



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

SECOND SESSION

TUESDAY 26 MARCH 2013

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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
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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
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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
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Roopchand Seetaram	
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

PRINCIPAL OFFICERS AND OFFICIALS

<i>Mr Speaker</i>	Peeroo, Hon. Abdool Razack M.A., SC, GOSK
<i>Deputy Speaker</i>	Peetumber, Hon. Maneswar
<i>Deputy Chairperson of Committees</i>	Deerpalsing, Hon. Ms Kumaree Rajeshree
<i>Clerk of the National Assembly</i>	Dowlutta, Mr R. Ranjit
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MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 01 of 2013

Sitting of 26 March 2013

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**(i) PNQ OF 18.12.2012 -MINISTER OF INDUSTRY, COMMERCE AND CONSUMER PROTECTION – POINT OF ORDER****(ii) NATIONAL ASSEMBLY PRECINCTS – WI-FI ACCESS**

Mr Speaker: Hon. Members, before we proceed with today's business, I have two announcements to make.

Firstly, at the sitting of Tuesday of 18 December 2012, during the Private Notice Question of the then hon. Leader of the Opposition, hon. Sayed-Hossen, Minister of Industry, Commerce and Consumer Protection rose on a point of order to the effect that he had heard the hon. Leader of the Opposition uttering an unparliamentary word to his address. I replied that I did not hear that word and proceeded with the business of the House.

Thereafter, the hon. Minister rose again on the same point of order and requested the Chair to have the recordings checked. I undertook to check the Hansard and come back to the House.

I have to report to the House that in the meantime and in view of the present circumstances, the hon. Minister of Industry, Commerce and Consumer Protection has informed me that he does not wish to proceed with this matter.

I thank the hon. Minister for his gentleman's move and I consider the matter closed.

Hon. Members, the exceptional advances in the field of social and economic diffusion of information and communication, technology have had a profound impact on the lives of individual citizens and on the functioning of public institutions. As a consequence of the involvement of the citizens in the political process, our Parliament is being confronted with the growing demands to be more open and more responsive to our people. Hence, the implementation by our Parliament of a series of e-Parliament projects has already generated considerable gains, in efficiency and effectiveness and cost cutting as at to date while fostering the Parliamentary democratic values, namely, transparency, accountability and accessibility.

Hon. Members, I am pleased to inform the House that 2013 will be seeing the implementation of three major projects which form part of our Parliamentary ICT Strategic Plan which ultimately aims at achieving a paperless Parliament.

Firstly, as from today, a secured WI-FI access is available to hon. Members to connect to the internet within the precincts of the National Assembly, namely, in the Chamber, the *Receptorium* and the *Ante* Room, the Lunch Room, the Library and the Committee Rooms.

In this context, a username and password are being provided to the hon. Members to enable their devices to be authenticated and connected to the secured WI-FI Zone of the National Assembly.

Secondly, to consume fewer of the resources required in the traditional paper-bound setting and to contribute towards greener IT and economic benefits, our Parliament has already started digitising more documents, and developing applications that will make it easier for stakeholders to navigate the digital contents and have readily access to available information at any given time.

In the World e-Parliament Conference 2010, we made a presentation of the Digital Recording System implemented in 2009 for the capturing of the Parliamentary proceedings. Our project was widely commended, following which we were enrolled as a virtual partner for the preparation of a handbook on the Latest Technologies for the Capturing and Recording of Floor and Committee Proceedings by the Senior Technical Adviser of the ICT Global Centre for Parliament. Our contribution thereto was officially acknowledged by Mr Gherardo Casini, Head of Office and Secretary to the Board of the UN/DESA-ICT Global Centre for Parliament.

Hence, our Parliament is implementing the National Assembly Sitting Application System to enable the hon. Members to digitally access parliamentary documents through Digital Tablets which will be allocated to each hon. Member, as from the second week of April and a general orientation session as well as individual training will be provided on how to use the Digital Tablets and the specially developed applications.

The implementation period of this project is eight weeks, after which the parliamentary documents are to be supplied to the hon. Members only on digital format, save for those hon. Members who will signify otherwise.

Hon. Members, the Digital tablet is a digital tool introduced in the Chamber to be used as a device for the purpose for which paper communications are currently allowed and essentially to transact parliamentary business.

Our Parliament is among the first few to have launched this initiative in the African region.

As guidelines, hon. Members may thus refer to the digital tablet in place of paper speaking notes, subject to the existing rule against reading speeches. It may not be used to send or receive messages for

use in proceedings. They may be used to access parliamentary papers and other documents which are already and closely relevant to the business before the House.

However, although recognising that it is impractical to police activity, I trust the good sense of hon. Members to act in accordance with the central principle that the Digital Tablet be used with discretion and with due regard to decorum. Hon. Members can no doubt count on my intervention if there is a serious breach of this rule.

The third project – the Bungeni Parliamentary System, which is a Parliamentary e-document System, is currently being tested and will be going live in 20 weeks, following which, hon. Members will be able to access the available parliamentary documents through the Digital tablets.

