se prépare. Avec le retrait du MSM du gouvernement, dont nous savons tous la raison, s'ouvre devant nous aujourd'hui, avec ce nouveau discours-programme, la naissance d'un nouvel espace politique, un nouvel espace d'intelligence d'hommes et de femmes de bonne volonté, avec un Premier ministre qui est d'ores et déjà considéré comme le Père de l'île Maurice moderne.

Le gouvernement, M. le président, a résisté à la campagne malsaine de l'opposition MMM/MSM qui ne brandissait, il y a quelques semaines, que des spectres et fantômes. Il y a eu l'arrivée au premier plan de l'ancien Président de la république - nous savons tous - pour sauver

son fils. Le fils qui, selon le MMM, n'est pas de bon choix pour le présenter comme futur Premier ministre ; le fils ne sera qu'une béquille qui ne servira à rien. Il y a eu le spectre de rendre le gouvernement minoritaire de jour en jour, de semaine en semaine. Que n'a-t-on pas entendu de ces prophètes de malheur, si je peux citer ce que dit le vice-Premier ministre et ministre des Finances, l'honorable Xavier-Luc Duval. Depuis septembre 2011, en complicité des uns et d'autres, l'opposition entend mettre le gouvernement en minorité. Puis, il envisage d'en extraire six membres du gouvernement. Huit mois se sont écoulés, il est toujours dans l'attente d'une quelconque défection. Et pas plus tard que le 11 avril 2012, le bluff de cette opposition continue en prédisant cette fois que le gouvernement allait tomber avant le 1er mai.

Précédemment, le *leader* du MSM sur papier allait jouer la même partition de cette musique archi-entendue en se demandant lui, si le l'honorable Premier ministre, le Dr. Ramgoolam, parviendrait à conserver sa majorité au Parlement. C'était ça son soucis, comment faire à ce que le gouvernement puisse se retrouver en minorité. Donc, le bluff du tandem à la tête de ce fameux *remake 2000* sur un possible débauchage pour un revirement politique s'est retourné contre eux. Comme si, intoxiqués par ces caricatures, les Mauriciens allaient découvrir le vrai visage de ces faux prédicateurs, ces faux-fuyants lorsque ce même *leader* de l'opposition supposera, avec une certitude plus prononcée cette fois, en disant je cite « c'est nécessaire de mettre ce gouvernement en minorité - tenez-vous bien - avant 2015 ». Donc, attendons.

M. le président, nous sommes un gouvernement en parfaite légitimité ; c'est entendu. La grande assistance des partisans rouges et bleus à Vacoas, deux fois et demie supérieure que celle de Port Louis, a résisté à la campagne frauduleuse de l'opposition faisant accroire que le gouvernement allait tomber d'un moment à l'autre. A Vacoas, la confiance de la nation était acquise ; une démonstration massive d'hommes et de femmes, de personnes âgées et de milliers de jeunes pour donner le soutien total au Premier ministre. Aujourd'hui, le résultat est inversé. Ces réfracteurs, ces fraudeurs de la démocratie, réticents à plier le genou, ont toujours en face d'eux un gouvernement en parfaite légitimité et uni, et plus que soudé.

Mr Speaker, Sir, in the aftermath of the Labour day, the Prime Minister has muddied the political arithmetic because he is the only one and the only one who has a more sensible and pragmatic approach than neither of his main opponents.

What is clear is that, in the present political fending, there is much more that meets the eyes. It is clear who the losers are; the losers are the *fameux* remake. Who are the winners?

Mr Speaker: Can the hon. Minister come back to the programme, please!

Mrs Bappoo: M. le président, l'ambiguïté qui marque les rapports de force entre les deux formations est trop démobilisante pour que l'on ne la dénonce pas. Cette ambiguïté renforce la méfiance entre elles. Déjà trois ans avant les élections, le doute plane sur la configuration politique future. Tant que ses dirigeants n'auront pas le courage de se déclarer, ils vont aggraver la confusion existante dans l'esprit des militants, et pire, en se montrant timides et hésitants, ils vont contribuer à entraîner leurs propres membres dans une logique sectaire. Cette alliance, M. le président...

Mr Speaker: I would like to draw the attention of the Minister that we have a programme to debate. Instead of debating on the programme, we are debating extraneous matters here; she is not allowed to do that.

Mrs Bappoo: I'll go to the programme itself. M. le président, il y a eu le boycott des débats du discours-programme que nous avons tous constaté. Aujourd'hui, nous constatons que l'opposition pêche par une absence de politesse de culture politique, car elle a cru bon de ne pas être présente dans l'hémicycle. Nous avons tous essayé de parler là-dessus. C'est un aveu d'une démarche, que je peux dire, peu glorieuse. C'est un comportement inacceptable de l'opposition parlementaire qui s'est crue, par une arrogance qui lui est coutumière, de jouer aux abonnés absents alors qu'elle aurait dû être présente *to deliver, instead of doing everything to put the Government in minority*.

M. le président, on n'aurait pu rêver naissance de ce nouvel espace politique dont j'ai essayé d'expliquer au début et comment se caractérise cet espace politique que nous avons créé. D'abord, c'est la majorité des Mauriciens qui adhèrent à l'idée de notre politique sociale, de notre politique économique menée dans le cadre de la vision du Premier ministre et de son gouvernement, dont a été expliqué par la lecture du discours-programme qu'aux yeux de la majorité des Mauriciens et la majorité des jeunes en particulier, leur perspective d'avenir n'existe plus que par le présent gouvernement.

M. le président, il y a presque sept ans, la population - nous avons tous ici dans cette Chambre témoigné de la situation - dans notre pays souverain repoussait à une nette majorité, une cohorte de vaincus suspicieux. A défaut de connaître l'héritier, on sait tout de l'héritage. L'héritage que nous avons eu: une collection de bévues, état d'urgence économique, chômage grandissant, pertes d'emplois, dettes énormes ; bref, pitoyable situation économique laissée par

le gouvernement de 2000 à 2005. A la fin de 2005, et c'est bon de se le rappeler, tous les indicateurs économiques étaient au rouge, et voilà quelques chiffres du testament noir de cette alliance du gouvernement d'alors. Une croissance de seulement 2,2% comparé à 9,3% en l'an 2000. Le secteur de la zone franche était en chute libre, avec des pertes d'emplois qui se chiffraient à 25,000 dans le textile, occasionnant une main-d'œuvre réduite de 90,000 à 67,000. La dette publique plafonnait les R 118 milliards, alors que le déficit budgétaire était de 5,3% et, aujourd'hui, avec le tandem, c'est perdu d'avance, M. le président.

Notre gouvernement, issu du scrutin de 2005, a pu renverser cette situation de marasme économique avec une relance de la croissance, la baisse considérable de l'inflation, une réduction du déficit budgétaire, la création de 40,000 emplois directs et le maintien des pensions et des aides sociales. Cela grâce à la volonté du gouvernement dirigé par le Premier ministre qui a pu générer cette dynamique positive pour sortir le pays de l'état d'urgence économique pour une nouvelle ère de prospérité apparente. Il y a eu, M. le président, vision. Il y a eu confiance. Il y a eu l'engagement. Il y a eu le *planning*, c'est-à-dire, de la bonne gestion que nous disons tous *good governance*. Cette ère de prospérité aura été, en grande partie, grâce à une diplomatie économique à laquelle le Premier ministre a jeté tout son poids politique. D'abord, pour permettre à notre pays de refaire son image de marque au plan international pour lui faire bénéficier de multiples avantages découlant des accords de partenariat avec l'Europe et les États-Unis pour faciliter l'écoulement de nos produits textiles. Avec la République Populaire de Chine, une assistance de R 8,5 milliards en vue de l'agrandissement de l'aéroport SSR ainsi qu'avec l'Inde dans le cadre d'une coopération qui fut bâtie depuis 1973 dans plusieurs domaines. Ce n'est pas par pur hasard que le Premier ministre et *leader* de notre alliance au pouvoir a été crédité à 72,2 % des Mauriciens qui lui font confiance et approuvent sa performance, selon le dernier sondage *Afrobarometer* qui a été réalisé en février 2012. Qui plus est, 53% des Mauriciens sondés croient que le pays va dans la bonne direction, que le gouvernement répond parfaitement à leurs préoccupations à résoudre les problèmes de l'heure. Les évidences sont là. C'est l'opposition qui perd sa crédibilité avec la médiocre qualité de sa campagne et son incertitude face aux enjeux.

Mr Speaker, Sir, our mission is the empowerment of our people to invest more in improving the quality of life of people whom we consider to be most vulnerable. For example, we have the single parents from poor families; we have single mothers as head of household; we

have parents and children from poor families who need more attention. This is where the Ministry of Social Security and also the Ministry for Social Integration come in.

At the moment of big structural shifts such as growth, high investment in the sectors that foster employment, better standard of living and better assistance to vulnerable people and poor families, we have come up with this Government Programme that focuses on key areas such as prosperity for all, empowering people, cohesive society, strong nation and sustainability. There is no doubt for us Government that, at the end of the day, before the next general election due to be held in 2015, we will be able to come out with a comprehensive *bilan* to the expectations of the population and which will contribute to the electoral success of this government same as it was in 2010.

Mr Speaker, Sir, at a moment of big structural shifts in our economic and social panorama, people at the bottom of the ladder are demanding more help and more access to basic necessities. It was accordingly acknowledged that social security provides a buffer to unexpected shocks such as sudden loss of income, absence of basic health care, lodging, education and poverty riddle. This Government has pledged to solve these problems in a holistic and sustainable way. In this context, my Ministry, Mr Speaker, Sir, has come up with a National Social Register, which we call the SRM, to collect and compile data on which the vulnerable groups requiring social assistance will be enlisted.

This register will be used, firstly, to implement two government social programmes which were explained in the last budget by the vice-Prime Minister and Minister of Finance, that is, the Housing Scheme and the Crèche Scheme as announced in the budget. The cut-off income for housing is a monthly salary of Rs10,000 and for the Crèche Programme, it's Rs6,200 per month. Registration in the SRM database has started on 02 April last in the forty Social Security Offices across the island and will be completed by the end of May. Then, the Ministry of Housing and that of Social Integration will be responsible for the implementation of their respective programme.

A special word as far as our elders are concerned, my Ministry is always prepared for an ageing population. The challenges faced by our country with an ageing population are well recognised because of growing financial implication from pension costs, medical care and health care, but let me put it clear, Mr Speaker, Sir, this Government does not even think of long term care implying a reneging on level of benefits. We always have in mind the former Government,

the then Prime Minister, the then Minister of Finance in 2004 as regards to pension when these Members, today, are sitting on the other side of the House, maybe now in the *salon de l'autre côté*, introduced the targeting approach. We all know the consequence was so much deplorable and some 5,000 pensioners had their pension disallowed and others drastically reduced. This remains one of the worst decisions of the former MMM/MSM Government took. Fortunately, the income test was removed when this Government led by hon. Dr. Navin Ramgoolam, Prime Minister, restored the pension on a universal basis, to the satisfaction of all Basic Retirement Pension recipients; that was in August 2005, just after we took over after the general election.

With a society that ages, Mr Speaker, Sir, Government is meeting the financial needs of its elderly population. Let me inform the House that at the end of March 2012, Mauritius has 161,461 persons of age 60 and over which amounts to around Rs566.4 m. every month and to Rs7.28 billion in 2012 compared to Rs6.7 billion in 2005/2006. The needs of the very elderly are met through care, substantial medical care and social support.

The policy of my Ministry is also to create an inclusive society, social protection to the neediest families, caring for the elderly and empowerment of persons with disabilities. And Government Programme lays emphasis on the elderly on productive ageing, lifelong learning, intergenerational dialogue and healthy living. And for the disabled, stress is being made on their integration by facilitating their access to training, to education, to employment, to health and ensures the protection of their human rights. *Bref, c'est une vision basée sur l'intégration sociale*. This year, Mr Speaker, Sir, my Ministry will be focusing on the implementation of a new project related to the setting up of an Observatory on Ageing as outlined in the Government Programme 2012-15 which reads as follows –

“Government recognises the valuable contribution of senior citizens that they have made to the progress of this country. Therefore, Government will set up an Observatory on Ageing to carry out action-oriented research on the socio-economic aspects of ageing.”

The establishment of a sustainable Observatory on Ageing for research and capacity building has been a long standing aspiration of my Ministry. The intense need for such a body was direly felt. And it envisions establishing an appropriate forum to equip my Ministry with cut-edge strategies and tools to function effectively. I trust that properly managed, the Observatory on Ageing will help to tackle the problem of ageing and more to the point in helping my Ministry to deal more efficiently with the underlying issue of the elderly phenomenon. As at

date, four main sectors have been identified as priority research areas and a team has been assigned for each of the following four sectors namely –

- (1) Protection/Security/Residential Care.
- (2) Housing.
- (3) Health.
- (4) Other sectors which comprise of culture, recreation, education and intergeneration.

I would like here, Mr Speaker, Sir, to mention that the attention of my Ministry will be focused on sustainable projects involving the setting up of a third residential recreation centre for the Elderly at Pointe aux Piments, which will give leisure activities to our elders. In Government Programme 2012-15, around the theme “Moving the Nation Forward”, this Government has pledged to create the necessary conditions to enable our elderly to enjoy a pleasant and active retirement.

Funds are already available to the tune of Rs155.8 m. Works have already started and are expected to terminate by July 2013. The new Centre will comprise sixty twin bedrooms to accommodate 120 elderly persons and also at times people with disabilities, an administrative block, kitchen/dining room, auditorium, club house, an amphitheatre and, of course, the swimming pool. The laying of the foundation stone ceremony will be performed tomorrow itself by Dr. the hon. Prime Minister at Pointe aux Piments in the presence of thousands of Senior Citizens.

As the House is well aware, my Ministry operates two such centres namely, Dr. James Burty David Recreation Centre at Pointe aux Sables and Sir Seewoosagur Ramgoolam Recreation Centre at Belle-Mare. These two centres cater for 22,000 residents yearly. With the coming in operation of the new one, there will be an additional capacity of 12,000 residents and this will bring the total capacity to 34,000 residents yearly.

The disability sector, Mr Speaker, Sir, is of much concern to my Ministry. The fundamental objective is for the enactment of several initiatives, since the Government has recognised disability as a group of persons who need to be cared for, protected by treating them with dignity, with respect. Considering the moral and legal imperatives and specifically, the directive principles of the Action Plan on Disability recognise the duty of Government to assist

in the full realisation of the fundamental rights of persons with disabilities and to promote their welfare by securing a social order governed by human rights.

In keeping with the United Nations Convention that also stipulates that the State must provide necessary infrastructure to assist the disabled who are advancing in years to live a life which is socially, economically, culturally and leisurely fulfilling. The Government of Mauritius signed the UN Convention on the Rights of Persons with Disabilities in 2007, ratified it in January 2010.

Mauritius is under international obligation to submit the initial report to the UN Committee on the Rights of Persons with Disabilities. The report has already been prepared along with consultations with different stakeholders and is being forwarded to the UN Committee on the Rights of Persons with Disabilities through our diplomatic channel.

A major thrust of my Ministry for people with disabilities is the training and employment of these persons. Since 2005, some 550 persons have been trained in various skills and some 400 have been placed in employment. As from January 2010, another 55 persons with disabilities, including graduates from our Universities, HSC and SC holders, have been recruited in various private companies. There is strategic partnership between my Ministry and the Training and Employment of Disabled Persons Board and other stakeholders such as the MITD, the SMEDA and the MEF for integrating persons with disabilities at work.

Here, I must pay tribute to the efforts made by the private sector. My view is that an accelerated evolution on their part is also possible depending, obviously, on the demand. What is needed is the strengthening of our laws and the administrative procedures that respond to the reality of the day and to the overall vision of the Government in its objective for the setting up of an all-inclusive society. In that context, necessary amendments will be brought to the Training and Employment of Disabled Persons Act of 1996. Its main provision is that the workforce of all enterprises having 35 employees or more should include 3% of persons with disabilities. The new version of the Bill is almost ready and it will be a privilege for me to bring it to the House during this session.

Mr Speaker Sir, I would also say that with the ratification of the UN Convention on the Rights of Persons with Disabilities, the Mauritian legislation also has to be brought in line with the provisions of the Convention. As stipulated in the Government Programme at paragraph 52, my Ministry will be coming up with a Disability Bill that will reinforce the rights of persons with

disabilities, and provide further protection against all forms of discrimination and correct existing anomalies in other laws.

The last of all, will be, Mr Speaker, Sir, NGOs. A major thrust of my Ministry, is the capacity building of NGOs. NGOs are major actors in supporting those who are described as the less well-off of the society. It is true that Government has the responsibility to address social problems, but it cannot be denied that due to its standardised policies that limit its intervention, Government alone cannot tackle all the social-ills affecting the lives of our people. In this context, my Ministry has devised new policies and strategies with a view to ensuring their sustainability in their operations.

As a result of this strategy, NGOs will be termed as social enterprises. Social entrepreneurship is a concept whereby the entrepreneurial principles are applied to organise, create and manage a venture to make social change. Social entrepreneurship has contributed in driving social innovation, transformation in the field of education, health, environment and enterprise development in many parts of the world. Thus, the need to strengthen NGOs to enhance their capacities and to professionalise their interventions to deliver effective services is attributed to the rising expectations on the service quality and also to the increased importance of NGOs to influencing policy making process in favour of vulnerable groups. In collaboration with Macoss, the NGO Trust Fund and the Non State Actors Unit of my Ministry. We are working together with the Entrepreneurship Development Institute from Ahmedabad, India, with whom my Ministry has signed an MOU. This will be followed - they are coming to Mauritius soon - to participate in a national conference on Entrepreneurship Development together with the Ministry of Business, Enterprise and Cooperatives.

To conclude, Mr Speaker Sir, I would say that the Government Programme 2012-2015 edges up our social reform initiatives. And to accelerate reforms for sustainable growth, stability will be the watchword for my Ministry ahead on all the projects that I have enunciated. The implementation will be monitored and supervised by the Project Monitoring and Delivery Unit, which works under the aegis of the Prime Minister's Office. This Government has taken up the challenge both on the economic and social fronts. The Labour/PMSD Government has proved stronger and more radical, than seemed likely a year and a half ago, to pursue its reform programme. This Government believes that there is scope to go much further and, with our firm, resolute convictions and optimism, it will certainly come up with a *riche bilan de réalisations* by

2015. The hon. Prime Minister has explained clearly to the nation that general elections will be neither in 2012, 2013 nor 2014. It will be held in 2015.

Les élections viendront au moment voulu. C'est la prérogative exclusive de notre Premier ministre. L'opposition doit comprendre qu'elle doit attendre trois ans encore. Nous les laissons avec leur pèlerinage, M. le président. Les citoyens mauriciens ne croient en aucune façon en ce pèlerinage. Regardons les caricatures de la presse, cela fait la risée ! Lisez les commentaires sur Facebook, c'est le reflet des épisodes burlesques.

Je terminerai en disant qu'on a pu voir la justesse du *leadership* politique. Les *leaders* authentiques qui imposent le respect de tout le pays ont une grande visibilité. Le *leadership* est une question de responsabilité envers la nation et le pays, comme le dit souvent notre Premier ministre. D'ailleurs, le Premier ministre l'a dit tout récemment «On ne peut fabriquer un *leader*». Etre un bon *leader* suscite à la fois la motivation, la détermination et l'envie de vaincre. Et l'objectif à atteindre est d'être un *leader* pour un mandat de cinq ans et non à titre partiel de trois ans ou de deux ans !

Merci, M. le président.

Dr. Kasenally: Mr Speaker, Sir, I move for the adjournment of the debate.

Dr. A. Boolell rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

PUBLIC BILL

Second Reading

THE ENVIRONMENT AND LAND USE APPEAL TRIBUNAL BILL

(NO. IV OF 2012)

Order for Second Reading read

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, I beg to move that the Environment and Land Use Appeal Tribunal Bill (No. IV of 2012) be read a second time.

Mr Speaker, Sir, this Government's motto, as is evident from the Government Programme 2012-2015, is "Moving the Nation Forward". And one of the means of achieving this objective and making sure that our society does truly and effectively move forward.

Paragraph 31 of the Government Programme states, and I quote -

“Several existing Tribunals, including the Environment Appeal Tribunal where major projects are currently the subject of litigation, will be consolidated to enable them to sit full time so that cases are heard and disposed of expeditiously while ensuring cost effectiveness and rationalization in the use of resources”.

In the Budget Speech of 2012, Mr Speaker, Sir, it was mentioned at paragraph 326 that to speed up decisions on appeal cases, Government will be consolidating twelve Appeal Tribunals into three, namely an Environment and Land Use Appeal Tribunal, a Revenue and Valuation Appeal Tribunal and a Regulatory Authority Appeal Tribunal.

Mr Speaker, Sir, this Bill when voted and proclaimed will set up the Environment and Land Use Appeal Tribunal. As hon. Members of the House are probably aware, the Environment Appeal Tribunal (“EAT”), established under the Environment Protection Act in order to hear and determine appeals relating to Environmental Impact Assessment (EIA) licences and Preliminary Environmental Reports (PER), provided for in the Environment Protection Act.

Secondly, the Town and Country Planning Board (“Board”), established under the Town and Country Planning Act and which, *inter alia*, hears appeals relating to Outline Planning Permissions and Building and Land Use Permits, presently operate on a part-time basis given that the Environment Appeal Tribunal is chaired by a Magistrate of the Intermediate Court on assignment by the Public Service Commission to perform duties on a part-time basis, and the Board, as per section 3(1)(a) of the Town and Country Planning Act, is chaired by a person not below the rank of Principal Assistant Secretary.

Mr Speaker, Sir, in view of the fact that the tribunal is not operating on a full-time basis, appeals lodged before the EAT and also before the Board are taking longer to be heard and disposed of. Mr Speaker, Sir, several major projects are currently the subject of litigation before these “tribunals”. In fact, there are presently 14 appeals before the EAT and about 300 outstanding appeals before the Town and Country Planning Board. There is, therefore, an urgent need to expedite the hearing and determination of cases given that time is of the essence in such types of appeals.

This Bill, Mr Speaker, Sir, therefore aims at merging the Environment Appeal Tribunal and the Town and Country Planning Board into a single Tribunal with a full-time Chairperson and vice-Chairperson, with a view to expediting the determination of appeal cases lodged in relation to environment and land use-related issues. This will allow the Town and Country

Planning Board to devote more time to its major functions, such as the preparation of outline and detailed schemes.

The Bill thus provides for the establishment of a single Tribunal which shall operate on a full-time basis and shall hear appeals relating to matters that are directly or indirectly related to the environment and the manner in which land is made use of. The Tribunal will accordingly deal with –

- Building and Land Use Permits and Outline Planning Permissions issued or refused by Municipal City Councils, Municipal Town Councils and District Councils under the Building Act, the Local Government Act 2011 and the Town and Country Planning Act;
- *morcellement* permits granted or refused under the *Morcellement* Act;
- Environmental Impact Assessment licences and Preliminary Environmental Report approvals granted or refused under the Environment Protection Act.

Mr Speaker, Sir, I must point out that the draft Bill was circulated among various stakeholders, including the hon. Chief Justice, the Ministry of Housing and Lands, the Ministry of Environment and Sustainable Development, the Ministry of Local Government and Outer Islands, the Town and Country Planning Board, and the Environment Appeal Tribunal for their views and comments, and due consideration has been given to the representations made in the finalisation of this Bill.

Mr Speaker, Sir, I shall now take the House through the salient features of the Bill. The Tribunal, which is established under clause 3 of the Bill, shall in fact consist of –

- firstly, a Chairperson, who shall be a barrister of not less than 10 years' standing, appointed by the Public Service Commission;
- secondly, one or more vice-Chairpersons (which is a totally new provision), who shall be a barrister or barristers of not less than 5 years' standing, appointed by the Public Service Commission, and
- thirdly, such other members as may be necessary to enable the Tribunal to discharge its functions under the Act and the relevant Acts as defined in the Bill.

Moreover, under clause 3(4) of the Bill, where the subject matter of an appeal relates to a technical field, the services of a suitable expert can be enlisted in the field, to act as member of the Tribunal on an *ad hoc* basis for such period as may be necessary.

It is also to be noted that by virtue of clause 3(2) of the Bill, the Chairperson and the vice-Chairperson may be called upon by the Public Service Commission to act as Chairperson or vice-Chairperson of any tribunal established under any other enactment.

Mr Speaker, Sir, another major improvement which this Bill seeks to bring about is that by virtue of clause 3(5) of the Bill, the Tribunal shall sit in one or more divisions. Furthermore, provision is made under clause 3(5)(c) of the Bill for a division to be set up on a temporary basis for a period not exceeding one year, where there is a backlog of cases before the Tribunal. This will ensure that the Tribunal is not, from the day of its establishment, hampered in its functioning due to such backlog of cases.

Provision is also made in the Bill for the appointment of a Secretary to the Tribunal, and for the Secretary to Cabinet and Head of the Civil Service, at the request of the Chairperson, to designate such public officers as may be necessary to enable the Tribunal to discharge its functions under the Act.

As regards the jurisdiction of the Tribunal, it is, under clause 4(1) of the Bill, given jurisdiction to hear and determine appeals under the Environment Protection Act, the Local Government Act 2011, the *Morcellement* Act and the Town and Country Planning Act. Moreover, I would here like to draw the attention of the House to the fact that power is also given, under clause 4(2) of the Bill, to the Chairperson or, in his absence, the vice-Chairperson, in respect to any matter which is due to be heard by the Tribunal, on application made to him by a party, to sit alone for the purpose of making such orders, including an order in the nature of an injunction, as he thinks fit, where he is of opinion that, for reasons of urgency and the likelihood of undue prejudice, it is necessary to do so pending the hearing of the matter.

Mr Speaker, Sir, as matters presently stand, parties have to lodge an application for an injunction before the Judge in Chambers in order to stay an Environment Impact Licence and Preliminary Environment Report, the above provision will consequently render remedies like injunctions more accessible and ensure speedier justice.

As far as proceedings of the Tribunal are concerned, they are, subject to clause 5 of the Bill, to be regulated by the Tribunal itself. The procedure for the holding of proceedings and the lodging of appeals before the Tribunal, and the powers of the Tribunal are therefore set out in clause 5.

It is here worth noting that proceedings of the Tribunal are to be conducted with as little formality and technicality as possible and shall not preclude an endeavour by the Tribunal to effect an amicable settlement between the parties. Furthermore, by virtue of clause 5(5) of the Bill –

“A party before the Tribunal may be represented by a barrister or an attorney or, with the leave of the Tribunal, be assisted by a person having expertise in the subject matter of the appeal”.

Insofar as appeals are concerned, a time limit of 90 days is provided for under clause 5(7) for the Tribunal to hear and make a determination, except where there is a valid reason, and with the consent of the parties.

Furthermore, clause 6 of the Bill, which relates to appeals to the Supreme Court, makes provision for any party who is dissatisfied with the final decision of the Tribunal, in relation to an appeal under clause 4 as being erroneous in point of law, to appeal to the Supreme Court. Such appeals are to be prosecuted in the manner provided by rules relating to appeals from final judgments of a District Court in civil matters.

As for clause 7, it provides for the making of rules by the Tribunal, for the purpose of the institution and hearing of appeals before it.

Clause 8, for its part, makes consequential amendments to the Environment Protection Act, the Local Government Act, the *Morcellement* Act, the Planning and Development Act and the Town and Country Planning Act in order to give jurisdiction to the Tribunal to hear and determine the matters specified in that clause.

Finally, Mr Speaker, Sir, clause 9 of the Bill (which relates to transitional provisions) provides, *inter alia*, that where the hearing of any matter, or appeal from the decision of the Board or the Environment Appeal Tribunal has at the commencement of the Act started before the Board or the EAT, the Judge in Chambers or the Supreme Court, as the case may be, that matter shall continue to be dealt with by the Board, the EAT, the Judge in Chambers or the Supreme Court, as the case may be, until final determination.

As regards the hearing of matters which have not started, but are pending at the commencement of the Act, before the Board or the EAT, those matters shall, at the commencement of the Act, be taken up and determined by the Tribunal.

Mr Speaker, Sir, the grouping of different tribunals under the umbrella of a sole Tribunal will not only reduce administrative costs and ensure an efficient and better use of resources and logistics, but will also impact favourably on future investment given that the delay caused to the whole process of obtaining approvals, licences and permits will be considerably reduced. This will, therefore, undoubtedly lead to an environment more conducive to promote and enhance business and investments.

I am therefore of the opinion, Mr Speaker, Sir, that the Bill being proposed today should be favourably welcomed.

I will end by thanking colleague Ministers for their support in the finalisation of the Bill. A special thanks to my officers, including Mrs Gaitree Manna, the actual Master & Registrar, for their unflinching support and cooperation.

With these words, Mr Speaker, Sir, I commend the Bill to the House.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport & Shipping (Mr A. Bachoo) rose and seconded.

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

At 7.28 p.m. the sitting was suspended.

On resuming at 9.04 p.m. with the Deputy Speaker in the Chair.

Mr A. Ganoo (First Member for Savanne & Black River): Mr Deputy Speaker, Sir, we have reservations as far as this Bill is concerned to the effect that a single tribunal should be set up to hear appeals related to environment issues and also to other land issues. So, it is true that environment is linked in an indirect manner to land use but, on this side of the House, we believe that Government should not have lumped together environment issues and land use questions.

Environment is such a wide and complex issue, touching the question of development, exploitation of our resources, question of pollution, noise pollution, water pollution, waste disposal and all other diverse issues. On the other hand, through our mind there is a case for streamlining and rationalising all questions and issues related to building and land use permits, outline planning permissions, granted or refused under several pieces of legislation, as spelt out in the present Bill.

The question we have to ask ourselves Mr Deputy Speaker, Sir, is whether by lumping all these appeals within one single authority, do we necessarily bring the required results. Should we

not have allowed the Planning Appeals Tribunal, which was set up by the Planning and Development Act of 2004, to see the light of the day, to function, to survive instead of having killed it in the offing? The law was passed in 2004 by the previous Government - the Planning Development Act - in which a Planning Appeals Tribunal was set up with more or less the same objectives in the present Bill. I will come to that later. But suffice it to say that one must remember - and we insist upon that - that appeals under environment law are of a completely different nature from those under the Town and Country Planning angle. This is why, Mr Deputy Speaker, Sir, I am reiterating the fact that lumping all the appeals of a different nature together may not bring the required result.

I must say in this outset that the appellation of this Bill is a misnomer. In fact, the Tribunal should have been called 'The Environment and Planning Appeal Tribunal'. This appellation could have been more befitting, more direct, and more succinct. But perhaps, Mr Deputy Speaker, Sir - and I don't want to impute motive to Government - it's because the Planning Appeals Tribunal has already been used and set up by a law which was passed by the previous Government in 2004. We can see clearly that Part 10 of the Planning Development Act sets up the Planning Appeals Tribunal, but this Tribunal has never seen the light of the day, as I said, although parts of the Act have become operational at different dates in December 2004, September 2006 and in the year 2009. Different parts of this Bill, the PDA shall I call it, was proclaimed, but the part relating to the Planning Appeals Tribunal was never proclaimed. If this is the reason why the present Tribunal has not been called Environment and Planning Appeals Tribunal, if this reason was just because it was the previous Government which passed the law, then I don't think it is the right decision on the part of Government. But be it as it may, let us call a spade a spade.

The Bill before us today purports to take over parts of two pieces of legislation, in fact: take them over, restructure them and they are now in the form of a Bill in front of this House. Two parts of the two different pieces of legislation are part (a) of the Environment Protection Act which was passed in 2002, when hon. Bhagwan was Minister of the Environment, and Part 10 of the PDA (Planning Development Act) of 2004, which I have just referred to. In fact, our present Bill in front of this House has inspired itself a lot from sections 53 and 55 of the Planning Development Act, Mr Deputy Speaker, Sir. But I must admit also candidly that there are a few new and interesting concepts in the present Bill before us which have been introduced in the

present Bill, and to which I agree, which are very positive. The present Bill, therefore, is opening new vistas, new horizons. For example, the possibility of claiming damages not exceeding Rs50,000 by way of a claim to the Tribunal, where the claimant has suffered damages and prejudices as a result of a breach of an environmental law, or another new feature which is the power of the Chairman of the Tribunal to stay proceedings by issuing an injunction, to which I will come back later.

What I am saying, Mr Deputy Speaker, Sir, is that although the bulk of the Bill is inspired from two other pieces of legislation, the EPA and the PDA, yet one must agree to the fact that there are new features in this Bill before the House which are positive. I will come to one of them, Mr Deputy Speaker, Sir, by saying that if the purpose of the enlarged tribunal is to address the pace at which decisions against appeal under the Environment Protection Act and the Town and Country Planning Act are addressed, the objective is good.

Therefore, Sir, the initiative aims at expediting justice precisely in cases of business facilitation. Mr Deputy Speaker, Sir, one of the purposes of this Bill is to ushering an era of expeditious justice with regard to appeals related to environment issues and planning issues, and this is a commendable initiative. But still having said that, we must note that the Bill has, as I have said, inspired itself a lot from the PDA passed in 2004. For example, section 59 (10) of the 2004 Act reads as follows -

“Any appeal before the Tribunal shall be dealt with as expeditiously as possible and the Tribunal shall endeavour to dispose of the appeal within 6 months from the date the appeal is lodged.”

In those days, therefore, the 2004 Act, the delay was six months. So, there was already in the PDA the will of the then Ministry concerned to see that expeditive justice becomes a reality in these types of appeals.

Mr Deputy Speaker, Sir, I am laying emphasis on this aspect of this Bill because we all know that this initiative of having celerity in those types of cases aims, in fact, at expediting the overall development process inasmuch as determination of appeals, Mr Deputy Speaker, Sir, shall now be made according to the new law within a period of 90 days after the start of the hearing of the said appeal, and this is certainly a big step forward. Mr Deputy Speaker, Sir, this should be contrasted with the current situation. Today, the lodging and the eventual determinations of appeals under the Local Government Act, the Town and Country Planning Act

and the EPA take an average of two years. Practitioners know, those who are in the profession know, Mr Deputy Speaker, Sir, how much of a *parcours de combattant* it is today when the local authority has refused or has not granted the permit to the investor or to any other citizen, to go to the Town and Country Planning Act; how long a way it is.

So, justice delayed is indeed justice denied in these cases because due to this considerable time taken to determine an appeal, Mr Deputy Speaker, Sir, I am sure many of us know many developers become discouraged, abandon their projects, and with all its adverse socio-economic impact and negative effect in terms of helping of revamping the economy.

That is why, Mr Deputy Speaker, Sir, on this question of more speedy justice, I say it again, the objective is good, *mieux vaut tard que jamais* because, as I mentioned earlier, in the PDA Act of 2004, the provision was already there in our law that the Tribunal shall deal with any appeal as expeditiously as possible, and the delay was then six months.

Then, Mr Deputy Speaker, Sir, came the year 2006, the Business Facilitation Act was passed in this very House, and the law was amended in those days. Mr Sithanen was the Minister of Finance, and when the Business Facilitation Act was passed, the law was amended with regard to appeal issues. Even during those debates, I remember, Mr Deputy Speaker, Sir, we, on this side of the House - as a constructive Opposition - made the point about the necessity of expeditive justice precisely in cases of business facilitation.

I have with me, Mr Deputy Speaker, Sir, a copy of the debates then. I personally, in fact, rose up and tried to pray for an amendment of the Bill at Committee Stage, and this is what I said

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“I am going now to move for an amendment, Mr Chairperson. The point I wish to make is, as the law is, true it is that the Town and Country Planning Act at the moment, spells out that the person aggrieved may, in fact, appeal to the Town and Country Planning Board - the point the Opposition is making is that it is an open-ended appeal. That is, there is no duty on the Board to give its ruling within a time frame and after this appeal has been made to the Board, the law also says - “That a person aggrieved by the decision of the Board may appeal further to a Judge in Chambers.”

This is the point that was made; that there is no time limit, of course, of the ruling of the Judge in Chambers. The point we wanted to make is why not impose a time frame on the first leg of the appeal, that is, imposing as it is in the new planning law, for example.”

I am sorry I am quoting myself, Mr Deputy Speaker, Sir, but this is what was said by the Opposition in 2006 when the Business and Facilitation Act was passed.

What I want to say, Mr Deputy Speaker, Sir, is that it's good that today we have found part of the solution as far as this question of time frame within which appeals should be heard. But, having said this, I must say that we must be very careful, and I am urging the hon. Minister to listen to the point I am making. In fact, what does the Bill say in section 5 (7)?

“The Tribunal shall make a determination not later than 90 days after the start of the hearing of the appeal, except where there is a valid reason, and with the consent of the parties.”

So, the 90 days start running, the determination has to be made by the tribunal not later than 90 days after the start of the hearing of the appeal. The question that has to be asked, Mr Deputy Speaker, Sir, is whether we are going to attain our objective in view of the provision of the law because the law talks of the hearing of the appeal. I think the law should have provided for a maximum time lag between the lodging of the appeal and the hearing of the appeal, that is, immediately after the appeal is lodged, the 90 days should start running and not at the hearing of the appeal because between the lodging of the appeal and the hearing of the appeal, there can be one month, two months, three months - we don't know how much, Mr Deputy Speaker. So, I think this is a point that we should have to consider, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I come to clause 3 of the Bill, the appointment of the Chairperson and the vice-Chairperson. I make my point again; in view of the sharp difference between the two main subject matters - land use and environment - I think that the need in the composition of the two divisions should have been a vice-Chairperson for each of the two different sectors. That is, the law should have spelt out that there must be a vice-Chairman for each of the two divisions. The division of Environment and the division of Land Use should have been provided with a vice-Chairman specifically in the law, Mr Deputy Speaker, Sir. My point is that the law should have been precise and specified that each division, the division of Environment and the division of Land Use should have its own vice-Chairman in view of the sharp difference between these two main subject matters, Mr Deputy Speaker, Sir.

Section 3(1) (c) speaks about besides the Chairman and the vice-Chairman, Mr Deputy Speaker, Sir. Clause 3 mentions -

(a) the Chairman;

- (b) the vice-Chairman;
- (c) such other members as may be necessary to enable the Tribunal to discharge its functions.

On this point, I am really surprised, Mr Deputy Speaker, Sir, that the Bill is totally silent as regards the qualifications, the background, the expertise, the experience, and the profile of the members of this Tribunal. And when we look at other pieces of legislations, such is not the case, Mr Deputy Speaker, Sir. There are different pieces of legislations where tribunals are set up, where assessors, the procedure for selecting and appointing assessors of the tribunal, are spelt out. In most of these legislations, the background, the experience, the qualifications of these assessors are spelt out unlike in the present piece of legislation. For example, in the Planning Development Act, Mr Deputy Speaker, Sir, I see in this Act ‘such other members with at least five years’ experience in a field related to town or country planning, environmental planning, environmental science, land valuation, architecture, engineering, surveying or building constructions, the management of natural resources or urban design or heritage as maybe appointed by the Attorney General after consultation with the hon. Minister.’ That’s why I am saying I am very surprised that, in our law, nothing of this sort is mentioned, Mr Deputy Speaker, Sir, and I insist on the choice of the members or the assessors because one has to understand that a large number of appeals arise on account of inappropriate decisions taken at first instance. This is the case today, Mr Deputy Speaker, Sir.

The right choice of members and assessors would have reduced the number of appeals, and I say it also for our present piece of legislation. I think although the Chairperson and the vice-Chairperson are of legal minds of 5 years’ or 10 years’ experience, yet I insist that the right choice of assessors is a *sine qua non* condition *pour encadrer* the Chairperson or the vice-Chairperson, Mr Deputy Speaker, Sir. Therefore, to my mind, the members that would assist the Tribunal would have to be experienced and knowledgeable, and be in a position to advise the Chairperson on an informed basis on the subject matter of Environment or Land Use as the case maybe, Mr Deputy Speaker, Sir.

Do you know, Mr Deputy Speaker, Sir, that right now, as the situation is today, many decisions are taken by the committees in the local authorities? These decisions are ill-inspired sometimes, biassed, *grotesque*, and sometimes motivated by sinister reasons. This is why I think also that the law that we are voting today, in fact, provisions should have been made for the

parties or local authorities, Mr Deputy Speaker, Sir, to pay cost of the case when their decision is reversed and overturned by the Tribunal. I think this would have been a deterrent to prevent people from acting in a very arbitrary way or motivated by whatever sinister reasons. The authorities concerned should have been made to bear the cost of the appeal before the Appeal Tribunal.

Furthermore, since I am on the subject of membership, I also would like to remark that there is no mention of declaration of assets in this piece of legislation. There is no mention of declaration of assets in the event of any member of the Tribunal is related to any party. There should have been provisions for declaration of interests, especially in the case of the expert. Section 3 (4) of the Bill reads as follows –

“Where the subject matter of an appeal relates to a technical field, the Attorney General may, on the recommendation of the Chairperson, enlist the services of a suitable expert in the field, to act as member of the Tribunal on an ad hoc basis for such period as he considers necessary.”

I can go along with that provision, Mr Deputy Speaker, Sir. I agree with that. But I think provisions should have been made for either that the members of the Tribunal, including that suitable expert who is recruited on an ad hoc basis, which is roped in for a specific reason, to declare his interests or to declare his assets, Mr Deputy Speaker, Sir.

Clause 3 (5) (c) of the Bill talks about backlog of cases and a Senior District Magistrate being designated by the Chief Justice on a temporary basis. True it is to clear the backlog of cases before the Tribunal. Mr Deputy Speaker, Sir, I don't know, this clause puzzles me a little; the provision of a temporary division chaired by a Senior District Magistrate. Insofar our experience, Senior District Magistrates are already very busy persons, and my friends who are practitioners know what is happening in our courts of law today. I am not saying anything nasty, but how overburdened our Magistrates are, especially the Senior District Magistrates and the Magistrates in general! But, I have another reason to have my doubts about this specific provision, Mr Deputy Speaker, Sir. The other reason is that I think, on grounds of consistency in the determination of appeal, especially as we are talking about issues involving complex technical questions which involve very complex and very technical issues, the appointment of Senior District Magistrates on an ad hoc basis is not recommended. The Chairperson is a full-time Chairperson and the vice-Chairperson. I think there will be consistency in their judgements,

and I have my doubts on whether we should take Senior District Magistrates who are already busy people to come and give a helping hand to the Tribunal.

Finally, Mr Deputy Speaker, Sir, I come to another important clause, which is clause 4 of the Bill – Jurisdiction of the Tribunal. Mr Deputy Speaker, Sir, the present town and country planning appeal has a two-tier system of appeals. Anybody who is aggrieved by the decision of the local authority today appeals to the Town and Country Planning Board. If he is still aggrieved by the decision of the Town and Country Planning Board, he can appeal to the Judge in Chambers. In practice, as we know, the appeal to the Judges in Chambers would be on issues of law.

I now come to the proposal in clause 4 (1) (iv) of Bill, and I would ask the hon. Attorney General who, I know, is listening to me, to pay attention to what I am saying. Let us look at clause 4 (1) (iv) –

“4. Jurisdiction of Tribunal

(1) The Tribunal shall –

(a) hear and determine appeals –

(iv) under sections 7 and 25 of the Town and Country Planning Act;”

So far so good! I turn to page 11 of the Bill, subsection 5 -

“(5) the Town and Country Planning Act is amended

(a) “Tribunal” has the same meaning as in the Environment and Land Use Appeal Tribunal Act 2012”

This is okay. But, let us look at (b). In my humble opinion, I think there is a flaw in this piece of legislation, in the Bill before us, and I would ask the Attorney General to bear with me.

Let us, therefore, look now at what is the law, and what is proposed to be amended by the Bill today.

Mr Deputy Speaker, Sir, the Town and Country Planning Act is being amended in section (7), (i) (6) by deleting the words “within 2 months of receipt of the decision” and replacing them by the words “appeal to the Tribunal”. Therefore, hon. Attorney General, if I understand the Bill properly, the Town and Country Planning Act should read in 7(6) as follows -

“Any person aggrieved by the decision of a Local Authority under section 1 (1) (7) of the Local Government Act may appeal to the Tribunal in accordance with the Environment and Land Use Tribunal Act 2012.”

I agree with that. There is no problem about that. Any person aggrieved by a decision of a local authority under section 117 of the Local Government Act may now appeal to the Tribunal we are setting up today, in accordance with the Environment and Land Use Appeal Tribunal. That's very good; I have no problem about that.

But let us look now in section 7(ii) which says: "in subsection (8) by deleting the words "(6) or (7) may appeal to the Judge in Chambers in accordance with the procedures of section 25(3) and (4)" and replacing them: "may appeal to the Tribunal in accordance with the Environment and Land Use Tribunal 2012." Therefore, subsection (8) in the Town and Country Planning Act will read now –

"Any person aggrieved by a decision of the Board, under sub-section (6) or (7), may appeal to the Tribunal in accordance with the Environment and Land Use Appeal Tribunal 2012."

But in (6) there is no more Board. Is the hon. Attorney General agreeing with me? Board is now "appeal to the Tribunal". But it is not only that any person aggrieved by the decision of the Tribunal instead of Board as, by mistake, perhaps, it has been left as such. The word 'Board' should have been replaced by the word "Tribunal" because under sub-section (6) there is Tribunal. But worse than that, according to me, the law as it reads now, after having been amended by the present Bill, will read as follows -

"Any person aggrieved by a decision of the Tribunal under sub-section (6) or (7) may appeal to the Tribunal."

We are deleting 'Judge in Chambers' and we are replacing it by 'may appeal to the Tribunal in accordance with the Environment and Land Use Tribunal.'

As the amendment is in sub-section (8), the law should read now according to the amendment -

"Any person aggrieved by a decision of the Board under subsection (6) or (7), may appeal to the Tribunal in accordance with the procedures of 25(3) and (4)."

I think that there is a problem somewhere because firstly, the word 'Board' should have been replaced by 'Tribunal'. Are we appealing against the decision of the Tribunal under section 6 to the same Tribunal?

I ask the question again. Are we, under subsection (8), appealing against a decision under subsection (6) *un peu plus haut*, which is now appealing against the decision of the Tribunal, and

we are appealing against the Tribunal to the same Tribunal according to the amendment itself? Because the amendment says: replacing by ‘may appeal to the Tribunal in accordance with the Environment and Land Use Tribunal.’”