The Bungeni Parliamentary System is an open source parliamentary and legislative information system developed by the UN/DESA/Africa i- Parliament.

The UN/DESA chose our National Assembly as a pilot case for the implementation of this system in view of the fact that we had already put in place the required ICT infrastructure and that it met all the specifications that our Parliament had drafted for our own P-eDMS project which was due to be implemented in 2010.

Thank you for your attention.

(Applause)

PAPERS LAID

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

A. Office of the President

The Representation of the People (Allowances of Chairperson and Members of Commissions) Order 2013 (Government Notice No.38 of 2013).

B. Prime Minister's Office –

- (a) Certificate of Urgency in respect of the National Agricultural Products Regulatory Office Bill (No. I of 2013).

- (b) The Registration of Associations (Amendment) Regulations 2012 (Government Notice No. 217 of 2012).
- (c) The Firearms (Amendment of Schedule) Regulations 2012 (Government Notice No. 220 of 2012).
- (d) The Annual Report and the Report of the Director of Audit on the Financial Statements of the Competition Commission of Mauritius for the year ended 31 December 2011 (In Original).
- (e) The Radiation Protection (Conventions) Regulations 2013 (Government Notice No. 22 of 2013).

C. Ministry of Energy and Public Utilities –

The Annual Report 2011 of the Wastewater Management Authority (In Original)

D. Ministry of Finance and Economic Development –

- (a) The Annual Report of the Employees Welfare Fund for the year ended 31 December 2011 (*In Original*).
- (b) The Excise (Amendment No. 2) Regulations 2012 (Government Notice No. 224 of 2012).
- (c) The Companies (Fees Payable to Registrar) Regulations 2012 (Government Notice No. 230 of 2012).
- (d) The Business Register (Amendment of Schedule) Regulations 2012 (Government Notice No. 231 of 2012).
- (e) The Limited Partnerships (Fees) (Amendment) Regulations 2012 (Government Notice No. 232 of 2012).
- (f) The Securities (Disclosure Obligations of Reporting Issuers) (Amendment) Rules 2012 (Government Notice No. 235 of 2012).

- (g) The Private Pension Schemes (Disclosure) Rules 2012 (Government Notice No. 236 of 2012).
- (h) The Investment Promotion (Real Estate Development Scheme) (Amendment No. 3) Regulations 2012 (Government Notice No. 237 of 2012).
- (i) The Customs (Compoundable Offence and Compounding Amount) Regulations 2012 (Government Notice No.1 of 2013).
- (j) The Excise (Amendment of Schedule) (No. 4) Regulations 2012 (Government Notice No. 2 of 2013).
- (k) The Customs Tariff (Amendment of Schedule) (No. 2) Regulations 2012 (Government Notice No.5 of 2013).
- (l) The Financial Reporting (Mauritius Institute of Professional Accountants) (Fees) Regulations 2013 (Government Notice No.12 of 2013).
- (m) The Customs (Use of Computer) (Amendment) Regulations 2013 (Government Notice No.16 of 2013).
- (n) The Digest of International Travel and Tourism Statistics 2011.
- (o) The Digest of Energy and Water Statistics 2011.
- (p) The Financial Intelligence and Anti-Money Laundering (Amendment of Schedule) Regulations 2013 (Government Notice No. 27 of 2013).
- (q) The Freeport (Amendment of Schedule) Regulations 2013 (Government Notice No. 29 of 2013).
- (r) The Companies (Amendment of Schedules) Regulations 2013 (Government Notice No. 30 of 2013).
- (s) The Companies (Prescribed Forms) (Revocation) Regulations 2013 (Government Notice No. 31 of 2013).
- (t) The Digest of External Trade Statistics Year 2011 (In Original).

- (u) The Income Tax (Amendment) Regulations 2013 (Government Notice No. 34 of 2013).
- (v) The Investment Promotion and Protection Agreement (Republic of Turkey) Regulations 2013 (Government Notice No. 52 of 2013).
- (w) The Financial Services (Consolidated Licensing and Fees) (Amendment) Rules 2013 (Government Notice No. 53 of 2013).
- (x) The Income Tax (Amendment of Schedule) Regulations 2013 (Government Notice No. 54 of 2013).
- (y) The BADEA Loan Agreement upgrading of Road Providence –Flacq Project between the Republic of Mauritius and the Arab Bank for Economic Development in Africa – 17 December 2012 (In Original).
- (z) The Securities (Disclosure Obligations of Reporting Issuers) (Amendment) Rules 2013 (Government Notice No. 56 of 2013).

E. Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping –

- (a) The Professional Architects’ Council (Fees) Regulations 2013 (Government Notice No.17 of 2013).
- (b) The Pointe aux Piments-Mon Choisy Coast Road (B38) (Modification) Regulations 2013 (Government Notice No.37 of 2013).
- (c) The Pouce Stream (Authorised Construction) (Amendment of Schedule) Regulations 2013 (Government Notice No.45 of 2013).
- (d) The Annual Report Accounts of the National Transport Corporation for the financial year 2011.