I hope I have not misunderstood or misapprehended the amendment, Mr Deputy Speaker, Sir, but to me, there is a problem in this section. Finally, I would just ask one little question about repealing sub-section (4). Sub-section (4) of the Town and Country Planning Act says –

“An appeal under this section shall be served on the opposite party or parties.”

I am just asking the question: why are we deleting that provision? It concerns the same Act, Mr Deputy Speaker, Sir. The Town and Country Planning Act is amended in c(ii) by repealing subsection (4), which provides that the appeal must be served on the opposite party or parties. I say that, Mr Deputy Speaker, Sir, because there are many judgments of the Supreme Court concerning - I don't want to trouble the House with all these judgments - the fact that the other party has not been notified, and many of these decisions have been reversed because of the necessity in the law to provide that the appeal must be served on the opposite party. It is a rule of national justice, of course, that somebody against whom there is an appeal must be made aware that there is an appeal against him, and he should have been served with a notice or papers to the effect that being a party he should have been made aware of the appeal.

These are the few comments I had to make, Mr Deputy Speaker, Sir. To sum up we, on the side of the Opposition, agree that there are very positive features in this Bill. But the major question that we are putting is whether we should not have two separate tribunals because these are two different subject matters, two different issues. There is a difference, as I said, between Environment and Land Use issues. I have finished.

Thank you, Mr Deputy Speaker, Sir.

(9.37 p.m)

The Minister of Environment and Sustainable Development (Mr D. Virahsawmy):
Mr Deputy Speaker, Sir, I have to thank the Attorney General for bringing this important Bill in the National Assembly.

I have listened to hon. Ganoo who, apart from the legal point, is very outdated and talking of 1994 with the PDA, which provided for six months to deal with an appeal whereas we are providing for 90 days to determine an appeal. Of course, he has been trying to justify the PDA, but he is not looking at this piece of legislation, which is modern and forward looking.

Our judicial and legal system has been going through a series of reforms in the recent years. As a responsible Government, we know that if we have to transform the *Maurice Ile Durable* vision into a reality, it is imperative to have an efficient and accessible judicial system in Mauritius. As a matter of fact, a robust regulatory regime that is expedient is one of the critical success factors to ensure sustainable development in our country.

I am glad to note that a series of reforms in the judicial and legal sector as announced in the 2012 Budget Speech are being implemented. As also spelt out in the Government Programme 2012-2015, Moving the Nation Forward, a substantial part of the Mackay Report has been implemented and several other new developments will take place in the judicial sector such as the setting up of a Court of Appeal and High Court Sections of the Supreme Court as well as a full-fledged Family Division. I have no doubt that these bold measures will render the legal sector more dynamic and efficient.

Mr Deputy Speaker, Sir, the introduction of this new Environment and Land Use Appeal Tribunal Bill in Parliament is yet another step in reaffirming Government commitment to provide a better judicial and legal service to the public. The framing of the Bill has been inspired by recent amendments to various legislation which are meant, among others, to speed up and simplify court procedures such as the Civil Code, the Divorce and Judicial Separation (Miscellaneous Provisions) Act and the Civil Status Act.

“Justice delayed is justice denied” as goes the common adage. It is precisely with a view to speeding up the proceedings and rulings of appeal cases that this Government under the guidance of the Prime Minister is setting up a consolidated Environment and Land Use Appeal Tribunal for the timely hearing and determination of appeal cases lodged in relation to environment and land use related issues.

We know full well what have been the limits of the existing Environment Appeal Tribunal and the Town and Country Planning Board in the handling of cases of appeal. As matters stand now, the Environment Appeal Tribunal and the Town and Country Planning Board operate on an *ad hoc* basis with a part-time Chairperson.

Once enacted, the Environment and Land Use Appeal Tribunal Bill will allow the merging of the above two bodies into a single Tribunal which will sit on a full-time basis and as a one-stop shop to look into all cases of appeals in respect of EIA licences, preliminary

environmental report, approvals, building and land use permits, outline planning permissions and morcellement permits.

This Bill makes provision for new mechanisms to expedite matters. In fact, the proposed Tribunal is empowered to create one or more divisions to operate on a temporary basis for a period of one year to deal with the backlog of cases. Those divisions will be chaired by a Senior District Magistrate designated by the Chief Justice. Furthermore, the Bill clearly specifies that any decision of such divisions shall be considered as the decision of the Tribunal.

The Environmental Impact Assessment mechanism has been and is still one of the most effective means to safeguard our environment and to achieve sustainable development. Indeed, this mechanism enables, in a very systematic and scientific manner, the identification, prediction and evaluation of the environmental impacts of projects and ensures that mitigating measures are incorporated within the project design from the very outset. The conditions attached to any EIA license or PER approval, which are decided upon after consultation with authorities concerned, have thereafter to be strictly complied with by the proponent.

The Environment Protection Act also provides that any person, who is not satisfied with the decision of the Minister in relation to an EIA licence or a PER approval may appeal within 30 days of the decision to the Environment Appeal Tribunal.

The Environment Appeal Tribunal was thus established under section 53 of the Environment Protection Act. The fact that the EAT has been operating on a part-time basis up to now has been the cause of undue delays in the determination of appeal cases. Besides, the existing legislation does not provide for any specified time limit to determine a case of appeal. I am given to understand that meetings are flexible and are very often postponed and further delayed due unavailability of the concerned parties.

Consequently, the proceedings of complex appeal cases are currently taking much longer before any ruling is given. It cannot be denied that this undue delay is jeopardising major investment projects and thus impacting negatively on our development process and FDI.

Let me take one clear example of a case appeal before the EAT. A major development project worth about USD 30 million in the port area is at a standstill because of delaying tactics used by the appellant which is a competitor. The case was fixed for *pro forma* on 12 occasions and for arguments on four other occasions. The appellant has been continuously requesting for demand for better particulars in order to further delay the case. It is only now that the hearing

session will start. We have already lost two years since the appeal was lodged in May 2010 and, in the meantime, the competitor has increased its prices, and it is the population and the consumers that suffer. All this will stop. As henceforth, all cases will have to be determined within 90 days of the start of the hearing.

There are other glaring cases where vested interests are apparent. For example, in one *morcellement* project in the west, it appears that the promoter has been discriminated against since the same project was previously granted an EIA licence without any objection at all from any quarter. In the present case, it appears that third parties have been encouraged to lodge appeal on behalf of competitors and for flimsy reasons. What was good for one party is not acceptable to another party.

I am informed that many appeal cases are presently under consideration at the Environment Appeal Tribunal. This will be drastically reduced since the Bill makes provision under clause 5(8) for the Tribunal to dismiss appeals which are erroneous and frivolous, hence allowing for more time to process genuine appeal cases.

Here, I have to point out that, over the years it has been noted that the number of appeals against objections to the granting as well as not granting EIA licences and PER approvals have been on the increase. This has been due to either the complexity and magnitude of the projects or due to conflicts in the location of projects, particularly in environmentally sensitive areas near steep slopes, marshy land, near beaches or in highly populated areas. With increased awareness through sensitisation campaigns and the media, there is also more interest as well as concerns raised nowadays on the part of aggrieved parties, stakeholders concerned, NGOs and the public at large regarding projects having significant environmental impacts.

I presume that the situation is evolving in a relatively similar manner insofar as the building and land use permits, outline planning permissions or *morcellement* permits are concerned.

Of course, there are unscrupulous so-called consultants who take advantage of the legislation to object before the EAT and bring undue delays. I hear that they negotiate subsequently with promoters to withdraw their objections.

Mr Deputy Speaker, Sir, in view of the fast changes taking place both at the global and national levels and to be consistent with the present day requirements of the Mauritian economy,

services have to be provided efficiently, effectively and in a timely manner. This Bill will go a long way towards attaining the objectives of the Government Programme.

Let me now highlight how this Bill will lead to the determination of appeal cases in an expeditious manner. I quote from the Environment and Land Use Appeal Tribunal Bill, clause 5, subsection 7 -

‘(7) The Tribunal shall make a determination not later than 90 days after the start of the hearing of the appeal, except where there is a valid reason, and with the consent of the parties.’

Indeed this provision will allow the new Environment and Land Use Appeal Tribunal to expedite the hearing of appeal cases, and hence prevent undue delays in determination of cases. The promptness in the determination of appeal cases will be further enhanced by the new setting of the Environment and Land Use Appeal Tribunal which will operate as a full-time Chairman and vice-Chairman. This will enable a more rapid and better public service delivery.

The new Bill also provides for more powers to the Environment and Land Use Appeal Tribunal. Parties will no more have to lodge an application for an injunction before the Judge in Chambers to stay an EIA licence or PER approval. The new Tribunal will be able to make orders in the nature of injunction under clause 4(2) of the Bill.

The proceedings of the new Tribunal will also be conducted with less formality and technicality without precluding the possibility of reaching an amicable settlement. This will further contribute in expediting the appeal cases and ensure prompt decisions.

I cannot here not mention how the EAT has been functioning with difficulty, as appellants have been taking advantage of certain weaknesses to delay indefinitely certain projects. Here, I have in mind a project in the west where the EIA was granted in November 2007. Their appeal was entered in December 2007. After four and a half years, the case has still not been finalised, as the plaintiff has been allowed to convene all different experts to delay the case purposely. It is said that big landowners are supporting the plaintiff, as there is a fear that the value of their land might be affected. They are acting only in their own interest, and not in the national interest.

They have been using the *Forces Vives* and the public to carry out protestations, and take advantage of the law to delay the projects. They have used frivolous arguments so that, with this new Bill and in accordance with section 5(7), the Tribunal shall make a determination not later

than 90 days after the start of the hearing, and under section 5(8) the Tribunal may dismiss the appeal where it appears to the Tribunal that the objectives are trivial, frivolous and vexatious.

There is another case in the west coast regarding the same promoter for a hotel project. The EIA was granted on 26 April 2011, and an appeal was lodged on 26 May 2011 by their *action civique*. The case fixed *pro forma* for 29 May 2012. However, in the case of another hotel project, next to this one, there has been no appeal although all characteristics of the sites are similar.

Is there a mafia functioning to prevent some promoters to proceed with the projects? And I don't know whether the mafia is not operating on the west coast.

Mr Deputy Speaker, Sir, in the face of the global economic crisis and fierce competition among countries, Mauritius as a small island developing State is most vulnerable; the vagaries of the world economy. In order to sustain its economic growth, Mauritius has no option than to improve its competitiveness in order to stimulate investment. I am convinced that the setting up of the Environment and Land Use Appeal Tribunal will have a remarkably positive impact on future investment by reducing undue delays and creating a more conducive environment to promote and enhance business and investment. There is no doubt that the new arrangement of the Tribunal will improve the doing business climate and attract more foreign direct investment in the country. This new legislation will bring more justice to the aggrieved as any person who has suffered damage or prejudice, as a result of a breach of an environment law by another person, may claim up to Rs50,000 to the Tribunal.

Finally, the introduction of this Bill also compliments the strengthening of the Environment Protection Act, which is in the process of being amended with a view to enhance the existing legal framework in the face of emerging challenges. With the growing pressure on our limited natural resources and the increased vulnerability of our island to threats such as climate change and sea level rise, it is more than imperative to steadily maintain the path of sustainable development. We need to make the right choices. We, therefore, need to scrupulously allow the implementation of projects that have the least environmental impacts to our country while ensuring, at the same time, that the implementation of the projects are not unduly delayed.

With these words, Mr Deputy Speaker, Sir, I thank you for your attention.

(9.55 p.m.)

Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle): Mr Deputy Speaker, Sir, we are here tonight at this late hour to vote for a Bill that is meant to bring under one single roof an array of issues in relation to appeals as regards to the award of licences and permits, and this Bill is being introduced in the name of harmonising, facilitating and expediting matters in relation to building and land use, *morcellement* of lands and environmental matters.

If we look at the objective of the Bill, it says: “to provide for the setting up of one single Tribunal to hear, firstly, appeals relating to matters directly and indirectly related to environmental issues.”

The environmental issues, Mr Deputy Speaker, Sir, is the fundamental and vast issue relating to all major and future developments of the country, and whatever decision taken now could have a longer term impact that only our future generations would bear the consequences. Any wrong decision could have irreversible effects, the more so on a small island and over a huge ocean region.

Je voudrais là, M. le président, ouvrir une parenthèse. On a connu un ancien ministre de l’Environnement qui a été, je dois dire, un des meilleurs. Et là, je nomme mon collègue, l’honorable Rajesh Bhagwan, quelqu’un qui a fait un travail formidable au niveau du ministère de l’Environnement, et je crains qu’aujourd’hui personne n’arrive à le suivre.

Mr Deputy Speaker, Sir, secondly the Tribunal will hear appeals in relation to land use.

(Interruptions)

The Deputy Speaker: Ok, it is enough now.

Mr Seeruttun: Our land capacity is very limited, an area of some 720 sq miles to manage, of which a high percentage is already occupied. And we can expect that there will be growing pressure of land use due to its scarcity and ever increasing demand from different quarters and economic sectors. We also have our immense ocean economic zone that could become a zone of *beaucoup de convoitise* in the future.

So, Mr Deputy Speaker, Sir, our challenge here is the way we address the issues of the environment, and the use of our precious land area in a sustainable manner that would definitely result in the state of the environment that we are going to leave as legacy for our future generation. In fact, Mr Deputy Speaker, Sir, we are regulating for the future. And the law should be a guarantee for our future.

M. le président, la première question que je me pose est la suivante: est-ce que le tribunal va pouvoir répondre à l'appel d'une manière efficiente et efficace dans un délai raisonnable, sachant que tous les appels pour les permis rejetés vont atterrir à ce tribunal ? Déjà, actuellement, il y a un *backlog* de cas d'appels en attente devant des différents tribunaux. L'*Attorney General*, lui-même, vient d'avouer qu'il y a plus de 300 cas d'appels en attente.

Avec ce qu'on propose pour centraliser tous ces appels, imaginez le retard que cela peut poser s'il n'y a pas une bonne gestion de ce tribunal ! Le champ de juridiction est vaste et varié. Du permis pour la construction d'un bâtiment, en passant par le permis d'un morcellement, jusqu'à l'octroi d'un permis EIA.

Cela fait un peu beaucoup pour réunir sous un seul toit toutes les compétences, hiérarchiser les appels, et coordonner tout cela, tout en répondant dans un délai raisonnable. *It is a very tall order, Mr Deputy Speaker, Sir.*

Nous savons tous la portée économique due au retard dans le démarrage d'un projet. Le développement foncier reste un secteur porteur en termes d'investissement et surtout du FDI. Le retard peut mettre en cause la viabilité même d'un projet et même faire fuir un investisseur étranger, avec pour résultat le développement du pays qui en souffre.

J'admets qu'à la page 6, section 5(7), le projet de loi parle d'un délai de 90 jours, après le démarrage du *hearing* pour conclure un appel. Mon appréhension est : est-ce que c'est réalisable dans la pratique ? La phrase de cette même section parle d'exception en cas de *valid reasons* pour un délai de plus de 90 jours. *What are valid reasons, and who decides what valid reasons are, Mr Deputy Speaker, Sir?* Ce n'est pas clair, M. le président.

En tout cas, si j'ai bien compris, ce projet de loi va prendre effet dès que des nouveaux cas seront référés. Je comprends que tous les cas actuellement au *Control Planning Board* et au *Environment Appeal Tribunal* vont être entendus jusqu'à ce qu'une décision soit prise dans ces mêmes tribunaux. Il faut donc terminer avec le *backlog*.

Le Premier ministre avait annoncé en grande pompe, lors de la célébration de la fête de Varusha Pirappu cette année, qu'il allait mettre en place un nouveau *Environment Tribunal* pour revoir au plus vite le projet de *CT Power* des promoteurs malaisiens.

Je vous pose deux questions, M. le président. Est-ce que le Premier ministre a fait cette annonce juste pour berner l'audience présente à cette fête, sachant très bien que le cas est déjà devant l'*Environment Appeal Tribunal* et doit être entendu à ce même tribunal d'après la section

9(1) de ce projet de loi, et donc aucune action rapide ne sera prise ? Ou bien, M. le président, ce nouveau tribunal est créé sur mesure comme ils savent très bien le faire – nos amis de l'autre côté - avec l'idée de commencer à neuf l'audience de l'appel du *CT Power* et d'autres cas controversés ? Si c'est le cas, il y a anguille sous roche, M. le président.

Un autre point m'interpelle, M. le président. Comme l'octroi ou refus d'un permis de morcellement sous le *Morcellement Act* tombera dorénavant sous la responsabilité de ce nouveau tribunal, pourquoi le *Land Conversion* est ignoré totalement, surtout qu'il n'y a aucun mécanisme d'appel en place contre une décision du *Land Conversion Committee* ?

Ce nouveau tribunal aura une tâche administrative conséquente et lourde et les présidents et vice-présidents choisis auront aussi une tâche de gestionnaire. Or, les qualifications requises sont uniquement un minimum de 10 ans et de 5 ans respectivement comme avocat. Sans mettre en doute les compétences des avocats, la gestion et être gestionnaire est une fonction en elle-même. Un avocat pratiquant, avec une maîtrise en gestion, aurait fait l'affaire si on veut sortir des champs battus, M. le président, à moins que le choix est déjà fait.

Justement, parlant des présidents et vice-présidents, le projet de loi ne fait pas mention de la déclaration de leurs avoirs et ceux de leurs proches. Il y a une forte perception de malversation et de corruption parmi les membres des différents comités mêlés dans l'octroi des permis.

Je crois que mention aurait dû être faite pour que cela soit obligatoire qu'ils déclarent leurs avoirs, afin d'assurer qu'ils travaillent en toute intégrité et qu'il n'y ait pas soupçon de malversation dans les décisions importantes qu'ils seront appelés à prendre à l'avenir.

Et pourquoi ne pas étendre à tous les membres qui vont être appelés à épauler le président de ce tribunal ? Un dernier point, avant que je ne termine, M. le président. A la page 5, section 4(2), le projet fait mention que le président, ou en son absence, le vice-président, peut écouter seul un cas s'il y a une demande, et prendre une décision for *reasons of urgency and the likelihood of undue prejudice*. Donc, il aura à se faire une opinion sur *the reasons of urgency and the likelihood of undue prejudice*. *How do we determine the reasons for urgency and for that matter the likelihood of undue prejudice?*

Mr Deputy Speaker, Sir, the powers being given to the Chairperson and vice-Chairperson are the same as those granted to a Judge in Chambers. *Trop de pouvoir au président et au vice-président peut donner lieu à des abus.*

I hope that the points I have raised above will be taken up by the Attorney General. Some people, maybe, feel that they are probably too intelligent or maybe too ...

(Interruptions)

The Deputy Speaker: The hon. Member should confine himself to his speech.

Mr Seeruttun: Because sometimes comments are coming from the other side, Mr Deputy Speaker, Sir, which tend to degrade other people. What I am saying is that in this particular Bill, there are things that have to be reviewed, and if the Attorney General tries to listen and see what's in it and what are the merits of the points I have raised, I would then expect him to be someone of great intelligence.

I rest my case, Mr Deputy Speaker, Sir.

Thank you.

(10.07 p.m.)

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Deputy Speaker, Sir, allow me to start by stating that this Bill represents yet another hallmark in our endeavours to ensure that the rights of the citizens are not only respected but also protected in all aspects.

I thank hon. Ganoo, who is a bright lawyer, for finding very nice points in this Bill. It may not be perfect, but nobody is perfect in this world. We all know. I am sorry my hon. friend on the other side of the House who just spoke before me seems to be caught in a cobweb of toxic confusion. I think he made a very serious statement that the Prime Minister said that he would constitute a new Appeal Tribunal to determine the CT Power. How can this be, when it is already before an Appeal Tribunal? I think one has to be very careful. And also, I am afraid he is saying that some of the Members may not be of high moral and integrity. We cannot say that to our people who will be appointed as Chairman and vice-Chairman of the Tribunal. They have power. Whenever you have power, you have to be accountable to it. We cannot have power and use it in this country whenever you want, although some people might have been doing so in the past, but unfortunately, they come to grief.

The Bill seeks to ensure that development is carried out while respecting norms and standards. Adherence to the principles of good governance also requires that each citizen and/or promoter respects the provisions of the Land Use Planning and Outline Schemes, as well as the environmental principles.

However, when the citizen or a promoter feels or is of the opinion that he has not been treated in a fair and just manner, or that his rights have not been respected or have been denied, it is normal that he seeks redress, as we are *dans un état de droit* where we respect the rights of others but also not trample on the privileges of others.

While enacting the legislation pertaining to town and country planning and to environment, provisions were indeed made in the legislation for appeal. In the course of implementation, it has been found that these appeal provisions have to be structured in a more professional manner. We learn as we go around. We correct our mistakes. We do not make the same mistakes and say that it is experience. Hearing of appeals either by the Town and Country Planning Board or by the Environment Tribunal in accordance with the provisions of the legislation have been carried out by different bodies in a most professional manner. However, it has been found necessary to adopt a standard practice by having dedicated tribunal to look into all appeal cases relating to environment and land use. By no means, it should be construed that the different bodies have failed in the discharge of their hearing or of appeal functions. On the contrary, Mr Deputy Speaker, Sir, we should recognise that some significant volume of work has been completed most satisfactorily.

In the past, some very unwarranted and unjustified criticisms - in fact it has also been done recently - have been leveled against the Town and Country Planning Board, which falls under the purview of my Ministry, in the exercise of its functions as an appellate body.

It is important to note that during the last two and a half years, the Town and Country Planning Board has examined and heard around 400 appeal cases.

The Board, which comprises officials from different Ministries and Departments, has taken steps to sit at least once a week - previously they were sitting once a month - to hear appeal cases. Where parties are not represented by Counsel, the hearing and determination of these cases are carried out expeditiously. Thus, during the period January 2010 to April 2012, some 390 cases have been heard and disposed of.

However, when parties are represented by Counsel, the process becomes very time-consuming, the reasons being multifold, such as non agreement of Counsel for common dates, last-minute postponement, complexity of cases and legal issues. On many occasions, the Board has had to meet for five to ten minutes only, invariably causing waste of resources. We have Counsels who are due to appear and, at the last minute, they are taken up and the Board cannot

sit. As at today the quasi totality of cases pending before the Town and Country Planning Board are those where parties are represented by Counsel.

I, therefore, consider it a most appropriate measure that Government is taking through the presentation of this Bill. The Tribunal being set up will not only be in a position to hear more than one case per day, but will be operating on a permanent and full-time basis. Currently the Appeal Tribunal is chaired by a part-time Senior Magistrate. In a few months time, I presume that all the backlogs would have been cleared. From what I understand, there are some 200 cases in the waiting list at the moment.

One of the most important measures, as has been repeated by all the previous orators, would be heard and disposed of within 90 days, which means three months, whereas no such provision is obtained under the Town and Country Planning Act.

It is vital for the economic development of the country that cases are dealt with promptly because there are so many projects which have been delayed willfully by lobbies. My friend has said some mafias, but there are a lot of sharks going around on the west coast. They want to grab everything and prevent somebody, especially if he is a businessman with modest means. We cannot allow this! *Nous sommes dans un État de droit et même ces gens-là ont le droit de vivre.*

The Bill also provides an interesting provision in that the Tribunal can make an order as to costs. This would act as a deterrent to appeal...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo, do not interrupt the hon. Minister who is speaking!

Dr. Kasenally: ...made in bad faith and for frivolous reasons.

(Interruptions)

It happens that parties seek and obtain injunction at the level of the Supreme Court, and these injunctions are often extended until such time the case is determined by the Board. Such a situation causes prejudice to promoters.

Mr Deputy Speaker, Sir, one of the main responsibilities of my Ministry is to issue morcellement permits for subdivision of land for which no provisions for appeal are available to allow aggrieved persons to seek redress against decisions of the Morcellement Board or of the Minister in respect of a Letter of Intent and morcellement permit issued. I would here say this Morcellement Board acts very expeditiously, and I am sure that they do their work with integrity

and rectitude so that there may not be cause for appeal, but, nevertheless, it is the right of any aggrieved party to appeal because no one is perfect in this world, I would say.

The new Bill will henceforth provide the same opportunities and rights to all parties in respect of appeals taken against the Morcellement Act.

Mr Deputy Speaker, Sir, the fact that the main object of the Bill is, and I quote –

“To provide for the establishment of a single Tribunal that will hear appeals relating to matters that are directly or indirectly related to the environment and the manner in which land is made use of.”

The provision of a single body instead of a number of bodies looking into appeal cases will go a long way in bringing uniformity in the treatment and consideration of appeal cases. This will ensure that there are no conflicting elements/aspects because for a single project, appeals may be lodged both in respect of environmental aspects and land use.

It is worthy to note here that any application for use of land for any development purpose is made at the level of the local authority concerned. The determination of the application is based on the provisions of a number of planning instruments and interpretation thereof. The planning instruments include the National Development Strategy, the Outline Planning Scheme, both for urban and rural areas, and the Planning Policy Guidance, known as the PPG. These instruments provide the necessary information and principles which should allow the local authority to determine an application.

Mr Deputy Speaker, Sir, we are operating in a fast-moving dynamic world where plans with rigid zoning proposals quickly become obsolete and become a major hurdle to development. This is the reason why we have transited to a new flexible approach in our planning which, though plan led, relies on performance-based criteria. While determining an application, the local authority has to apply the provisions of the planning instruments whilst at the same time taking into consideration the site's specificity and the project's component. A similar application at the level of two different local authorities may lead to different outcomes. Each case has to be assessed against its own merits. What could be allowed as development in one case could be refused in another, depending on the context, scale and design. Our country is a very complex country in terms of landscape, micro-climate, environmental sensitivity, physical constraints, consequently the determination of two similar applications in two different locations can be quite

revealing of that complexity. Proposals for a tall building across the coast or in the town centre along a main road will be looked at differently.

This is why the Tribunal will have technical persons as assessors, men of high integrity, as provided for in clause 3 (1) (c) of the Bill. Moreover, at the level of my Ministry, care is being taken while preparing planning instruments to ensure elimination of any ambiguity.

In addition, we have adopted a communication strategy where all stakeholders are given the appropriate training and information, to ensure that there is no disparity in the understanding of the provisions of the planning instruments and there is a common approach in the determination of any application.

I concede that this will not eliminate the impression of any applicant that his application has not been treated fairly, but the number of appeal cases will certainly be reduced. In fact, in our medium to long term strategy proposal, one important target is to reduce appeal by two-third.

I, therefore, join my other colleagues in supporting this Bill, which will no doubt reinforce the democratic process of checks and balances in the determination of applicants.

Thank you, Mr Deputy Speaker, Sir.

(10.21 p.m.)

Mr J. F. François (Third Member for Rodrigues): Mr Deputy Speaker, Sir, first of all, allow me to congratulate the hon. Attorney General for the introduction of this Environment and Land use Appeal Tribunal Bill, and also those hon. Members who intervened before me, in a period where our Republic is setting the path towards sustainable development. I welcome this initiative, and I will speak briefly in support of the Bill, together with a few proposals for considerations.

It is clear, Mr Deputy Speaker, Sir, that the Tribunal system will certainly consolidate and rationalise the range of environmental, planning and land development appeal mechanisms, which are currently distributed amongst an array of different Acts.

Mr Deputy Speaker, Sir, the vision of Maurice île Durable and the concept of green economy together with the Rodrigues Regional Assembly Government vision of making autonomous Rodrigues an Ecological and Sustainable Island, are certainly leading the roadmap towards sustainability as set by both Governments.

In Rodrigues, more particularly, sustainability is qualified by ‘ecologically’ to emphasise the necessary integration of economic development, social and environment considerations in

decision making. This Appeal Tribunal for environmental and land matters is set to play its role in achieving ecologically sustainable development. I believe that this Bill gives an impetus for future, despite the practical and workable roadmap for the Appeal Tribunal structure, which remains somehow a bit perplex. Everyone will agree with me that our courts and tribunal structures have a lot of catching up to do, despite the goodwill we are witnessing for its modernisation. Our Republic needs to have specialised tribunal and, in the present particular case, an Environment and Land Use Tribunal, as in the case in many Commonwealth countries like Australia, which has proved to work perfectly.

In Mauritius today, we are witnessing that there is a proliferation of utilisation of our courts to remedy licences or permits disputes. The latest one is of the case of the construction of a commercial building in a sensible zone, contested by the inhabitants of Cap Malheureux, cited in 'Week-End' newspaper, dated 20 May 2012.

Mr Deputy Speaker, Sir, one of the great strengths of this Environmental and Land Use Appeal Tribunal, is its powers to hear and determine appeals for refusal or grant of permits or licenses under various Acts. From a public viewpoint, this is of great importance with a lot of expectations, to name a few -

- (i) to facilitate public interest litigation through its decisions;
- (ii) to make crucial partner, in promoting environmental governance, upholding the rule of law and in ensuring a fair balance between environmental, social and developmental considerations through its decisions or determinations, and
- (iii) it should uphold the principles of open justice, accessibility, accountability and transparency in all its functions.

Mr Deputy Speaker, Sir, this must be so, being given the various characteristics of environmental or land development disputes involving uncertainty and irreversible ecological effects.

The proceedings of the Tribunal as per section 5 (3) (a) (b) and (c) of the Bill, stipulate that hearing shall be held in public - this is good - be conducted with little formality and technicality, and not preclude an endeavour to effect amicable settlement between parties. This is very positive and beneficial for the system.

Allow me, now, Mr Deputy Speaker, Sir, to comment on a few shortcomings of this legislation, which require our attention. First, I have observed that other Acts such as the Ground

Water Act, Water Resources Act and recent regulations dealing with ground water licenses, Forest and Reserves Act, Wild Life Protection Act, Marine and Resources Act, agricultural matters not to mention all, are not mentioned but are somewhat directly and indirectly related to this Appeal Tribunal. Shall the Tribunal have jurisdiction on all civil cases where a substantial question relating to environment is involved? Or shall it be guided only by natural justice?

Coming to costs, Mr Deputy Speaker, Sir, will the costs rules and procedures be applied to the Tribunal, and how? I think it's high time for our judicial system to review and set cost (fees and rates) for all court cases in general, and I seize this opportunity to say this, Mr Deputy Speaker, Sir.

For this Bill, I propose that there must be defined and regulated a determination of amount of costs awards. For example, the eligibility expenses that may be recovered through costs, which may include amongst others legal and consulting fees, and related expenses. There must be set legal fees and maximum rate for counsels and consultants, maybe as per their years of experience if necessary.

Coming on to the independence of our Judiciary - we are talking about tribunal - one of the fundamentals of our Judiciary is its full independence under the separation of powers. This applies to the Tribunal functionality in manner consistent with fairness and impartiality. In that case, if the Chairperson and the vice-Chairperson are being appointed by the Public Service Commission, it seems that the appointment of such other members, as per section 3 (3) (a), is incorrect. I say it seems. Why? For example, in section 54(1) of the Environmental and Protection Act, which stipulates that the Tribunal shall hear and determine appeals against part (a), I quote -

“Any decision of the Minister on -

- (i) an EIA, or
- (ii) revoking an EIA licence.”

And, the same Minister, which, as per section 3(3) (a) of this present Bill, upon consultation with him, gives the Attorney General the power to appoint such other members to form part of the Tribunal.

Mr Deputy Speaker, Sir, I believe that the establishment of a tribunal shall not be perceived in that way, as if it is under the Executive control. I say it seems. Judicial independence and functionality must be maintained in good order. The establishment of this

Appeal Tribunal should be clear with no ambiguities. Its procedure must be governed by equity, good conscience and for the substantial merits of the case before it.

Coming to members of the Tribunal, Mr Deputy Speaker, Sir, I have observed that there are no clear specific qualifications requirements for such other members as may be necessary to enable the Tribunal to discharge its functions as per section 3 (1) (c), establishment of tribunal. In section 3 of the Bill, subsection (4) where the subject matter of an appeal relates to a technical field, the Attorney General may, on the recommendation of the Chairperson, enlist the services of a sustainable expert in the field, to act as member of the Tribunal on an *ad hoc* basis for such period as he considers necessary.

Mr Deputy Speaker, Sir, this is where I believe that judicial and expert members shall be appointed on recommendations by a selection committee. My question is whether Government employee who may appear before the Tribunal to give evidence of scientific and technical observations, test, measurements and estimates is in contradiction with section 3 (1) (c).

This is where, Mr Deputy Speaker, Sir, I believe there must be a clause that provides clear specifications for those members, as is the case in section 3 (1) (a) and (b) of the Bill. I propose that the new clause imposes the requirement of an appointed or enlisted member, which may include, for example –

- (i) The member must not practise in, or have a direct or indirect interest in the practice of, a business or profession if the practice or interest is likely to conflict with his or her duty as a Tribunal member.

This principle must apply, as hon. Ganoo well pointed out –

“To other experts or professionals such as architects, surveyors, natural resource managers or planners and so on, all those professionals”.

The professionals should also be clearly defined in section 3 (3) (a) to avoid any conflicts of interest. Mr Deputy Speaker, Sir, the tribunal if is to function independently I suggest that section 3(a) disregard the appointment of a member by the Attorney General and the Minister to whom responsibility of the mentioned subjects are assigned.

Mr Speaker, Sir, section 5(1) of the Bill provides for the Tribunal to regulate its proceedings, which force me to raise a few questions though. The terms of office of the appointed members are not clear. I would like to ask the hon. Attorney General to explain later on whether the member, under section 3(1) (c), will be appointed on renewal terms.

What about the removal from office of the Tribunal members on grounds of incapacity, negligence, conflict of interest, incompetence or misbehaviour? What about if a motion is made before any hearing commences? How will motions be dealt with?

Section 5(8) provides for consideration to set aside or dismiss an appeal by the Tribunal. What about the procedures for a motion for dismissal by a party? May the Tribunal dismiss a proceeding without hearing it? Shall the Tribunal, before dismissing a proceeding on its own initiative, give notice to its intention to dismiss the proceeding to all parties if the proceeding is being dismissed for reasons referred to? Shall the party have the opportunity, within a reasonable period of time from the date of the notice of intention, to dismiss a proceeding, to make a fresh submission? I question.

Mr Deputy Speaker, Sir, now I have to embark through some technical issues related thereof together with some proposals again. I propose that the word ‘Development’ for its wider and well defined scope be inserted in the title of the Bill to become the Environment and Land Development Appeal Tribunal Bill instead of the Environmental and Land Use Appeal Tribunal. Why? Because the word ‘Development’ shall carry the same meaning as interpreted in the Planning and Development Act 2004 ,which I quote, and allow me, Mr Deputy Speaker, Sir, -

- (a) means the carrying out of any building, engineering, mining, or other works or operations in, on, under or over land , or the making of any material change to the use of land or to any building or morcellement;
- (b) includes – (i) the use of land;
- (ii) morcellement;
- (iii) the erection of a building;
- (iv) the carrying out of a work;
- (v) the demolition of a building or work;
- (vi) another act, matter or thing that is controlled by a planning instrument;

This is very important as well pointed out by the hon. Dr. Kasenally with regard to planning. The planning instrument also is well defined in this PDA, which means a document created under the Planning and Development Act or the Town and Country Planning Act which includes a National Development Strategy,, as mentioned by the Dr. hon. Kasenally, Planning Policy Guidance, Simplified Planning Zone Scheme, and a development plan as defined in the proclaimed section 19 of a Planning and Development Act.

There is this new piece of legislation, a well-structured modern legislation, the Planning and Development Act 2004, which is in force since 01 December 2004 with only a few sections proclaimed, under proclamation No.16 of 2006 and No. 12 of 2009.

It compensates the outdated Morcellement Act of 1989, the Town and Country Planning Act 1954. Why not use it? Why not proclaim all these sections of the full Act itself instead of referring to the TCP or the Morcellement Act, which are outdated and are bringing along a lot of confusion?

Mr Deputy Speaker, Sir, this present Bill should cater for the proclamation of the other appropriate sections of the Planning and Development Act 2004 or the full Act. This will avoid overlapping of decisions for granting or refusal of licenses or permits in specific matters. For example, let's say that the Ministry of Housing and Lands has prepared an Action Area Plan or a Subject Plan for a coastal development zone, which are legally binding under section 19 of the PDA Act. This will give full right for a coastal zone development through clearances of EPA License. However, what will be the situation if an appeal is lodged against the EIA License granted in the zone? Should the Tribunal be referred to the EIA issue or the Action Area Plan as recognized under the TCPA or the PDA 2004?

Mr Deputy Speaker, Sir, section 14 of the Planning and Development Act proclaimed deals with Development Plan, and when I look at the circulated amendments, part 10 (x) – the Planning Appeal Tribunal of the PDA 2004, section 53 up to section 61 of the PDA Act 2004 as circulated, relates to directly or indirectly to some sections for example section 30 – determination of application for development permit which must be proclaimed for its consideration in the jurisdiction of section 4 (i) of this present Bill.

The non-proclaim section 30 (7) of PDA that is non-determination of an application for a development permit is referred to in section 55 of the PDA 2004 as proposed for amendments.

The consideration of these sections shall follow the same principles for appeal as specified under section 53 of the Environmental and Protection Act 2002.

Mr Deputy Speaker, Sir, today, the Land and Valuation Information Management Systems (LAVIMS) project is a reality in Mauritius, and I congratulate the hon. Kasenally for that. With provision for its extension to Rodrigues, as mentioned at page 33, paragraph 35 of the Government programme 2012-2015 'Moving the Nation Forward.'

Seriously, I am thankful not only to Dr. Kasenally but also to those who initiated and those who implemented these very visionary projects. Having said so, Mr Deputy Speaker, Sir, Mauritius should not continue to work in a fragmented state with regard to legislations in relation to environment, land use and development. There must be a continual reform to create a legislation mechanism.

I have noted that this specialised Tribunal also goes partly in line with the recommendations of the Truth and Justice Commission to set up a Tribunal which will be effective only with the functioning of a Land Research and Monitoring Unit yet to be established and is urgent.

Coming to Rodrigues, just a few lines. Before concluding, I must say that the application of the Bill to Rodrigues is a bit ambiguous. In Rodrigues, building permits are also issued by the Regional Assembly through the Commission of the Public Infrastructure. However, EIA and PER licences are also issued to enterprises under the EPA by the Ministry for Environment, under the head of hon. Virahsawmy.

My questions are: How appeals from Rodrigues, under section 54 of the EPA 2002, will now be considered? Will a complainant have to travel to Mauritius? Will the Tribunal consider establishing a calendar, as is the case for Supreme Court, to be held in Rodrigues on various periods? Will section 5(1) of the present Bill - proceedings of Tribunal - while regulating, consider its application to Rodrigues with the same principle as part xii, sections 90 to 92 of the EPA, as said by hon. Bhagwan, the then Minister? Mr Deputy Speaker, Sir, this is because section 92(3) of the EPA states that, I quote -

“Nothing in this section is to be taken as empowering the Rodrigues Regional Assembly to make regulations for –

(a) the processing, approval and revocation of approvals in respect of Preliminary Environmental Report (PER) and EIA licenses.”

In addition, recently, in Rodrigues, we have witnessed a public protest by farmer’s community at Anse Goeland against a mixed farming agricultural permit granted to occupy - just for information - about five acres of State land in mountain reserves, and that after the Regional Assembly stood dissolved, hundreds of agricultural permits were granted and some even without any survey plan with overlapping on residential leases. The Regional Assembly, under the Chief Commissioner, may resolve these problems. However, will it be transparent, or more transparent

that the Tribunal resolves conflicting cases if appeals are lodged on the basis of environmental and land development concerns? I don't use the words 'land use' but 'land development concerns'.

Again, Mr Deputy Speaker, Sir, at present, through land speculations from the last five and a half years, around 250 hectares of land have been granted for tourism projects and none started, some under the IHS Hotel Scheme, which is now subject to protest by local promoters, '*beaucoup de désordre foncier*'.

I have been made aware of a hotel project that has obtained its PER and EIA licence, but the surrounding community at large did not truly participate in the community consultations.

My question is: if the complainers request for an appeal, will it be held in Mauritius or will they have the opportunity to do so in Rodrigues?

Mr Deputy Speaker, Sir, to conclude, I do support the Bill despite all the observations and proposals made. I hope its functionality be effective and efficient through a thorough consideration, in a wider perspective to achieve its objectives as set.

Mr Deputy Speaker, Sir, that will be all for my contribution, and I thank you for your attention.

The Deputy Speaker: Hon. Members, Mr Speaker will take the Chair now!

At this stage, Mr Speaker took the Chair.

(10.47 p.m.)

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): *Mr Speaker, Sir, I shall be very, very brief at this very late hour.*

M. le président, de ce côté de la Chambre, nous vivons à l'île Maurice, nous savons ce qui se passe, comment le tribunal de l'environnement a fonctionné durant ces dernières années. Les Mauriciens, ceux qui ont des problèmes avec le *Town and Country Planning Board*, ne peuvent être que contre ce projet de loi.

Mon collègue, l'honorable Ganoo, a fait état de notre réserve concernant l'environnement et le *Land Use*. M. le président, je ne vais pas entrer dans les détails, mais intervenir sur l'essentiel.

Mr Speaker, Sir, while listening to my good friend, the hon. Minister of Environment and Sustainable Development, he was talking about many cases of frivolous appeals. It reminded me of years back, in 2003-2004 when there were development on the western coast, amongst others

hotel development and road development, but there were people then - professionals, politicians, who became Ministers afterwards - who, I would say, had environment appeal forms ready in their files.

Every EIA which was given by the Ministry of Environment, on the same day, within hours, these politicians of the days were filling the forms and sending them to the Environment Appeal Tribunal.

(Interruptions)

C'est comme si c'était hier. Mais, en plus, c'était sur une base politique et frivole, and these people were '*monter la tête pêcheurs*' then.

(Interruptions)

The one who was speaking was giving '*matelas*'; he was there in the east, one here, doing *manifestation* - '*Rende nous la plage!* Hon. Bachoo will remember - '*Rende nous chemin! Rende nous ceci, cela!*' These were frivolous. Hon. Dr. Jeetah is laughing; he knows what I am saying. These people above making politics were making money from the poor fishermen. They were also, I would say, '*avocats, double chapeau*'.

(Interruptions)

At this hour, don't ask me to mention names! I don't need to mention names. There was one in the morning in the VIP lounge.

Mr Speaker, Sir, those were the days, and there are still unscrupulous people. I have gone through the details in the legislation proposed to us. I hope the Tribunal can see how we can stop this, prevent abuse of all sorts. I still remember, Mr Speaker, Sir, when I was Minister in Government then - it was on the eve of 2005 elections - we started working with the State Law Office to come with amendments, whether in the Tribunal, to put deadline and how to stop these unscrupulous, I would say, '*mafia*' - the term mentioned by my good friend.

So, today, we are being asked to vote this Environment and Land Use Appeal Tribunal Bill. For me, as far as I am concerned, I don't have any quarrel, but we will see how it works, what are the means which would be given to the Tribunal, the manpower and also, I would say, the people. It's people who make everything works. At page 3, there is a section 3, where the Minister will appoint -

“The members referred to in subsection (1) (c) shall -

- (a) be appointed by the Attorney General, after consultation with the Ministers to whom responsibility for the subjects of environment, housing, local government and civil service are assigned, on an ad hoc basis and for such period as he considers necessary;”

We would see how these appointments are made; we would see to it that competent technical officers are appointed because the Tribunal will be asked to deal with technical matters, and the choice of the relevant Ministers through whom they will recommend is very important. If we'll have *une politique des petits copains*, then the Tribunal is bound to fail. This is one query that I had.

In the Explanatory Memorandum, in section (c), we are talking about Environmental Impact Assessment licences and PR approvals granted. We are talking about granting of PR and EIA licences. From information I have received these days, Mr Speaker, Sir, I am not blaming anybody here present, but there are problems. I don't know if it has been brought to the attention of the hon. Minister.

The Attorney General is asking us to vote for a Tribunal for licences which have been given. But licences which are pending, I think, it is also an opportunity for us to say what is happening, and every hon. Minister knows that there are problems as far as the issuing of EIAs are concerned. Delays! Whether the time limits are respected! But the main problem for EIA and PR – I don't know whether the Attorney General is aware – is that the views of different Ministries take months. You may have an application which is considered by the Committee and sent to the Ministry, and the views of the different Ministries take time. I know of many cases. I won't go into the details of the names of the applications, but there are cases where there are different views, such and such Ministries, Wastewater, CWA, Health and so on. And at these Ministries, *il y a une politique* of delay. This is where I am drawing the attention of the hon. Minister of Environment that, at least, to open his eyes and see, even the Government.

Formerly, there was a one-stop shop where we had all the Ministries and departments there. There were deadlines, and today I know of many cases – we are MPs, people come to us – where they go to Ministries and are being told that they are waiting the views of such and such authority and Ministry, and it goes on and on. There are applications which are pending. So, I am drawing the attention of the hon. Minister. I know of cases – I am not making allegations – where Ministers have talked to me outside regarding delays on the issue of EIA licences. I am

raising the issue of views. Without the views of the relevant Ministries and authorities, how can the EIA Committee, the Director of Environment prepare his report to the committee?

I am raising this issue at a time when we are being asked to vote for a Tribunal, for licences which are issued, but my query is for the pending licences. It will be good for us to know. We can ask a PQ; how many applications there are for licences, how many are pending and even for PR, what are the reasons. Mr Speaker, Sir, it also applies for permits in the local authorities where people are being debarred from their applications. They are being asked to go to the Town and Country Planning Board. We all know - people come to us - how much time these applications are taking to process.

So, these are my very few views which I had to express on this legislation. We can't be against. We will see in the months to come how this Tribunal will work, what are the means and the personnel which will be put at the disposal this Tribunal. The first time I came to know about the setting up of this Tribunal was by the hon. Prime Minister who made a speech somewhere when he was talking about the CT power. He said there was a Tribunal coming; this is how we happened to know, and then we received the paper. The hon. Minister must also tell us about the pending cases. We have one case; there is the CT power. We have another one the Gamma-Covanta. These pending cases would be taken by the present Environment Tribunal; what would be the deadline, whether the present Tribunal has been given a deadline to clear all the pending cases, it would be good for the hon. Minister to let us know.

Those were my views, and I thank you.

(10.55 p.m.)

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):
Mr Speaker, Sir, first of all, let me also congratulate the hon. Attorney General for having come up with this piece of legislation, and also for having collaborated with many of his Minister colleagues, and the officers of the Attorney General's Office, as he said, in his opening address.

One thing which is of utmost importance and where there seems to be consensus around here is there is the necessity for things to go faster. If there is to be any development, if there is to be any progress in the economy and if there is to make things to go faster as far as applications go, it is, therefore, necessary for things to go faster. Therefore, what is interesting here is *où le bât blesse* has been identified. The fact that things take a long time before the

existing institutions, therefore, solutions have been found, and what this Government is trying to do is to implement precisely those solutions.

Just like the previous hon. Member, I also do not propose to be very long in what I have to say in my comments that I would like to present to this august Assembly. However, I think it is important that both sides of the House identify the problem, as I said, but in identifying the problem, it is also very important to be very careful not to try to mislead anyone in the views that we try to adopt, in the comments we try to make. For instance, when a hon. Member in this Assembly earlier, during the debates, said that the hon. Prime Minister went as far as to promise that with regard to one company, there would be a new institution, an Environment Tribunal set up with regard to that particular case in order to deal with that particular case. That is not true! That is where it gets very dangerous. The hon. Prime Minister never ever said this. To come to this august Assembly - hon. Seeruttun basically said this here - and saying this is very dangerous. Not only do we all agree, as hon. Bhagwan and hon. Ganoo have rightly said, that things have to go faster, there have to be solutions. But when we listened to one hon. Member of the Opposition trying to discredit whatever is being done by saying something that is not true, that is where it gets dangerous and, even more, where it gets even worse, this is where it is sad. In trying to say something, one can avoid inventing things. One can avoid from throwing mud, and this time on the Public Service Commission in going as far as to say - that is where I say little knowledge is dangerous - that with regard to clause 3 of this Bill, the Chairperson and vice-Chairperson who are lawyers, have most probably already been chosen. What does he base himself on? Obviously, when he says 'most probably they have already chosen', that also is not true. Now, the question that I do put - and it is very important for everyone to realise it: when one does not speak what is true, how do you call it? I shall not use such unparliamentary words because I do not want to put myself low. I will not! But it is important to speak the truth. How can we just throw the mud on this piece of legislation for the sake of doing it? And he is so good at doing it! He was so at ease in doing it! Practice makes perfect I gather! That is why we see, today, that we throw mud on the legislation. What is worse, Mr Speaker, Sir...

Mr Speaker: Not in this case.

Mr Mohamed: He said it here.

Mr Speaker: No, practice makes perfect; not in this case.

Mr Mohamed: Not in this case, maybe.

(Interruptions)

But what I would like to also add here is, he says that most probably we have already chosen, but when one reads the Bill, it is clear at clause 3 (2) that –

“The Chairperson and the Vice-Chairperson may be called upon by the Public Service Commission to act as Chairperson or Vice-Chairperson of any tribunal established under any other enactment”

In actual fact, they are chosen by the Public Service Commission.

Basically, when one goes as far as to say *que peut-être le gouvernement a déjà choisi ceux qui vont agir comme président et vice-président de ce tribunal, ce qui est vraiment triste et dangereux* M. le président, *c'est qu'il vient autrement dire que* the Public Service Commission is an institution that takes orders from Government. That is basically what he said. This is what he means. This is where I fail to understand the logic in the debate. Hon. Obeegadoo always once said with reason that he had sat down listening to me when I was talking, and I happened to have left for other reasons, and he had stated that he would have thought it proper at a debate stage that I also should have listened to his arguments, and he was right. But, unfortunately there was a medical reason that I had left. But he was right in making the comment. He did not know why I had left. But, in this particular instance, once again, I sat down, patiently listening to all orators, and here I think that it was important to draw the attention of the august Assembly, of you, Mr Speaker Sir, that if we have to construct a nation, we have to be truthful, and it would have been, in my humble view, important and of good taste that parliamentary proceedings go on in such a way that there is no untruth spoken, and that when I am speaking here, the person whom I have listened to should also be here. But, then again I cannot ask *le minimum* from this hon. Member.

I have heard hon. Ganoo talking about a piece of legislation of 2004, if I am not mistaken, and that piece of legislation of 2004, which was never proclaimed in actual fact, is an interesting piece of legislation called the Planning and Development Bill of 2004. It was Bill No. XXXII of 2004. But what was interesting...

Mr Speaker: May I remind the hon. Minister that up to now we have not allowed any electronic gadget to be introduced in the House. I am sorry that he is referring to these electronic gadgets. I won't allow it.

Mr Mohamed: I will speak from memory. I apologise. It would be a good thing to introduce it.

Mr Speaker: I do agree with the hon. Minister that we should introduce that. I am looking into it, but it will take some time.

Mr Mohamed: Thank you, Mr Speaker, Sir, and congratulations for forward looking also. What I would like to say also here is with regard to the Planning and Development Act of 2004. The difference between this piece of legislation which is being proposed today and the legislation of 2004 is - and I will only talk about two differences - one, there is a clause in that Act of 2004 that talks about a State sensitive developments, and it was defined in the schedule what would be State sensitive developments, for instance, a golf course. This is what the previous Government of 2004 thought of State development. A golf course, an IRS development, a private hospital, and that type of application could be made directly to the Minister. In other words, had this been proclaimed as opposed to this particular piece of legislation where things are in the hands of independent people. In those cases, if it had gone according to 2004 piece of legislation, it would have been very dangerous, putting all our power in the hands of one man, the Minister at the time, and secondly, what is also very important is, at least, this piece of legislation, the Environment and Land Use Appeal Tribunal Bill here talks about the 90 days time limit. If there is consent with the parties, then for valid reasons those 90 days could be extended. The hearing and the determination, not only the hearing, as hon. Seeruttun said. Hon. Seeruttun said that 90 days started after the hearing had been over. No! Hearing and determination: 90 days. Obviously, he did not most probably read it properly in the document he has. I am sure there is no other version. I don't know where he got that from. Maybe he didn't understand it.

But what is most important here is, in another law, which was proposed in 2004, the time limit was six months and it was not a limit, I will say. They would endeavour to try to listen and determine the matter in six months. In other words, the clause of the 2004 Act allowed it to go even further than six months, as opposed to this piece of legislation. Therefore, it was important to make the difference. This Government realises that it is important to go fast, to give the business community comfort in the sense that they have to be secured that whenever there is going to be development, whenever there is going to have some sort of progress somewhere, they have to know where they are going. They have to know whether it is allowed or not to be allowed fast otherwise lot of money could be lost and this is how you make the ingredients for us

to develop our country. Therefore, I would like to once again congratulate the hon. Attorney General for this excellent piece of proposed legislation.

Thank you, Mr Speaker, Sir.

(11.06 p.m)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, when we are called upon to vote a new Bill there are three things we have to do. One, know what the current state of affairs is; two, know what changes are being proposed in the Bill and three - and that's probably the most important part - will the change that is being proposed be for the better. Only when we consider these three questions that we can form an informed decision, whether to vote the Bill or not.

I will start by looking at the composition. The Tribunal that is being proposed will replace three Appeal Boards: Town and Country Planning Board, which used to hear appeals from the Municipalities and District Councils on Building and Land Use permits, the Environmental Appeal Tribunal, and the Planning Appeals Tribunal, which incidentally was never proclaimed.

What was the composition of these Boards? Town and Country Planning: representatives of various Ministries, Environmental Appeal Tribunal: Chairperson was a barrister of not less than 10 years standing, and the other members had at least three years' experience in a field relating to protection of the Environment - very important. Barrister 10 years' standing plus expert of at least three years' experience. Planning Appeals Tribunal: there was a novelty in the law, the Chairperson needs not be barrister. He can be a law practitioner. That would cover Attorneys and Public Notaries. The Deputy Chairman was also a law practitioner of at least 10 years' standing, and then other members which had at least five years' experience in fields relating to Town and Country Planning. A Board of experts.

What is being proposed today in this Bill, under section 3, for the composition, is that you will have a Chairperson who now will be a Barrister. I don't know why we have removed reference to law practitioner when we know that a public Notary with the knowledge of *morcellement*, of planning, could have been equally a very good Chairperson or an Attorney who is also involved in property. In proceedings, as we know, relating to the Immoveable Property Act, for example, it is the Attorneys who take the lead. But in his wisdom, the Attorney General now proposes that we go back to the old days of only Barristers being the Chairperson, then for

the vice-Chairperson, unlike the Planning Appeals Tribunal, where the vice-Chairman also needed to have at least 10 years' experience, now this is reduced to 5 years' experience. Why? Again, I don't understand. The more so when we know that this vice-Chairperson would be able to chair divisions, and he is most likely to be chairing divisions and be the one deciding on legal issues.

Very important also, the new legislation allows now the Chairperson and the vice-Chairperson to grant injunctions. Mr Speaker, Sir, you know that up to now injunction was the privilege of judges, under the inherent powers of the judge. *Le juge des référés* under the French system, which we have inherited from our colonial days. The judge, we all know, must have in practice, at least, 10 years standing at the Bar. So we are talking about experienced people, and now this new legislation will give the power to a vice-Chairperson who has only to be five years qualified and he will be able to start giving injunctions like a judge of the Supreme Court too. So is that for the better? I don't think so, Mr Speaker, Sir.

The other members. Whereas for the existing Tribunals, the members had, at least, three years experience in architecture, in environmental matters or five years experience if they were appointed for the Planning Appeals Tribunal, now, in this legislation, there is no minimum qualification. The only qualification is that the Attorney General needs to consult with the appropriate Minister. Obviously, Mr Speaker, Sir, it is very legitimate, and we are not throwing mud when we, on this side of the House, are raising concern about the potential for abuse, the potential of job for the boys because there is absolutely no minimum qualification required. The Attorney General who is a political appointee, and the Minister who again is a political person, can appoint their people, their guys on the Tribunal.

Now, we come to the proceedings of the new Tribunal. There was a choice to be made here. Under the Environment Appeal Tribunal, the proceedings were very strict. Under that Act, it is stated at section 55 that all appeals shall be instituted and conducted as far as possible in the same manner as proceedings in civil matters before the District Court: very formal, very official, very proper. The second requirement was that proceedings will be conducted in accordance with law of evidence in force in Mauritius. That was the first approach under the Environment Protection Act. Formalities as if it was a proper court of law with proper rules of procedure, proper rules of evidence. The other alternative was to follow the Planning Appeals Tribunal where in section 58, it is stated that -

‘proceedings shall be conducted with as little formality and technicality as possible.’

There was a choice to be made here, and section 5 of the Environment and Land Use Appeal Tribunal opt for the more flexible, for the more relaxed approach with little formality and technicality.

Mr Speaker, Sir, there is one fundamental difference, and that is what makes the whole difference between what is proposed in the Environment and Land Use Appeal Tribunal and what was applicable for Planning Appeals Tribunal. Section 59 subsection (5) of the Planning and Development Act provided, and I quote -

‘(5) The ruling of the Chairperson or the Deputy Chairperson of the Tribunal on any point of law shall be binding on the other members of the Tribunal.’

Very important point – no formalities, proceedings not technical, but if there is any issue of law it is the Chairperson, who is the law practitioner or the Deputy Chairperson who takes precedence on point of law, and this was supposed to ensure that inadmissible evidence or improper procedures are not followed. Now under the proposed legislation what do we see? Section 5(1) (c) provides -

‘5. Proceedings of Tribunal
 (1) (...)
 (c) A determination of the Tribunal shall, unless all the persons constituting a division are agreed, be that of the majority.’

What does that mean? We have a Tribunal consisting of three people: the Chairperson or vice-Chairperson and the two political nominees who are laypersons, who presumably don’t have any expertise in legal matters. So, on all issues of evidence, all issues of proceedings, the two laypersons will now override the Barrister. Mr Speaker, Sir, you know that the rule of evidence is the essence, a key function, a key feature in the proper administration of justice. Now we are going to have laypersons who will allow inadmissible evidence; laypersons who will override a Chairperson, and who will determine what weight to be given to expert evidence and to non expert evidence. We’ll have two laypersons who can override a Chairperson, who is a lawyer, on what evidence to rely upon. This is, in my opinion, Mr Speaker, Sir, not a good thing. It is certainly not an improvement on the existing law. If you want to have less formality, less

technicality, fair enough, but, at least, give the power to the Chairperson, the Deputy Chairperson to override the two other Tribunal members when it comes to legal issues, when it comes to issues of evidence, issues of proceedings. This, Mr Speaker, Sir, is very important because the possibility of the two laypersons overriding the Chairperson is also very important when we come to section 5 subsection 8 of the Act. It states that -

‘(8) The Tribunal may, upon consideration of the grounds of appeal set out in the notice of appeal and the objections made against the appeal, dismiss the appeal, where it appears to the Tribunal that it is trivial, frivolous or vexatious.’

It is very difficult to imagine in practice how the Tribunal can reach a decision without hearing evidence to find out whether it is trivial, vexatious or frivolous. Here again, power is given to two political nominees, laypersons to override the decision of a Chairperson appointed by the PSC. Is that an improvement? I don't think so, Mr Speaker, Sir.

Again, two laypersons may override the Chairperson on matters of law, and the aggrieved party cannot appeal on point of facts. If there is a dispute as to facts, the two laypersons override the Chairperson, and the aggrieved party cannot appeal on issues of facts. This is very dangerous.

Mr Speaker: That is section 6.

Mr Uteem: This is section 6 of the Bill that is before us.

Mr Speaker: The appeal can go only on point of law.

Mr Uteem: Only on point of law not on point of fact. Even if you have inadmissible evidence, even if the Tribunal has based it on erroneous evidence, erroneous facts, you cannot do anything about it on appeal. Mr Speaker, Sir, is that constitutional? Are we usurping the right of a claimant to appeal to the Supreme Court on a point of fact when inadmissible evidence has been used to determine the outcome of the appeal? I will then query why is it that, for this piece of legislation, section 6 subsection 2 provides that -

‘(2) An appeal under this section shall be prosecuted in the manner provided by rules in respect of an appeal from the final judgement of a District Court in civil matters.’

As you know, Mr Speaker, Sir, there is a common practice up to now that all appeals from Tribunals on point of law have been by way of case stated. Why are we departing from the

process of appeal by way of case stated on point of law and replacing it by normal appeal procedure? Again I hope the Attorney General, in his summing up, can give us some clarification.

The new provision goes further than just being an Appeal Tribunal. It also has original jurisdiction. The Environment Protection Act is being amended in section 54 to provide that -

‘54. Jurisdiction of Tribunal

(1) (...)

(3) (a) Any person who has suffered damage or prejudice, as a result of a breach of an environmental law by another person, may make a claim to the Tribunal where the claim does not exceed 50,000 rupees.’

This, in itself, is not a bad thing, Mr Speaker, Sir, but again it is subject to laypersons being able to override the decision of a lawyer on issues of facts. We are talking about claim for damages here. So, facts are very important. We are going to go under *probablement faute*. The *faute*, the pollution resulted in damages. Very much issues of facts, very much a case where two political appointees can override the decision of a professional Chairperson.

But what is more objectionable, Mr Speaker, Sir, is that the complainant must waive his right to initiate civil proceedings before any court in Mauritius in respect of facts that form the subject-matter of the complaint. And this seems to be the flavour of the month. We had exactly the same provisions when we dealt with Equal Opportunities Tribunal in the last session. So, now the complainant has to make a choice. If you opt to go to the Tribunal, you cannot then start proceedings on the same facts before another forum. The idea, I admit, is to avoid duplicity. But what happens, Mr Speaker, Sir, when in the course of the proceedings you realise that the damages will exceed Rs50,000? What happens if at the date you entered the claim before the Tribunal, you had assessed your damages at Rs50,000 and then the pollution created by your neighbour has gone and destroyed all your plantation and caused structural damages and do whatever I don't know, where the extent of your damages now is no longer Rs50,000, but much more? Does it mean that because you waived your right to appeal to other courts, you cannot stop the proceedings before the Tribunal, you cannot go before the Intermediate Court or even the Supreme Court? This is something that may happen in practice. Again, the constitutionality of this provision will have to be tested one day in court because we are essentially depriving the

right of redress of a complainant who may not have all the facts or may not be aware of all the facts at the time he enters the case.

There is also another very puzzling provision in this legislation, Mr Speaker, Sir, and that is section 5 subsection (4) (c), which provides –

“Any proceedings before the Tribunal, other than an appeal under section 4(1), - meaning any other than appeal - shall be initiated by way of proceipe and affidavit within 21 days of the date when the cause of action arose.”

Now within 21 days of the cause of action. What happens if the aggrieved party only came to know about the pollution more than 21 days later? What if it was latent? The cause of action arose from the day the pollution was created, but he only found out when he was digging his garden that there was seeping through. What happens? Is he barred by the 21 days limit?

And then the action must be initiated by way of proceipe/affidavit. I can understand this procedure when it comes to injunction; very proper. But when it comes to original jurisdiction, you are claiming Rs50,000 damages, you are going to go by way of proceipe and affidavit? You are not going by way of plaint with summons? You are not going to ask for demand for particulars? Answer for particulars? You won't be able to admit oral evidence, testimony, examination, cross-examination? But this is what it says: “Any proceedings other than appeal must be initiated by the process of proceipe and affidavit.” This is section 5 subsection 4(c). Again, Mr Speaker, Sir, it is the same story. Time and time again, it is the same story. Someone comes up with the brilliant idea, but does not trigger the thought process. When you come here with the Bill, the least we expect is that people have spent time reading it, understood it, and understand all the implications. It is not at committee stage that we will now come and do amendments because one did not think through carefully about what we are doing.

Mr Speaker, Sir, I will now turn to another matter which is something quite dear to me. It is a provision that exists, I have to admit, in other tribunal, in other provisions of law, but which I don't think is appropriate, and that is section 5 subsection 9(d), Contempt of Court. It is a criminal offence to insult the Chairperson, or vice-Chairperson, to interrupt proceedings or to commit any contempt of the Tribunal, and the punishment is Rs50,000 and imprisonment for a term not exceeding 12 months.

We know, Mr Speaker, Sir, that the court has, time and time again, made pronouncement that insulting a person does not amount to contempt. We have had dicta from cases as far back as

1951 in *Procureur v/s Rozemont* – Rozemont who was a Member of this august Assembly - where the Judge stated –

“The words, however distasteful, will not amount in our opinion to a contempt, as the words are more in the nature of a personal insult towards the individual than attack on the Judicial officers’ dignity and integrity.”

So, words however distasteful will not amount to contempt if it is in a nature of a personal insult. But here, insulting a Chairperson is an offence, and there is no distinction whether you are insulting the person himself or you are insulting the Judiciary. This point was made again recently in the case of *DPP v/s Dooharika* and, I quote –

“The purpose of the law of contempt is not to protect the feelings of Judges, but to protect the administration of justice and to ensure that public confidence in the administration of justice is maintained and that the Judiciary is not brought into disrepute.”

You can have many reasons for insulting a member of the Tribunal. Maybe the member made a remark which you did not like, maybe you thought that he was biased or whatever, but if you insult him as a person, that could not be contempt according to our case law.

But more importantly, Mr Geoffrey Robertson, who I know, is an adviser to the hon. Prime Minister, wrote an article last week in ‘The Times’, where he makes a big *plaidoirie* in favour of abolishing the offence of contempt, and it is worth quoting a few of his arguments. I won’t be long. There are only three quotations –

“The move is not only a direct attack – talking about criminalisation of contempt – on free speech and an attempt to suppress information of public interest, but it will encourage similar attacks in other countries against honest critics of bad Judges.”

Mr Geoffrey Robertson then goes on to explain the origin of contempt –

“Contempt of court devised by judges themselves in the late 18th century as a means of silencing critics such as John Wilkes. It was revived for colonial purposes in 1899 by judges who said it was required in colonies with excitable ‘coloured populations’.”

That was its origin. And then he goes on, he makes reference to the case of the newspaper’s editor in Mauritius who was jailed for reporting a Barrister’s attack on Chief Justice and adds –

“The prosecution of the former Attorney General for Northern Ireland, Mr Hain, is an outrage encouraging repressive Government and undermining the UK’s international effort to protect free speech.”

And he concludes –

“Where stands the British Parliament in relation to this absurd offence? It has abolished other censorship relics such as blasphemy and sedition. It should legislate to abolish the archaic crime of ‘scandalising’ judges - to save those in Northern Ireland from being made an international laughing stock by a rash Attorney General.”

In England, he is advocating that we need to do away with the offence of contempt to prevent Northern Ireland from becoming an international laughing stock, and in Mauritius we are extending the concept of contempt to Tribunal.

Mr Speaker, Sir, I will end by referring to certain drafting niceties; for want of better words I will use this. The Attorney General and those who prepare the law should always bear in mind in drafting the law who are going to interpret it because it is very important that the wording is clear, and the intention of Parliament is clearly set out in the Act. As Lord Diplock said –

“The absence of clarity is destructive of the rule of law.”

My learned friend hon. Ganoo has already referred to some of the anomalies of this legislation. I would refer to a few more.

First of all, jurisdiction; this is the root of the Act - the jurisdiction of the Tribunal which is set out in section 4. Section 4 starts by saying that the Tribunal will have jurisdiction to hear and determine appeals under section 54 of the Environment Protection Act. The Environment Protection Act then, in a consequential amendment at section 8, is amended by repealing Part VIII of the existing provisions and replacing it by new provisions.

The existing Part VIII of the Environment Protection Act contained five sections, sections 53 to 58. The new Part VIII contains only 2 sections: section 53 and section 54. What happens to the other sections? A simple drafting insertion, that it has been saved or repealed would have been sufficient, but we don’t see this. And then, Mr Speaker, Sir, it is an elementary rule of drafting. When you make a change, you have to go through the Act and make all consequential amendments. Today, thanks to modern technology and software, it does not take you a lot of time to go through that. I did that, using a computer, just to trace what are the provisions of the Environment Protection Act that ought to have been changed. At least, section 23(6) of the Environment Protection Act should have been amended because it still refers to sections 56 and 57 of the Act which has now been repealed.

The new section 54 of the Environment Protection Act sets out a series of instances where the Tribunal can hear appeals. Again, Mr Speaker, Sir, I went to the pain of comparing the new amendment that is being proposed and the existing provisions of the law. I don't understand why the Tribunal no longer has jurisdiction to hear an appeal against a requirement of compliance monitoring under section 84 of the Environment Protection Act. Is that deliberate? If it is so, then we ought to know why we don't have this right of appeal and also whether it is constitutional to deprive a complainant from his right to appeal against a compliance monitoring provision. And if it is not deliberate, then, maybe at Committee Stage, the Attorney General can come back with an amendment to correct this anomaly because I don't understand why section 84 is no longer subject to appeal.

In section 54(2), there is a new appeal provision which reads –

“Any person who is aggrieved by the decision of the Minister to issue an EIA is able to show that the decision is likely to cause him undue prejudice may appeal against the decision to the Tribunal.”

Mr Speaker, Sir, what is meant by undue prejudice? The Minister decides to grant an EIA, you are aggrieved by this decision, it's not sufficient that you are aggrieved, you have to show that the decision causes you undue prejudice. Nothing is defined as to what is meant by 'undue prejudice'. Again, I wonder whether this is constitutional. I am sure that a constitutional lawyer will be very happy to take that up if ever the complainant is denied the right to appeal to the Tribunal on the grounds that he has not suffered undue prejudice.

Finally, the last point I have on drafting is in section 4(1) (ii) –

“(1) The Tribunal shall –

(a) hear and determine appeals –

(ii) from a decision of a Municipal City Council, Municipal Town Council or District Council under section 117(14) of the Local Government Act 2011;”

When we look at this Local Government Act, section 117(14), we find that you can only appeal if you are aggrieved by a decision of a Municipal City Council or Municipal Town Council or District Council. But then, Mr Speaker, Sir, if we look at all the provisions, subsection 12, for example, talks about the decision of the Minister because you would remember, the Minister now has the power to intervene, has the power to stop the granting of licence. So, does that

mean that we can't appeal against a decision of the Minister, or can we only do that by way of Judicial Review, which will defeat the whole purpose?

Section 117(9) again –

“Except with the Minister's approval, no outline planning permission or building land use permit shall be issued for any development.”

And then there is a series of cases, for example, along a mountain reserve, for use as a night club, for carrying out any activity licensed by the Gaming Regulatory Authority. All these licensing requirements need the approval of the Minister. The Local Authority is willing and happy to grant the licence. The Minister says “no”. Does that mean that the Tribunal does not have jurisdiction to hear the appeal? It would seem so. The wording is very clear. You can only appeal a decision of the Municipal City Council, the Municipal Town Council or District Council. So, I wonder why we did not include the decision of the Minister also.

Mr Speaker, Sir, the Act has positive aspects, namely the time delay within which the Tribunal must make a determination, which is now 90 days, after the start of the hearing of the appeal. But it serves absolutely no purpose, Mr Speaker, Sir, having the best possible legislation if it is not properly manned. The Planning Appeal Tribunal, which was passed in 2004, was never operational although it provided for hearing to be determined within six months; it was never put into practice, and instead the old appeals dragged years and years.

It serves no purpose to have a good legislation, Mr Speaker, Sir, if vacancies are not filled. And now, I am thinking of the various Tribunals and Commissions which still have vacancies, for example, the Assessment Review Committee which still does not have a vice-Chairperson.

With this, Mr Speaker, Sir, I end my speech.

Thank you.

(11.39 p.m.)

Mr Varma: Mr Speaker, Sir, I would like, first of all, to thank hon. Ministers who have intervened and congratulate them. I would like to extend my congratulations to hon. Ganoo, hon. Bhagwan and hon. François as well for their interventions.

Mr Speaker, Sir, I will go one by one on the points that were raised by hon. Members. Hon. Ganoo raised the point that environment and land use should not have been lumped together. Actually, Mr Speaker, Sir, it is clear from the action of Government and what

Government tends to do, that there should be judicious use of resources. We do agree that these two aspects, environment and land use, are distinct, but they are not so different as to make them incompatible. Therefore, so as to make judicious use of resources, it is the policy of Government that these two, that is, the Board and the Environment Appeal Tribunal, should be merged.

Mr Speaker, Sir, the point was raised by the hon. First Member for Savanne and Black River as regards the 90 days from the start of the hearing, that is, the determination should be made. It cannot be from the time of lodging, Mr Speaker, Sir, because what if 20 cases are lodged on the same day! Indeed, reference has, time and again, been made by Members of the Opposition to the Planning Appeal Tribunal. Actually, in the Planning Development Act which was passed in 2004, it was clear that the Tribunal would endeavour to dispose of the matter within six months. There was no exact time frame that we have put in our law. In this Bill, Mr Speaker, Sir, there is a time frame of 90 days, unless there is consent of parties for the time frame to be extended.

Mr Speaker, Sir, as regards the question of cost, the hon. First Member for Savanne and Black River raised the point. Under clause 5 (10) (a), the Tribunal may make such order as it thinks fit as to the costs payable by the losing party. It means that this is catered for by the Bill. As far as the declaration of assets is concerned, under clause 7, it is said –

“The Tribunal may make such rules for the purpose of the institution and hearing of appeals before the Tribunal as it deems fit.”

Mr Speaker, Sir, as regards the backlog of cases, the Chief Justice has been consulted and he is in perfect agreement that a Senior District Magistrate would be delegated full-time to chair the special division to be able to clear the backlog. This is catered for again, Mr Speaker, Sir.

There is a pertinent point which was raised by the hon. First Member for Savanne and Black River, and I am thankful to him, as regards clause 8 (5) (b). I am thankful to him for having drawn the attention of the House. There is obviously an editorial error which will be taken care of at editorial level, Mr Speaker, Sir.

As regards the members of the Tribunal, the point has been raised by several Members of the Opposition. Again, the members of the Tribunal will be appointed in consultation with the hon. Minister of Environment, the hon. Minister of Local Government and the hon. Minister of Housing and Lands. There is a provision that consultation should also be held with the hon. Minister of Civil Service. Why is it so, Mr Speaker, Sir? It is because we do not want to have

people who do not have experience. That is why there is a requirement that the Attorney General shall consult the hon. Minister of Civil Service as well, to get people who have experience in the relevant fields, whether they have retired or not.

Mr Speaker, Sir, a point was raised by hon. Rajesh Bhagwan as regards the cases which are pending before the Tribunal for the CT Power and Gamma Coventa. The CT Power case is before the Tribunal and Gamma Coventa case is before the Environment Appeal Tribunal and, as per the transitional provisions, these will be dealt with by the existing Tribunal. It is only cases which are pending, but have not yet been heard, that will be dealt with by the new Tribunal.

Mr Speaker, Sir, hon. François raised a couple of points as regards sittings in Rodrigues. Clause 5 (2) (a) of the Bill clearly states –

“The Tribunal shall sit at such time and place as the Chairperson may determine.”

If necessary to sit in Rodrigues, there is no doubt that the Chairperson will determine that the Tribunal will sit in Rodrigues.

Mr Speaker, Sir, it is quite sad that hon. Seeruttun is not here because normally when certain points are raised by a hon. Member, he has to be here in order to hear the other side of the story, of course. He stated, Mr Speaker, Sir, that the Environment and Land Use Tribunal will not respond to the needs. Mr Speaker, Sir, we have taken the initiative to set up this Environment and Land Use Appeal Tribunal. Why have we taken the initiative? It is because we all know that there are several cases which are taking so much time to be heard before the Town and Country Planning Board and the Environment Appeal Tribunal. We have taken the initiative to set up a full-time Tribunal, with a full-time Chairperson and vice-Chairperson so that the appeals are heard and disposed of within the shortest possible delay.

He raised the point, as hon. Minister Mohamed rightly pointed out, that the Prime Minister said that a special tribunal will be set up to deal with the CT Power case. Mr Speaker, Sir, this has never been the case! How can he say such things, and just throw mud on whatever the Government is trying to do and then walk away? Mr Speaker, Sir, the hon. Prime Minister stated that we are going to set up a tribunal, the Environment and Land Use Tribunal, to deal with the environment and land use issues, and that’s all. At no point in time, Mr Speaker, Sir, did the hon. Prime Minister state that a special tribunal will be set up to deal with the CT Power case!

Mr Speaker, Sir, again, he stated that the Tribunal *a été taillé sur mesure*. What does that mean? *Quelle mesure, and to do what?* Is it to hear appeals with the shortest possible delay? Is it to encourage investment in the country? Is it to send a right signal to the business community? If he does mean *taillé sur mesure pour ces choses*, we agree! But what did he try to insinuate, Mr Speaker, Sir? What did he try to infer by saying that the Chairperson or the vice-Chairperson have already been selected? Mr Speaker, Sir, we, on this side of the House, believe in institutions; we believe in the independence of institutions.

(Interruptions)

Mr Speaker, Sir, even before this Tribunal is set up, to throw mud on such an institution, that the Government has already chosen the Chairperson and vice-Chairperson, when they have to be appointed by the Public Service Commission! Mr Speaker, Sir, they will go in history as people who have always been against good things in this country.

Mr Speaker, Sir, the point was also raised by the hon. Second Member for Vieux Grand Port and Rose Belle that the Chairperson should be a Barrister with management qualifications. Mr Speaker, Sir, the Magistrates that we have before our courts, the Judges that we have, do they not administer the courts well? Is that what he is trying to say? We have so many Magistrates and Judges in this country, and we cannot cast a shadow of doubt on the integrity and independence that they have shown.

The last point that was raised was about giving too much power to the Chairperson when we say that injunctions will be heard before the Tribunal. The point was canvassed by hon. Ganoo, the First Member for Savanne and Black River, and he praised the Government for that initiative, Mr Speaker, Sir.

Mr Speaker, Sir, I should say that I was quite surprised to hear the intervention of the hon. Second Member for Port Louis South and Port Louis Central, when he spoke about the requirements as per this Bill that the vice-Chairperson should have at least 5 years' standing at the Bar.

“No person shall be qualified for appointment as a Judge of the Supreme Court unless he is, and has been for at least 5 years, a Barrister entitled to practise before the Supreme Court.”

Where does that 10 years come from, Mr Speaker, Sir? Is the hon. Member trying to mislead the House?

(Interruptions)

Mr Speaker: Sorry, the hon. Minister must withdraw the words “trying to mislead the House.”

Mr Varma: I have withdrawn, Mr Speaker, Sir. Again, the hon. Member has time again stated that the Members will be political appointees, that they will be appointed by the Attorney General, and in consultation with the Ministers concerned. Mr Speaker, Sir, the hon. Member has referred time and again to the Planning Development Act, and in that Act it is clear, under section 53, that -

“The Members would have been appointed again by the Attorney General, in consultation with the Ministers concerned”.

So, which is which? When they did it in 2004, there was no political interference, and when we import the same logic in this piece of legislation, then it is political! Mr Speaker, Sir, which is which?

Mr Speaker, Sir, again the hon. Member raised the point that the appeal to the Supreme Court that we have put in this Bill should be on a point of law. The hon. Member has criticised it. When they did it in 2004, section 60 -

“The appeal to the Supreme Court will be on a question of law.”

then it was correct. When we do it, we are wrong. The hon. Member again criticised that the decision of the Tribunal should be of the majority. When they did it in 2004, section 59(4) -

“A re-appeal before the Tribunal shall be determined by the opinion of the majority members present.”

then they were right, and we are wrong today. Mr Speaker, Sir, which is which?

As regards damages, clause 8, ...

(Interruptions)

I am sorry, if you want to say anything, you can stand up and speak.

(Interruptions)

Mr Speaker: Hon. Minister, do address the Chair!

Mr Varma: He is in a sitting position, Mr Speaker, Sir, and he made an insinuation.

Mr Speaker: Please, sit down. Do you have a point of order?

Mr Varma: Mr Speaker, Sir, on a point of order. I am intervening, and from a sitting position ...

Mr Speaker: That is not a point of order.

Mr Varma: Yes, the hon. Member has made an insinuation against me.

Mr Speaker: What is the insinuation?

Mr Varma: I won't bother to repeat that, Mr Speaker, Sir, because I won't reduce myself to his level.

Mr Speaker: Please, sit down. You are addressing the Chair and not the hon. Member. You address me, and if there is a point of order, you raise it.

Mr Varma: What I have said, Mr Speaker, Sir, is that I won't reduce myself to his level, that's all. Mr Speaker, Sir, again the hon. Member has got the guts and the courage to stand up in Parliament to criticise. He said that we don't know the elementary rules of drafting, Mr Speaker, Sir, as if we have to learn from him.

Mr Speaker: Can I remind the hon. Minister that a Member of this House has the right to stand up and criticise the Bill, so long that he is criticising the Bill within the framework of the Standing Orders? If the hon. Minister does not agree with the criticism, he has just to reply to him, but he cannot use the word that he has not the right to do this or that. The hon. Member has the right to criticise. It is the right of the hon. Minister to reply to the hon. Member.

Mr Varma: This is precisely what I'll do, Mr Speaker, Sir.

Mr Speaker: Yes, but don't try to use provocative words.

Mr Varma: Yes, but I find it ...

Mr Speaker: No, I have given my ruling, and you have to respect my ruling. Don't use provocative language at this time of the hour.

Mr Varma: This is what I am doing, Mr Speaker, Sir. Mr Speaker, Sir, the hon. Second Member for Constituency No. 2 stood up in Parliament and said that those who have drafted the Bill don't know the elementary rule of drafting. I should remind the House that this piece of legislation - I have stated that in the Second Reading speech - was sent to the hon. Chief Justice, and the hon. Chief Justice consulted a team of judges. Mr Speaker, Sir, again, we have got an experienced Parliamentary Counsel in the person of Mrs Narain. We have got a consultant in the person of Sir Victor Glover, a former Parliamentary Counsel and former Chief Justice of Mauritius. We have Mr Dhiren Dabee who vetted his Bill. He is the Solicitor General, a Senior Counsel and former Parliamentary Counsel. Mr Speaker, Sir, with these people around in the

office, we have to learn the elementary rules of drafting from someone else! The House will appreciate ...

(Interruptions)

Mr Speaker: Order! Address the Chair!

Mr Varma: Mr Speaker, Sir, again the last point that I wish to rebut. The hon. Second Member for Constituency No. 2 stated that the Planning and Development Act was never enacted. Mr Speaker, Sir, what does enactment of the law mean?

(Interruptions)

Mr Speaker: Order! Let me listen to the hon. Minister.

Mr Varma: What does enactment of the law mean, Mr Speaker, Sir? It means it goes through Parliament; it is passed and receives the presidential assent. Well, the House will appreciate.

Mr Speaker, Sir, I think I have replied to most of the points raised by hon. Members, and I again commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Environment and Land Use Appeal Tribunal Bill (No. IV of 2012) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Environment and Land Use Appeal Tribunal Bill (No. IV of 2012) was read the third time and passed.

THE CHAGOSSIAN WELFARE FUND (AMENDMENT) BILL

(NO. VI OF 2012)

The hon. Minister of Social Security, National Solidarity and Reform Institution (Mrs S. Bappoo) gave notice of her intention not to move the second reading and the other stages of the Chagossian Welfare Fund (Amendment) Bill (No. VI of 2012) today.

THE MARITIME ZONES (AMENDMENT) BILL

(NO. V OF 2012)

The hon. Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun) gave notice of his intention not to move the second reading and the other stages of the Maritime Zones (Amendment) Bill (No. V of 2012) today.

THE CRIMINAL CODE (AMENDMENT) BILL**(NO. VIII OF 2012)**

The hon. Attorney General (Mr Y. Varma) gave notice of his intention not to move the second reading and the other stages of the Criminal Code (Amendment) Bill (No. VIII of 2012) today.

ADJOURNMENT

The Deputy Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 29 May 2012 at 11.30 a.m.

The vice-Prime Minister, Minister of Public infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo) rose and seconded.

Mr Speaker: The House stands adjourned.

MATTERS RAISED**INDIAN MINISTERS – MAURITIUS - COMMENTS**

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, I have a matter that I would like to raise with the vice-Prime Minister, Minister of Finance and Economic Development who, unfortunately, is not here.

It relates to an issue which I have already raised last week in a Parliamentary question, and it's about comments made by Indian Ministers on Mauritius. When I raised this point last week, the hon. vice-Prime Minister stated, and I quote –

“But I must also say that the hon. Member would have noticed that it is in the past tense (...)”

Meaning that they were criticizing Mauritius for past conduct. However, yesterday was released a White Paper on black money in India. In fact, it was dated 16 May, but it became public yesterday, and Mr Pranab Mukherjee, who is the Finance Minister of India, had this to say about Mauritius, and I quote –

“Mauritius and Singapore with their small economies cannot be the sources of such huge investments into India, and it is apparent that the investments are routed through these

jurisdictions for avoidance of taxes and/or for concealing the identities from the revenue authorities of the ultimate investors, many of whom could actually be Indian residents, who have invested in their own companies through a process known as round tripping”.

So, may I request the hon. vice-Prime Minister to convey our deepest concern that a Minister of Finance in India should make such public statement that Mauritius is being used to conceal identities of beneficial owners, in other words that Mauritius is a money laundering jurisdiction?

Mr Speaker: I think I have to tell the hon. Member that it was not what the Minister of Finance of India said. It was the White Paper which had been published, that the hon. Member just quoted, and he is right to draw the attention of the Minister of Finance on that.

STUDENTS - TEMPORARY BUS PASS

Mrs L. Ribot (Third Member for Stanley & Rose Hill): M. le président, je voudrais m'adresser au ministre des Infrastructures publiques et du Transport. M. le président il y a des étudiants qui, pour des raisons telles que déménagement ou transfert de collège au début du deuxième trimestre, ont reçu de leurs collèges un *pass* temporaire, écrit en bonne et due forme, avec l'entête du collège, l'estampille du collège, et avec la signature du *Manager*. Or, il se trouve que ces *pass* temporaires sont refusés par les receveurs d'autobus ces jours-ci et, *adding insult to injury*, d'un côté il y a la *NTA* qui prend tout son temps pour donner des *pass* permanents à ces étudiants et, de l'autre côté, les étudiants sont malmenés par les receveurs qui leur demandent soit de payer, soit de descendre de l'autobus, et s'ils refusent de descendre on menace de les emmener au poste de police.

The bare fact, Mr Speaker, Sir, is that these days, in quite a few places, quite a few students refuse to go to school parce qu'ils ont peur de recevoir un traitement aussi arrogant et d'être malmenés par les receveurs d'autobus.

Je demanderai au ministre des Infrastructures et du Transport de s'assurer que les receveurs d'autobus acceptent sur une base temporaire ces *pass* temporaires, ou que la *NTA* fasse diligence pour que ces élèves reçoivent une fois pour toutes des *pass* permanents.

Merci.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, it is for the first time that I am hearing such a complaint, but nevertheless tomorrow I will have a look at it.

ORANGE MOBILE TELEPHONE - NETWORK SERVICES

Mr P. Roopun (Third Member for Flacq & Bon Accueil): Mr Speaker, Sir, may I raise an issue addressed to the Minister of Information and Communication Technology.

Since a few months now various complaints have reached me about the poor quality of the network services of the mobile telephone orange. In fact, very often, in the middle of a conversation, the call is abruptly stopped, and also many times there is the problem of network failure, congestion, and also a lot of difficulty to be able to hear what is being said. We will have noticed that especially when we talk with our constituents, and the call is stopped abruptly, which may be interpreted that we, in fact, switched off or cancelled the call.

I urge the hon. Minister to convey *à qui de droit* our concern, and to see if remedial actions can be taken.

The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum): The point is noted, Mr Speaker, Sir. I am going to look into it and revert back.

ROCHE BOIS - METHADONE DISTRIBUTION

Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East): Mr Speaker, Sir, I will raise a security issue tonight which should be addressed to the hon. Prime Minister. It concerns the project for the opening of a methadone distribution centre at Abattoir Road, Roche Bois in my constituency.

M. le président, je me fais le porte-parole des habitants de Roche Bois, en tant que leur député, pour faire part de leur opposition envers ce projet. Selon eux, ce quartier sera très à risque, car le centre attirera beaucoup de toxicomanes de différentes régions de Port Louis, ce qui va sans doute nuire à l'ordre public de cet endroit. Il y a eu beaucoup de cas dans le passé aux endroits où on distribue de la méthadone, et cela a créé beaucoup de désordre et de problèmes de sécurité.

Therefore, Mr Speaker, Sir, I seize this opportunity to table a petition signed by almost a thousand of inhabitants of Roche Bois. It was handed to me in a meeting that I had with them last week.

Avant de terminer, je dois ajouter que les habitants de l'endroit déplorent le fait que malgré qu'ils aient exprimé leur désaccord, le projet a été mis de l'avant et le centre a été construit.

I make an appeal to the hon. Prime Minister to consider the plight of the inhabitants of Roche Bois.

Thank you.

The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun): I will convey this appeal to the hon. Prime Minister.

CONTITUENCY NO 14 – WATER SUPPLY

Mrs J. Radegonde (Fourth Member for Savanne & Black River): Mr Speaker, Sir, I would like to raise an issue in regard to my Constituency No. 14, and this is being addressed to the hon. Deputy Prime Minister.

Mr Speaker, Sir, there are three water points in my constituency, namely Valriche borehole, Mont Blanc and Beau Champ reservoir. These water points distribute water to these specific regions: Martinière, Chemin Grenier, Beauchamp, Bel Ombre, St Martin, Baie Du Cap and Contour Prune.

Maybe, the Deputy Prime Minister is already aware that the Valriche borehole is not functional due to a problem of water pump, and this situation has affected the water volume collected by Mont Blanc as well as the quality of water. In fact, the water from Mont Blanc is not potable because the filter cannot absorb the muddy water during heavy rain. In regard to the quantity of water, borehole Valriche used to collect 2,000 meter cubes of water for distribution to these two regions, namely Bel Ombre and St Martin, as supplement to other reservoirs. The Mont Blanc used to capture 10,000 meter cubes of water, which is not the case because of the filter bed. Hence, the water demands in the regions mentioned exceed the volume of water available for distribution.

Over a month, and particularly during heavy rainfalls, the regions mentioned do not have sufficient water for domestic and personal use. The short term policy that has been adopted was the rationing of water - maybe you are already aware of that - to the inhabitants and the hotels. May I ask the hon. Deputy Prime Minister to seek for a long term management plan by considering these few points to provide adequate water to all the inhabitants located in these regions and to see as to the reasons why the water pump in Valriche has not yet been repaired?

I would like to know whether there is a pump minder available at each water point for the management and protection of the water delivery, if there is a better coordination between water

management and technicians, and also the possibility to drill another borehole next to the existing one and to, maybe, add another filter bed.

Thank you.

The Deputy Prime Minister: Mr Speaker, Sir, I will take note, and see that satisfaction is given.

(00.10 a.m.)

CAMP LEVIEUX, ROSE HILL - NHDC COMPLEX - RENT

Mr D. Nagalingum (Second Member for Stanley & Rose Hill): Mr Speaker, Sir, I shall raise an issue regarding Constituency No. 19, addressed to the Minister of Housing and Lands.

It has been brought to my knowledge, Mr Speaker, Sir, that some tenants of the NHDC Complex at Camp Levieux, Rose Hill, are being threatened to vacate their premises because they have not been able to keep up to date with their rent. Although they are in a very desperate situation, they are ready to settle their arrears if they are given a reasonable extension period.

Being given these miserable circumstances, they deserve our compassion on a humanitarian ground. I am, therefore, at the disposal of the hon. Minister to give relevant details of the cases and reference in order to come to the rescue of these tenants. So, I make an appeal to the hon. Minister to give attention to this problem.

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Speaker, Sir, given the details, I will look into the case history of each one of them and see what can be done on humanitarian grounds.

Mr Speaker: I think the hon. Member should have contacted the hon. Minister with all the details before coming to the House.

(00.11 a.m.)

RAYMOND RIVET STREET & POPE HENNESSY STREET, ROCHE BRUNES – FLOODING

Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière): Mr Speaker, Sir, I have a couple of issues to raise with regard to my constituency. The first one is addressed to the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. With regard to the corner of Raymond Rivet Street and Pope Hennessy Street, the street leading to Roche Brunes, there are a lot of problems when there are heavy rains, people

don't even have places to go for shelter, and the water just overflows into people's houses in the vicinity. If the hon. Minister can look into the problem which has kept on recurring lately.

SERGE ALFRED SWIMMING POOL - MAINTENANCE & CLEANING

Second, to the Minister of Youth and Sports, with regard to the swimming pool of Serge Alfred, which is being used by more than 2,000 people every week. If the hon. Minister could look into cleaning the swimming pool properly because there is apparently a lack of staff, many of the personnel are on contract and are not on pensionable basis, which is leading to problems of rotation of staff and lack of maintenance. If the hon. Minister could also look into the possibility of putting a *piscine de récupération* because there are lots of competitions going on there, and there is a lot of problems for the people training for international competition, and they need to have a *piscine de récupération* there.

PRISON ROAD, BEAU BASSIN - DRUG ADDICTS & PROSTITUTES

Lastly, with regard to security, may I raise the issue to the hon. Prime Minister who is not here. At Prison Road, Beau Bassin, after distribution of methadone, people who are getting methadone keep on loitering in the area, and during school period when the students go to school or leave school they still find all these drug addicts and prostitutes around, and this is becoming a very high risk area.

So, if the hon. Prime Minister could ask the Commissioner of Police to exercise more regular surveillance in the area.

Thank you.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): With regard to the request which hon. Li Kwong Wing has made, I will look into the issue and try to provide for same.

Mr Speaker: I will have to remind the hon. Members that, at Adjournment Time, they can raise only one issue per Member.

(00.14 a.m.)

FLORIBUNDA STREET, POINTE AUX SABLES - FLOODING

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): Mr Speaker, Sir, I would like to raise an issue concerning a flooding zone in my constituency. It concerns precisely Floribunda Street at Cité Débarcadère, Pointe aux Sables.

Mr Speaker, Sir, each time we have a heavy rainfall, we have eight families in this precise location where water flows inside their yards and their houses. The water comes as far back as from Petite Rivière, runs through this bare land, rapidly comes into the Cité Debarcadère at a very rapid pace, and finishes on a wetland nearby the Floribunda Street, where these people are located. Unfortunately, their houses are on a down curve topography of the land. So, the water stays in this area, and it is very difficult, I think, technically, to have a proper drain to be constructed there.

Since the water is coming as far as from Petite Rivière, may I maybe suggest to the hon. Minister to have a proper survey of the land on the surrounding. Maybe, we could have a solution by having a drain constructed from Petite Rivière. That may bring a solution to the problem. So, may I propose the hon. Minister to have a site visit maybe with the technicians and we, elected Members of the constituency, myself, hon. Mrs Navarre-Marie and hon. Baloomoody? It will be a pleasure to have a site visit with the technicians there. Then, we can have a technical survey of the land, and have the appropriate decision taken.

Thank you, Mr Speaker, Sir.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, site visits were already conducted by technicians of NDU. I will request them to have a proper look at it, and see what actions can be taken.

At 00.19 a.m., the Assembly was, on its rising, adjourned to Tuesday 29 May 2012 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

STATE LANDS – FOREIGN PROPERTY DEVELOPERS

(No. B/115) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the foreign property developers who have benefitted from leased State lands, he will state if Government has taken any decision to authorize them to sell apartments found thereon or any other such property on a freehold basis.

Reply (The Minister of Housing and Lands): It is Government policy to grant industrial leases over State land with a view to promoting industrial development. State land is generally leased for the following purposes -

- (a) Hotel development and tourism related projects;
- (b) Construction of bungalow complex;
- (c) Construction of offices/commercial complex, and
- (d) Construction of various industrial buildings.

No State land has been leased to any foreign property developer for the construction of apartments for sale on a freehold basis.

In the context of encouraging foreign investment and boosting modern infrastructural development cum economic activities, two foreign-owned companies have projects on State land for developing a mix of mutually supporting business and professional services, research, business and corporate offices, hotel, retail and other services, with a component of residential apartments for subservient use. The construction of such apartments has only been allowed as part of a larger mixed-use development.

Article 1778-5 of *Section Quatrième* of the *Code Civil Mauricien* provides as follows -

“Le bail à construction confère un droit réel immobilier. Ce droit peut être hypothéqué ou grevé de sûretés fixes ou flottantes, de même que les constructions édifiées sur le terrain loué.”

Further, Article 1778-7 of the *Code Civil Mauricien* provides that *“Le preneur peut céder tout ou partie de ses droits ou les apporter en société.”*

These provisions give a lessee the right to dispose of any building/constructions that he has put up on the leased property. Furthermore the lease agreement provides for the transfer or assignment in the lease subject to authorisation of the lessor. The lessee, of course, remains liable for the payment of rent for the leased land under the lease agreement and has to comply with the other terms and conditions of the lease agreement.

Moreover, I wish to inform the House that the Invest-Hotel Scheme allows hotel developers to finance the development of a project on State Land by allowing them to sell villas, suites, rooms or other components that form part of the hotel to individual buyers.

BALANCE OF PAYMENTS

(No. B/133) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the current account and overall balance of payments, he will state -

- (a) the amount and percentage rate of the Gross Domestic Product of the deficits for the year ended December 2011 and for the period January to April 2012;
- (b) an estimate of the amounts and percentage rates thereof for 2012, and
- (c) if the trend is worsening and if so, the impact thereof on the exchange rate of the rupee.

Reply: With regard to part (a) of the question, the overall balance of payments for the year 2011 stood at a surplus of Rs5.2 billion and represented 1.6 per cent of GDP at market prices. The current account deficit for the year 2011 stood at Rs40.7 billion and represented 12.6 per cent of GDP at market prices. The figures for the first quarter of this year will be released by Bank of Mauritius next month.

With regards to part (b) of the question, for the year 2012, the overall balance of payments surplus is forecast at Rs2.5 billion, which would represent 0.7 per cent of GDP at market prices. The current account deficit for the year 2012 is estimated at Rs45.5 billion equivalent to 13.2 per cent of GDP at market prices. This larger deficit is based on the assumption that input bill of petroleum products will rise by around Rs7bn. Tourism earnings may also be more than forecast originally.

The current account deficit also reflects both the impact of investment related imports such as machinery. The House will note that the only way to counter the negative external price shocks if they become permanent is to continue to diversify our economy and to boost productivity. Our efforts in this area are bearing fruit but must continue.

For the investment related imports, the associated increase in the current account deficit is in line with the experience of most developing countries with sustained economic growth and healthy FDI.

As regards part (c) of the question, in theory a balance of payments surplus, leading to an increase in the country's net international reserve position, should lead to an appreciation of the country's currency. However, both the direction and the magnitude of change in the exchange value of the rupee will also depend on a number of other factors, including the liquidity situation on the domestic market for both rupees and forex. The exchange rate of the rupee is also determined by the relative strength of other currencies on the international market. Since 2007, Mauritius has had an overall balance of payments surplus and has been accumulating foreign currency reserves. This means that overall there has been adequate supply of forex on the

market, notwithstanding, short term shortages or surpluses which are smoothed out by the Bank of Mauritius. As the overall balance of payments is forecast to be in surplus in 2012, the impact of an increase in the current account deficit on the exchange rate may be minimal, if any.

CEB - CHAIRPERSON & GENERAL MANAGER - SALARY & BENEFITS

(No. B/134) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Chairperson and the General Manager of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, in each case, information as to -

- (a) their qualifications, and
- (b) the salary and benefits drawn.

(Withdrawn)

NTC – BUILDING - EBÈNE

(No. B/135) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the -

- (a) financial situation thereof, since 2007 to date, and
- (b) if it is selling its building found in Ebène and if so, indicate the -
 - (i) construction cost thereof, and
 - (ii) selling price thereof.

Reply: I am informed that the National Transport Corporation (NTC) had deficits of Rs97.48 m. for Financial Year 2007/2008, Rs103.74 m. for 2008/09 and Rs58.59 m. for 2009/10. Following application of a series of correcting measures coupled with re-engineering of process, in 2011, NTC experienced an operating surplus of Rs75.19 m. in 2011. Even for the first quarter of 2012 there is a clear indication of an operational surplus situation.

As regards part (b) of the question, the NTC decided in April 2012, to sell its building located at Ebene Cybercity.

On 28 April 2012, the NTC invited bids through the local press for the sale of the building. The closing date for the bid submission is 31 May 2012.

As such it will not be ethical to reveal the construction costs at this stage as it can cause prejudice to the NTC.

As far as the selling price is concerned, it will be known only after the bidding exercise has been completed.

**BENZODIAZEPINES, TRIHEXYPHENTOHYL & CODEINE BASED PRODUCTS -
IMPORTATION**

(No. B/136) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to benzodiazepines, trihexyphentohyl and codeine based products, he will, for the benefit of the House, obtain from the Pharmacy Board, information as to the amount of money spent on the importation thereof over the past seven years, indicating if the Board exercises adequate control on the purchase thereof by the private and the public sectors.

Reply: I am informed that benzodiazepines belong to a group of drugs mainly used in the treatment of insomnia and anxiety. They are classified as dangerous drugs under the Dangerous Drugs Act 2000 and are listed under Schedule III of the Act. As regards Trihexyphenidyl (wrongly spelt in the question), it is commonly known as Artane and is used in the treatment of Parkinsonism. As for codeine based products they are used to treat coughs and diarrhea. They are classified as Poison under the Pharmacy Act 1983.

The total amount spent for the last seven years on the importation of these three products in the public sector is Rs12,281,853. However, no information is available on the amount spent in the private sector.

The Pharmacy Board exercises strict control on the importation of these products as follows -

- (a) For the public sector, the quantity purchased annually is based on consumption for the previous years and future forecast.
- (b) As far as the private sector is concerned, special permits are required for the import of benzodiazepines and codeine based products. The quantity to be imported is approved on the basis of consumption trends which are closely monitored by the Pharmacy Board. Any request which is considered excessive is queried by the Board and justifications sought prior to giving authorisation for import. Furthermore, benzodiazepines, Trihexyphenidyl and codeine based products are sold on prescriptions.

- (c) In accordance with Section 23 of the Dangerous Drugs Act 2000, a register has to be kept for benzodiazepines to record every supply and sale.
- (d) All private pharmacies are regularly inspected by Government Pharmacists, who scrutinise all entries pertaining to purchase and sale of all drugs listed under Schedule III of the Dangerous Drugs Act 2000. Any irregularity is promptly reported to the Pharmacy Board. Around 175 inspections are carried out annually. Since 2010 seven pharmacists have been sanctioned and the licenses of six pharmacies have been revoked.

Furthermore, in accordance with international Conventions ratified by Mauritius, the Pharmacy Board has to submit quarterly and annual returns on the consumption of psychotropic substances to the International Narcotics Control Board (INCB). So far, there has been no adverse comment on the returns made.

GRAND' BAIE PUBLIC BEACH - REHABILITATION - CONTRACT

(No. B/137) Mr A. Gungah (First Member for Grand' Baie & Poudre D'or) asked the Minister of Housing and Lands whether, in regard to the rehabilitation of the Grand Baie public beach, in front of the Grand Baie Social Welfare Centre, he will state -

- (a) when the contract therefor was awarded, indicating the -
 - (i) name of the contractor;
 - (ii) initial cost, and
 - (iii) final cost thereof;
- (b) when works started and were completed, and
- (c) if he has received representations regarding shortcomings thereat and, if so, indicate the remedial measures that have been taken.

Reply (The Minister of Environment and Sustainable Development): In regard to the rehabilitation of the Grand Baie Public Beach, I have to inform the House that -

- (a)
 - (i) the contract was awarded on 18 January 2011 to Future Builders Company Limited;
 - (ii) the initial contract amount was Rs19,215,850.25 (inclusive of VAT), and
 - (iii) the projected final cost would amount to Rs16,615,230.64 (inclusive of VAT).
- (b) Works started on 08 March 2011 and were completed on 6 February 2012.

- (c) As regards part (c) of the question, I wish to point out that during implementation of the coastal protection works, representations were received relating to sediment entrainment into the lagoon from the National Coast Guard, dust nuisance from sand stacked on site from the neighbourhood and removal of rocks from the lagoon from fishermen. Following intervention of my Ministry, remedial actions were taken by the Contractor for the placement of geotextile screens and washing of rocks before placement in the lagoon to prevent sediment entrainment into the lagoon. The Contractor also took measures for the covering of the sand stacked on site to avoid dust nuisance.

As far as removal of rocks is concerned, after investigation, it was found that no rocks had in fact been removed from the lagoon where works were being carried out.

Representations have also been received from '*Association des Commerçants de Grand Baie*' with regard to the height of the rock revetment which was hampering the view of the lagoon. I wish to inform the House that the construction of the rock revetment was recommended in the 'Baird Report' of 2003, in the Integrated Coastal Zone Management Framework Study 2010 and by Luxconsult(Mtius) Ltd., consultancy firm hired by my Ministry in 2010 for coastal protection works. Rock revetment is considered to be the preferred choice and the most cost effective means to address the problem of beach erosion over a longer period of time at Grand Baie, compared to other options such as gabions and beach nourishment.

Based on recommendations from Consultants, the rock revetment has been constructed at an appropriate height with a view to protect the coastline and the land side, including the coastal road, from serious effects of erosion due to overtopping of the rock revetment by waves during adverse conditions.

Furthermore, my Ministry is presently in the process of finalising the design for embellishment works on the site.

PUBLIC HOSPITALS & PRIVATE CLINICS - DILATATION & CURETTAGE

(No. B/138) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Health and Quality of Life whether, in regard to dilatation and curettage, he will state the number thereof practised in public hospitals and in private clinics, over the past five years.

Reply: I am tabling the information asked for with regard to the number of dilatation and curettage practised in public hospitals and private clinics over the past five years.

**MINISTRY OF SOCIAL SECURITY PREMISES - OLD-AGED PERSON -
PASSED AWAY**

(No. B/139) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the old-aged person who passed away whilst being on the premises of the Ministry of Social Security in Port Louis on Wednesday 02 May 2012, she will state if an inquiry has been carried out into the circumstances and causes thereof and, if so, indicate the outcome thereof.

Reply: I am informed that no old-aged person passed away on the premises of my Ministry, on Wednesday 02 May 2012.

**UNIVERSITY OF MAURITUS/UNIVERSITY OF TECHNOLOGY – FOREIGN
STUDENTS**

(No. B/140) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the foreign students, he will state the number thereof presently studying in institutions run by or under the aegis of the University of Mauritius and the University of Technology, Mauritius, indicating -

- (a) by how much this figure has increased since the setting up of the Ministry for Tertiary Education, Science, Research and Technology, and
- (b) what are the programmes currently available in Mauritius which are in high demand by these students.

(Withdrawn)

VICTORIA HOSPITAL – OUTPATIENTS/CASUALTY BLOCK

(No. B/141) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to the new outpatients/casualty block in the Queen Victoria Hospital, he will state the area of unoccupied space thereat, indicating the reasons therefor.

(Withdrawn)

TERTIARY INSTITUTIONS – STUDENTS – FINANCIAL ASSISTANCE

(No. B/142) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Education and Human Resources whether, in regard to the financial assistance granted by Government to students to enable them pursue higher studies in tertiary institutions, he will state the number of students who have availed themselves thereof, since 2009 to date, on a yearly basis.

(Withdrawn)

BEL AIR – MEDICAL COLLEGE – SETTING UP

(No. B/143) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the proposed setting up of a Medical College in Bel Air, he will state where matters stand.

(Withdrawn)

CHAGOS COMMUNITY – PETITION – GOVERNMENT OF THE UNITED STATES OF AMERICA

(No. B/144) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the petition made by the Chagos Community to the Government of the United States of America relating to their rights of return in the Chagos Archipelago and the issue of sovereignty thereon, he will state the outcome thereof.

Reply: As the hon. Member is aware, the longstanding struggle of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago, including Diego Garcia, and the right of Mauritian citizens, including those from the Chagossian community, to return to and resettle in the Archipelago are indissociable.

This is the stand taken by the Government in all relevant international and bilateral fora as well as in discussions with the British authorities.

According to available sources, on 05 March 2012, an international petition was launched via Internet on the “We the People” section of the US White House website in order to ask the Obama Administration to “provide relief to the Chagossians in the form of resettlement to the outer Chagos islands, employment and compensation.” The petition is, as we understand it, a joint initiative of the “*Groupe des Réfugiés Chagossiens*” and SPEAK— an NGO engaged in the defence of human rights.

The website of the White House provides a copy of the said petition which is addressed to the US Obama Administration under the heading “The US Government Must Redress Wrongs Against the Chagossians”. According to the website, the petition had garnered, by its deadline of 4 April 2012, some 28,959 signatures i.e. more than the 25,000 normally required by the White House in order for a petition to receive a formal response. According to our information, thus far, it would seem that no formal response thereto has been made by the White House. We also understand that such a response would be posted as and when the White House decides to do so.

I have to emphasise that the said petition is not an initiative of the Government of Mauritius and is, therefore, not an issue on which Government can act upon both in terms of its content and intents.

This having been said, we wish to reaffirm that the Government of Mauritius and as a matter of fact the whole nation are deeply sympathetic to the cause of the Chagossian community, in particular the legal battles, which some associations of the Chagossian Community, particularly the “*Groupe des Réfugiés Chagossiens*” have been engaged in during the last two decades in the UK and at the level of the European Court of Human Rights.

I wish to commend the two leaders of the “*Groupe des Réfugiés Chagossiens*” and the Chagossian Social Committee, Mr. Olivier Bancoult and Mr. Fernand Mandarin respectively and like-minded persons for their arduous pursuit of the Chagossian interest. We fully support their various initiatives in our belief that they also advance the cause of the sovereignty of Mauritius over the Chagos Archipelago.

While we remain very attentive to developments regarding these legal proceedings, in particular, the sovereignty implications thereof, we as a Government have consistently and relentlessly pursued sustained diplomatic efforts for an early exercise by Mauritius of its sovereignty over the Chagos Archipelago, including Diego Garcia. In the process, the Government is exploring all possible options that are available to advance our case.

The House is already aware that the Government of Mauritius has initiated legal proceedings under the United Nations Convention on the Law of the Sea (UNCLOS) against the United Kingdom to contest the legality of the unilateral and arbitrary creation by the UK Government of the so-called “marine protected area” around the Chagos Archipelago. It is our firmly-held view that the establishment of this area is in violation of the provisions of the UNCLOS and international law.

In parallel to this lawsuit, we have intensified our diplomatic efforts in various international and intergovernmental fora with a view to further sensitizing the international community on the unlawful denial to Mauritius of its right to exercise its sovereignty over the Chagos Archipelago. As a result, we succeeded in including a special paragraph on the Chagos Archipelago issue in the G77 +China Ministerial Declaration held in Doha, Qatar on 22 April 2012 in the context of the UNCTAD XIII Conference. This is the first time that the G77+China official document makes explicit reference to the Chagos Archipelago issue with regard to UNCTAD which essentially deals with economic and trade matters.

Similarly, we succeeded in incorporating specific paragraphs on the Chagos Archipelago issue in the Final Declaration of the Ministerial Meeting of the Non-Aligned Movement (NAM) held from 9 to 10 May 2012 in Sharm El-Sheikh, Egypt, in preparation for the NAM Summit to take place in Iran later this year. It is to be noted, in this regard, that the XVI Ministerial Conference and Commemorative Meeting of the NAM, held in Bali, Indonesia, in May 2011 also devoted three paragraphs on the Chagos Archipelago issue in its final outcome document.

I am proud to recall that Mr. Olivier Bancoult, leader of the Groupe des Réfugiés Chagossiens, attended the 16th session of the Summit of the African Union held in January 2011 in Addis Ababa and formed part of the Mauritius delegation. His presence highlighted the importance the Government attaches to the plight and cause of the Chagossian community. The said Summit adopted a resolution on the Chagos Archipelago following up to the resolution on the same issue adopted by the previous AU Summit held in Kampala, Uganda in 2010.

As I have indicated before, we shall leave no stone unturned in our endeavour to enable Mauritius to exercise its sovereignty over the Chagos Archipelago.

NHDC & NEF – LOW COST HOUSES

(No. B/145) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the low cost houses, he will, for the benefit of the House, obtain from the National Housing Development Company Ltd., and the National Empowerment Fund respectively, information as to the number thereof built, since 2005 to date, indicating the -

- (a) location thereof;
- (b) cost thereof, and
- (c) procedure followed for the selection of the contractors therefor.

(Withdrawn)

ABSOLUTE POVERTY - NUMBER

(No. B/146) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to absolute poverty, he will state the number of persons falling into this category, since 2005 to date.

Reply: I am informed by CSO “an absolute poverty line of \$1.25 per day per person has been developed by the World Bank for least developed countries and an absolute poverty line of \$2 a day per person for developing countries, to assess and monitor global poverty.”

According to CSO, the proportion of absolute poor has remained below 1.5% of the total population from 2001/02 till to date.

I wish to inform the House that notwithstanding the absolute poverty line as established by World Bank this Government has gone an extra mile and had established that a household earning less than Rs 4,000 as being absolute poor. This ceiling was increased to Rs 5,000 in 2010 and has further been increased to Rs 6,200 excluding social aid with effect from February 2012.

According to a survey carried out in 2007 by the then Trust Fund for social integration for vulnerable groups, it was found that there were 7,157 households in absolute poverty.

Another survey carried out by the NEF, it was noted that as at December 2011, the number of households has decreased to 7,016.

Following the increase in the poverty line in February 2012 to Rs 6,200, a new survey is underway.

BAGATELLE DAM PROJECT – ENVIRONMENT ASSESSMENT REPORT

(No. B/147) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Environment and Sustainable Development whether, in regard to the Bagatelle Dam Project, he will state if he is in presence of any adverse Environment Impact Assessment report in relation thereto and if so, will he table copy thereof.

Reply: My Ministry is not in presence of any adverse Environmental Impact Assessment report regarding the Bagatelle Dam Project.

SRI LANKA - TAMILS - GOVERNMENT STAND

(No. B/148) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Tamils of Sri Lanka, he will state the position of Government on the sufferings thereof.

Reply: As the House is fully aware, Sri Lanka has been marked by a long and bitter civil war arising out of ethnic tensions between the majority Sinhalese and the Tamil minority in the northeast. After more than 25 years of violence, the conflict ended- at least militarily- in May 2009, when government forces seized the last area controlled by the Liberation Tigers of the Tamil Eelam (LTTE).

I wish to emphasise that this Government has unwaveringly supported the legitimate cause of the Sri Lankan Tamil community, including its demand for non-discriminatory treatment.

Furthermore, throughout this conflict, the Government of Mauritius, in bilateral consultations with the Government of Sri Lanka and in relevant international fora, has consistently called on the Government of Sri Lanka to take immediate steps to address the core grievances of the Tamil population and engage in a genuine national reconciliation process.

It is to be noted that there have been international concerns about the fate of civilians who had been caught up in the conflict zone during the final stages of the civil war, the confinement of some 250,000 Tamil refugees to camps for months after the war and allegations that the government had ordered the execution of captured or surrendering rebels. In the absence of measures by the Sri Lankan Government to credibly address those concerns, the UN Secretary General appointed in 2010 a panel of experts on accountability in Sri Lanka.

The panel's report, released on 12 April 2011, revealed a very different version of the final stages of the war than that maintained by the Government of Sri Lanka. The panel found credible allegations which, if proven, indicated that war crimes and crimes against humanity were committed by the Sri Lankan military and the LTTE. The panel also found that as many as 40,000 civilians may have been killed in the final months of the civil war, most as a result of indiscriminate shelling by the Sri Lankan military. The panel called on the UN Secretary General to conduct an independent international investigation into the alleged violations of international humanitarian and human rights law committed by both sides.

The Sri Lankan Government rejected the report, describing it as biased and conducted its own inquiry through the Lessons Learnt and Reconciliation Commission (LLRC) which began its work in August 2010. However, many international human rights groups stated that the said Commission did not meet international standards.

The Government of Mauritius has been closely following the situation in Sri Lanka and demonstrated its serious concerns on the plight of the Sri Lankan Tamil community in all relevant fora, in particular in the Human Rights Council in Geneva.

In May 2009, Mauritius was one of the 17 countries which attempted to get the 11th Session of the Human Rights Council to investigate war crimes in Sri Lanka. These countries submitted a draft resolution that deplored abuses by both the Sri Lankan Government forces and the Tamil Tigers and urged the government to co-operate fully with humanitarian organisations and to provide protection to civilians and internally displaced persons (IDPs). The move was, however, thwarted after Sri Lanka received support from other Council Members.

More recently, at the 19th Session of the Human Rights Council in March 2012, Mauritius worked closely with the co-sponsors of a resolution which was adopted. The resolution urges the Sri Lankan Government to implement the recommendations from its own Lessons Learnt and Reconciliation Commission and ensure justice, equity, accountability and reconciliation for all Sri Lankans. It also requests Sri Lanka to present, as expeditiously as possible, a comprehensive action plan detailing the steps that the Government has taken and will take on this matter.

Mauritius was commended for its principled stand on the issue by the international community, including international human rights organization such as Amnesty International and Human Rights Watch.

Mauritius remains concerned that the Government of Sri Lanka has not fully addressed the grave accusations of serious violations concerning international humanitarian and human rights law, particularly against the Tamil community, that occurred toward the end of the conflict as raised by the UN Secretary General's panel of experts on accountability in Sri Lanka. We will, therefore, continue to call for an independent and credible investigation into these allegations.

At the same time, Mauritius will continue to engage with Sri Lanka bilaterally and in all relevant fora and will urge that all Sri Lankan people, in particular the Sri Lankan Tamil community, be treated with dignity and respect as equals while allowing them to enjoy all

fundamental rights guaranteed by the Constitution of Sri Lanka and international human rights law such that Sri Lanka wins the battle of peace.

CHOISY, BAIE DU CAP, ST MARTIN, BEL OMBRE & CHEMIN GRENIER - WATER SUPPLY

(No. B/149) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to Constituency No. 14, Savanne and Black River, in the regions of Choisy, Baie du Cap, St Martin, Bel Ombre and Chemin Grenier, he will state if he has been informed that the inhabitants thereof are insufficiently supplied with water for domestic and personal use, and if so, will he, for the benefit of the House, obtain from the Central Water Authority, information as to if necessary steps will be taken to ensure that the piped water delivery is as sufficient as possible.

Reply: I am informed by the CWA, that except for Chemin Grenier where water supply is round the clock, the other regions are subject to water cuts following the closing down since January this year of one of the sources of supply namely the borehole at Valruche due to ingress of muddy water. The hours of supply are currently between -

- 4.00 a.m. - 9.00 a.m. and
- 4.00 p.m. - 9.00 p.m.

I am also informed that the water supply to houses located at the upper elevations is at a lower tap pressure.

To improve the situation, CWA is implementing a project to increase supply from La Foret river from 1500 m³ a day to 4000 m³ a day. Moreover, the problem at Valruche borehole is being investigated with a view to resuming supply therefrom.

HANDICAPPED PERSONS - ASSISTANCE

(No. B/150) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the mentally or physically severely handicapped persons, with multiple congenital or traumatic deformities, she will state the number of known cases thereof, indicating if she will consider removing the ceiling of Rs 250,000 provided as assistance annually.

Reply: At the very outset, I would like to inform the House that the income ceiling of Rs250,000 applies only to children with very severe disabilities having multiple congenital or traumatic deformities.

The number of known cases of children having such severe disabilities is 300.

I wish to point out that severely disabled children with multiple congenital or traumatic deformities are the only recipients of Social Aid who benefit from this special income ceiling which was raised in July 2006 from Rs150,000 to Rs250,000.

Regarding the removal of the income ceiling of Rs250,000, this implies a policy decision having major financial implications which need to be studied at the level of Government.

YOUTH CENTRES - USE - ELIGIBILITY CRITERIA

(No. B/151) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Youth and Sports whether, in regard to the Youth Centres, he will state the eligibility criteria for the use thereof for the carrying out of activities by members of the public.

Reply: I have to inform the House that in line with the objectives of my Ministry, our Youth Centres are used for the organisation of a wide range of activities for the development of the youth population in general. These activities include training in various fields, talks, '*animation sportives*', youth concerts and other leisure activities.

Apart from the activities organised by my Ministry, requests for use of Youth Centres are also received from other governmental and non-governmental organisations for the conduct of activities such as seminars and workshops for the benefit of the wider population. These requests are examined on a case to case basis and are entertained subject to the nature of the activities and availability of the centre.

PANCHAVATI, RIVIÈRE DU REMPART - PRE-PRIMARY SCHOOL

(No. B/152) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Minister of Social Integration and Economic Empowerment whether, in regard to Panchavati, found in the district of Rivière du Rempart, he will -

- (a) for the benefit of the House, obtain from the National Empowerment Foundation, information as to the social assistance brought to the needy people living thereat, if any, indicating the amount of money disbursed, since August 2011 to date, and
- (b) state where matters stand regarding the setting up of a pre-primary school thereat.

Reply: I am informed by NEF that 38 families who are registered as vulnerable reside at Panchavati. With regard to social assistance brought to those families, I am informed that around Rs427,000 have been disbursed since 20 August 2011 as follows -

- (i) five families have benefitted from Corrugated Iron Sheets (CIS) houses amounting to Rs343,122;
- (ii) Rs51,196.92 to meet expenses in connection with meals, transport, school fees and *accompagnement scolaire* under the Pre primary school project of NEF, and
- (iii) Rs32,434 was spent on school materials distributed to 4 pre-primary, 12 primary and 7 secondary school students.

With regard to part (b), I am informed by the Ministry of Environment that the setting up of a pre-primary school at Panchavati is included in the ECO Village Project in phases over a period of three years.

I also wish to inform the House that with a view to upgrading the living conditions of those families, NEF is undertaking infrastructural works to the tune of Rs19.5 m. involving drains. As at 10 May, 61% of the works have been completed.

RODRIGUES - POINTE MONNIER POWER STATION PROJECT - BIDDERS

(No. B/153) Mr J. F. François (Third Member for Rodrigues) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Pointe Monnier Power Station project, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to -

- (a) the names of the bidders therefor, indicating the names of the successful bidder;
- (b) the contractual value thereof;
- (c) the expected completion date thereof, and
- (d) if all the environmental issues in relation thereto are being closely monitored.

Reply: I am informed by the Central Electricity Board that by the closing date of the tender exercise four bids were received, namely, from -

- (i) Consortium MAN/Sotravic,
- (ii) Burmeister & Wain Scandinavian Contractor A/S;
- (iii) Anglo Belgian Corporation, and
- (iv) Finning (UK) Ltd.

Following the evaluation of the bids, the Central Procurement Board approved the award of the tender to Burmeister & Wain Scandinavian Contractor A/S for a contractual value amounting to EUR 8,995, 679 and Rs122,786,378 (Approx. total in Mauritian rupees: 482,613,538.)

Regarding part (c) of the question, I am informed that the expected completion date of the project is 23 December 2012.

As far as part (d) is concerned, I am informed by the Central Electricity Board that it had obtained the EIA License for the project prior to the launching of the tender and that it is adhering to all the conditions mentioned therein.

I am further informed that after commissioning of the new engine, the Central Electricity Board will ensure close monitoring through an Environment Monitoring Plan to ascertain that all conditions under the EIA are complied with.

BEAU VALLON STADIUM - UPGRADING

(No. A/75) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Youth and Sports whether, in regard to the Beau Vallon Stadium, in Constituency No.12, Mahebourg and Plaine Magnien, he will state if consideration will be given for the upgrading thereof into a synthetic one and, if so, when and, if not, why not.

Reply: It is not envisaged, for the time being, to upgrade the Beau Vallon football ground by providing it with a synthetic turfing in view of the high cost implications.

IMPASSE NICOLAS, ROCHE BOIS - REINSTATEMENT

(No. A/76) **Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the Impasse Nicolas, at Quartier Shell, Roche Bois, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as if it is found in a bad state and that there is presence of wastes thereat and, if so, indicate if consideration will be given for the –

- (a) reinstatement and tarring thereof;
- (b) urgent removal of the wastes;
- (c) provision of drains, and
- (d) installation of street lanterns thereat.

Reply: I am informed by the City Council of Port Louis that following a site visit effected on 17 May 2012, it has been noted that Impasse Nicolas at Quartier Shell, Roche Bois is in a clean state and no accumulation of wastes has been found.

With regard to part (a) of the question, I am informed that Impasse Nicolas is a private access and procedures to declare the access “public” have already been started and tarring of

Impasse Nicolas will be considered only when it will be declared “public” and subject to availability of funds.

As far as part (b) of the question is concerned, a regular scavenging service is provided in the region every Monday and Thursday.

As regards part (c) of the question, the Council has informed that no problem of water accumulation/drainage has been noted in the region.

With regard to part (d) of the question, I am informed that there are already three street lanterns along the Impasse.

JEAN LEBRUN GOVERNMENT SCHOOL - PHASE II CONSTRUCTION

(No. A/77) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Education and Human Resources whether, in regard to the Phase II of the construction project of the Jean Lebrun Government School, he will state the scope thereof, indicating where matters stand, including the expected date of completion thereof and the upgrading of the football ground thereof.

Reply: With a view to ensuring the smooth running of school activities while works are in progress, Phase II of the construction project at Jean Lebrun Government School has been divided into three phases - Phase II A, Phase IIB and Phase IIC.

The scope of works in regard to the three Phases are as follows -

Phase II A

- (i) renovation of existing Classroom Block;
- (ii) demolition of existing pre-primary Classroom Block and any other existing structure on site;
- (iii) construction of a new 2 storey toilet block along with pump room and water tank and all related plumbing and sewerage works, and
- (iv) demolition of watchman’s quarters and construction of a new store building.

Phase II B

- (i) demolition of two existing Classroom Blocks, toilets, and other existing structure on site, and

- (ii) construction 3 storey building consisting of classrooms, canteen, toilet complete with ancillaries like pump room, water tank, store, children's playground, parking lot, new entry gate at the rear site, new boundary wall/retaining walls etc

Phase II C

- (i) demolition of two existing Classroom Blocks, Corrugated Iron Sheet Shed and boundary wall, and
- (ii) construction of two storey Administration Block, CIS shed and central courtyard complete with ancillaries like, covered and open parking at the front side, entry gate at the front side, new boundary wall, landscaping, painting of new boundary wall, pavement areas, site works etc.

As regards to Phase II A, works started in May 2011 and were completed in 09 December 2011.

For Phase II B, works which started in December 2011 are ongoing and are expected to be completed in September 2012. Building works are on schedule, while site works have been slightly delayed due to difficult site conditions and inclement weather.

For Phase II C, works would start after the completion of Phase IIB, and are expected to be completed in March 2013.

With regard to the upgrading of the football ground, I am informed by the National Development Unit of the Ministry Public Infrastructure, Land Transport and Shipping that the following works are involved -

- (i) reconstruction of chainlink fencing over blockwall along 3 sides of pitch (total length 166m);
- (ii) removal of existing topsoil, levelling of pitch, provision of new topsoil and turfing;
- (iii) provision of french drain within pitch, and
- (iv) associated works such as provision of gates, water point and new access.

These works started on 11 January 2011 and have been completed last year.

However, I am also informed by the National Development Unit that following requests from the local community, additional works such as the construction of two covered spectators' stands with canopies, a footpath with drains and associated safety fencing have been included in the scope of works.

These additional works have extended the initial scope of the project and are expected to be completed by end of June 2012.

LOCAL GOVERNMENT ACT - MUNICIPAL COUNCILORS

(No. A/79) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Councils, he will, for the benefit of the House, obtain therefrom, the list of the municipal councilors who have been disqualified as such, as a result of the coming into force of the new Local Government Act, indicating in each case, if the said councillor has resigned or been removed from office.

Reply: I am informed that no Municipal Councillor has been disqualified with the coming into force of the Local Government Act 2011.

GOVERNMENT INVESTMENT - PRIVATISATION & DIVESTMENT

(No. A/82) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the privatisation and divestment of Government investment, he will state the assets and other interests proposed to be disposed of, indicating in each case, the –

- (a) criteria used for the selection thereof;
- (b) amount of profit or loss accumulated by the investments, since the date of purchase thereof to date, and
- (c) estimated –
 - (i) value of the proceeds thereof, and
 - (ii) increase in fiscal revenues therefrom in each of the years 2012 to 2015.

Reply: With regard to the divestment of Government assets, the proposal is to dispose of the following properties -

- (1) the casinos;
- (2) Domaine Les Pailles;
- (3) Port-Louis Waterfront Retail Outlets;
- (4) Belle Mare Tourist Village, and
- (5) Lakepoint Complex

In relation to part (a) of the question, the criteria used for the selection of the above-mentioned properties are based on the following principles -

- the running of these commercial properties is not the core activity of Government, and
- the disposal of these properties to private operators would enable them to generate higher value for the economy.

With regard to part (b), the amount of accumulated profit or loss from the date of acquisition of these properties to date is as follows –

| Properties | Accumulated Profit or (Loss) in Rupees |
|--------------------------------------|---|
| The casinos | (319,982,000) |
| Domaine Les Pailles | (328,558,030) |
| Port-Louis Waterfront Retail Outlets | 29,012,184 |
| Belle Mare Tourist Village | Not yet operational |
| Lakepoint Complex | (74,192,992) |

As for part (c) of the question, it would not be appropriate to disclose the estimated proceeds given that a tendering process is ongoing.

INFINITY BPO - FINANCIAL ASSISTANCE

(No. A/83) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Infinity BPO and its associated firms, he will state, the amount of money granted thereto in terms of financial assistance, indicating –

- (a) the amount thereof -

- (i) recovered as at to date, and where matters stand as to the recovery of the balance due, and
 - (ii) written off, and
- (b) if it is still operational.

Reply: On 28 November 2009, based on the findings of the Independent Financial Analyst (IFA), namely DCDM BDO, and after discussions with all secured creditors, agreement was reached to support Infinity BPO through a financial rescue package as follows -

| | |
|---|------------------|
| Injection from Mr. J. Suzanne, the main shareholder | Rs 12.0m |
| Barclays to provide additional financing | Rs 45.0m |
| SIC to subscribe in terms of debentures in River Heights Ltd (as part of the Mechanism for Transitional Support to Private Sector - MTSP) | Rs 45.0m |
| Total | Rs 102.0m |

As per the terms and conditions of the agreement, the SIC funds of Rs45 m. were earmarked for completion of the building which was owned by River Heights Ltd

Despite the above financial support, the company continued to face financial difficulties and could not honour its commitments. Following further negotiations with Infinity BPO and its secured creditors and upon the recommendation of the IFA, the MTSP opted for a sale and lease back of the building, Infinity Tower. The National Real Estate Ltd - NREL – (fully owned by Government) thus acquired the property for the sum of Rs340 m. from River Heights Ltd, owner of Infinity Tower based on an evaluation made by the Government Valuer. A fresh Terms Sheet was signed to that effect on 01 April 2010. The sale proceeds were distributed as follows -

| | Amount (Rs M) |
|---|----------------------|
| Refund of SIC debentures (see above) | 45.0 |
| Refund of fresh advance of Barclays (see above) | 45.0 |
| Repayment of previous advances made by Barclays | 200.0 |

| | |
|---|--------------|
| Retention by NREL of advance rental for 6 months (Nov. 2010 to April 2011) | 7.6 |
| Balance to complete building and render it in rentable state | 42.4 |
| Total (Rs M) | 340.0 |

With regard to part (a)(i) of the question, the above mentioned sum of Rs45 m. advanced as part of the first agreement was fully repaid out of the proceeds of sale of Infinity Tower and hence there is no outstanding balance due.

As regard part (a)(ii) of the question, there has been no balance written off.

Regarding part (b) of the question, I am informed that by order of the Supreme Court on 30 March 2011, Mr L.P. Boodhna, Receiver Manager, moved for a winding up order of Infinity BPO Ltd.

CUREPIPE - INTRA-URBAN BUS SERVICE

(No. A/85) **Dr S. Boolell (Second Member for Curepipe & Midlands)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the intra-urban bus service in Curepipe, along routes 44, 104, 114, 121, 128, 131 and 144, he will state if he will, for the benefit of the House, obtain from the National Transport Authority, information as to if consideration will be given for an extension of the running hours thereof till 20.00 hours instead of 19.00 hours to assist the working public and students who turn up at Jan Palach North, after 7.00 p.m., and if so, when and if not, why not.

Reply: The service along routes 44, 104, 114, 121, 128, 131 and 144 are as follows -

| Rte No. | No. of buses | Served by | Itinerary | First Bus | Last Bus | Released Interval |
|----------------|---------------------|---------------------|----------------------|------------------|-----------------|--------------------------|
| 44 | - | UBS | Ian Palach to Bigara | 06h30 | 19h45 | 10-15 min |
| 104 | 3 | Individual Operator | Ian Palach to Icery | 06h30 | 19h00 | 25 min |
| 114 | 3 | Individual | Ian Palach to Cité | 06h25 | 19h05 | 15 min |

| | | | | | | |
|-----|---|------------------------|--|-------|-------|--------|
| | | Operator | Malherbes | | | |
| 121 | 5 | Individual Operator | Ian Palach to Camp Le Vieux Eau Coulee | 06h10 | 19h00 | 15 min |
| 128 | 6 | Individual Operator | Ian Palach to Les Casernes | 06h20 | 19h00 | 20 min |
| 131 | 6 | Individual Operator | Ian Palach to Cité L'Oiseau | 06h15 | 18h30 | 15 min |
| 144 | 6 | Individual Operator | Ian Palach to O'Connor | 06h25 | 19h00 | 25 min |

During checks carried out at Jan Palach on late hour service, it was observed that the passenger flow is very low along the routes mentioned above. All buses leaving Jan Palach Bus Stand had many vacant seats.

No request for extending the bus service has been received from travelling public.

However, the National Transport Authority intends to convene a meeting with all parties concerned to discuss whether the need for extension of services along the abovementioned routes are justified.

EDGAR HUGHES STREET - DRAINS

(No. A/86) Dr S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Local Government and Outer Islands whether, in regard to the Edgar Hughes Street, from the Pope Hennessy Street, he will state if he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to if consideration will be given for the installation of concrete slabs over the existing drains found thereat.

Reply: I am informed by the Municipal Council of Curepipe that action has already been taken by it to cover the existing drains along Edgar Hugues Street from Pope Hennessy Street up to the James Burty David Gymnasium over a length of 280 metres.

I am further informed that these works will be undertaken as soon as the contract will be awarded to the successful bidder in one month time.

GRANDE RIVIÈRE NOIRE - DRAINS

(No. A/88) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Local Government and Outer Islands whether, in regard to domestic wastes, he will state if he has been informed that the drains constructed in the region of Grande Rivière Noire, at Avenue Eucalyptus, in Constituency No.14, Savanne and Black River, do not properly address the waste management problem thereat and, if so, indicate if remedial measures will be taken to prevent threats to health and to the environment thereat.

Reply: I am informed by the Black River District Council that it has received complaints regarding wastes in the drain constructed along Avenue Eucalyptus, Grande Rivière Noire.

I am further informed that the drain has been constructed by the Council for the evacuation of surface run-off water in the area. However, it has been observed that there is infiltration of domestic wastewater into the network due to the inadequate and defective wastewater disposal system of individual houses in the vicinity.

I am advised that the Council intervenes on an ad-hoc basis by pumping out the used water but a permanent solution would be the provision of a sewerage system in the region or any other alternative deemed fit by the Wastewater Management Authority.

ROSE BELLE - FIRE STATION - CONSTRUCTION

(No. A/89) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Local Government and Outer Islands whether, in regard to the construction of a new Fire Station in Rose Belle, he will, for the benefit of the House, obtain from the Government Fire Services, information as to –

- (a) the regions that will be covered and
- (b) where matters stand, indicating if the approval of the Public Plans Committee has already been obtained therefor.

Reply: I am informed by the Fire Services Department that the proposed construction of a new Fire Station at Rose Belle -

- (a) will cover the following regions -
 - (i) Rose Belle;
 - (ii) Union Park;
 - (iii) Nouvelle France (partly);
 - (iv) New Grove;
 - (v) Mare D'Albert;

- (vi) Plaine Magnien (partly);
- (vii) La Flora;
- (viii) Grand Bois;
- (ix) Bois Cheri;
- (x) Mare Tabac;
- (xi) Gros Billot;
- (xii) Rivière du Poste (Partly);
- (xiii) Cluny;
- (xiv) Bananes;
- (xv) St Hubert; and
- (xvi) Mare Chicose.

Moreover, the proposed new Rose Belle Fire Station will provide assistance to Mahebourg Fire Station, St Aubin Fire Station, Curepipe Fire Station and Airports of Mauritius Limited, and

- (b) the Project Plan Committee has already recommended the project in June 2010 and the Government has already approved the project. In fact, the project is the Programme Based Budget 2012 – 2014. The drawings have already been finalized and same would be submitted to the Building Plans Committee once all relevant clearances are obtained. Thereafter, bidding documents would be prepared.

QUATRE BORNES MARKET - FOOD COURT - STALLS

(No. A/90) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the food court to be set up in the vicinity of the market in Quatre Bornes, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to if the stalls thereat have already been allocated and, if so, indicate the criteria used therefor and give a list of the beneficiaries thereof and, if not, indicate when same will be allocated.

Reply: I am informed by the Municipal Council of Quatre Bornes that the stalls at the new food court at the Quatre Bornes Market have not yet been allocated.

I am informed that this exercise will be effected by calling expression of interest from residents of Quatre Bornes as provided under section 57 of the Local Government Act 2011 and

after the Council would have finalized the number of stalls per activity, viz seller of fried noodles, cakes, briani, dhol puree, etc.

MUNICIPAL COUNCIL OF QUATRE BORNES – WIFI INTERNET SYSTEM

(No. A/91) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the project for the wifi internet connection, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to where matters stand, indicating the regions which are presently covered therewith.

Reply: I am informed by the Municipal Council of Quatre Bornes that it is providing a WIFI system within the Town Hall Yard since 18 July 2011.

With regard to the WIFI project to be implemented by ICTA within the Town Hall Yard in replacement of the existing one, I am informed that same is not live yet due to a technical problem to be sorted out between the contractor of ICTA and the Mauritius Telecom. However, the 5 network stations have already been installed at Sir James Burty David Municipal Complex, Sodnac since 13 April 2012.