F. Ministry of Housing and Lands –

- (a) The Annual Report and Audited Financial Statements of the Town and Country Planning Board for the 18 months period ended 31 December 2010.
- (b) The Land Surveyors (Fees for the survey of State Lands) (Amendment) Regulations 2013 (Government Notice No. 19 of 2013).
- (c) The *Morcellement* (Amendment of Schedule) Regulations 2013 (Government Notice No. 20 of 2013).

G. Ministry of Social Security, National Solidarity and Reforms Institutions –

- (a) The Report of the Director of Audit on the Financial Statements of the Senior Citizens Council for the year ended 31 December 2011.
- (b) The National Pensions (Amendment of Schedule) Regulations 2012 (Government Notice No. 6 of 2013).
- (c) The National Pensions (Industrial Injuries) (Amendment) Regulations 2012 (Government Notice No. 7 of 2013).
- (d) The National Pensions (Pension Points) (Amendment) Regulations 2012 (Government Notice No. 8 of 2013).
- (e) The National Pensions (Collection of Contributions) (Amendment) Regulations 2012 (Government Notice No. 9 of 2013).
- (f) The National Savings Fund (Collection of Contributions) (Amendment) Regulations 2012 (Government Notice No. 10 of 2013).
- (g) The National Savings Fund (Claims and Payment) (Amendment) Regulations 2012 (Government Notice No. 11 of 2013).
- (h) The Reports of the Director of Audit on the Financial Statements of the Residential Care Home Fund for the years ended 30 June 2008, 30 June 2009 and for the 18 month period ended 31 December 2010 (In Original).

- (i) The National Pensions (Collection of Contributions) (Amendment) Regulations 2013 (Government Notice No. 39 of 2013).
- (j) The National Pensions (Industrial Injuries) (Amendment) Regulations 2013 (Government Notice No. 40 of 2013).
- (k) The National Pensions (Amendment of Schedules) Regulations 2013 (Government Notice No. 41 of 2013).
- (l) The National Pensions (Pensions Points) (Amendment) Regulations 2013 (Government Notice No. 42 of 2013).
- (m) The National Pensions (Increase in Pensions) (Amendment) Regulations 2013 (Government Notice No. 43 of 2013).
- (n) The National Savings Fund (Collection of Contributions) (Amendment) Regulations 2013 (Government Notice No. 44 of 2013).

H. Ministry of Education and Human Resources –

- (a) The Education (Amendment) Regulations 2013 (Government Notice No. 24 of 2013).
- (b) The Annual Report 2011 of the Mauritius Qualifications Authority.

I. Ministry of Agro Industry and Food Security –

- (a) The Annual Report 2009/2010 of the Mauritius Meat Authority.
- (b) The Annual Report and Statement of Accounts of the Tobacco Board for the year ended 31 December 2011.
- (c) The Reports of the Director of Audit on the Financial Statements of the National Parks and Conservation Fund for the 18 months period ending 31 December 2010 and for the year ended 31 December 2011.
- (d) The Annual Report and Accounts of the Mauritius Sugar Terminal Corporation for the financial year ended 31 December 2011.

- (e) The Annual Report 2012 of the Sugar Investment Trust.
- (f) The Wood Exploitation Licence (Amendment) Regulations 2013 (Government Notice No. 25 of 2013).
- (g) The Annual Report 2008 of the Rose Belle Sugar Estate Board.

J. Ministry of Tertiary Education, Science, Research and Technology –

- (a) The Annual Report 2008-2009 of the Mauritius Research Council.
- (b) The Annual Report 2009–2010 of the Rajiv Gandhi Science Centre.

K. Ministry of Information and Communication Technology –

The Report of the Director of Audit on the Financial Statements of the Postal Authority for the year ended 31 December 2011.

L. Ministry of Fisheries –

- (a) The Fisheries and Marine Resources (Export of Fish and Fish Products) (Amendment) Regulations 2012 (Government Notice No. 209 of 2012).
- (b) The Fisheries and Marine Resources (Bait Gear Licence and Licence Fees) Regulations 2012 (Government Notice No. 214 of 2012).
- (c) The Annual Report of the Fishermen Welfare Fund for the year ended 31st December 2011.

M. Ministry of Local Government and Outer Islands –

- (a) The District Council of Moka (Collection and Disposal of Refuse) Regulations 2013 (Government Notice No. 3 of 2013).
- (b) The District Council of Flacq (Collection and Disposal of Refuse) Regulations 2013 (Government Notice No. 4 of 2013).

- (c) The Local Government (Remuneration of Councillors) Regulations 2013 (Government Notice No. 23 of 2013).
- (d) The Report of the Director of Audit on the Financial Statements of the Statutory Bodies Family Protection Fund for the year ended 31 December 2011 (In Original).
- (e) The Annual Report of the Beach Authority for period July 2009 to December 2010 (In Original).
- (f) The Vacoas/Phoenix (Fair) (Amendment) Regulations 2013 (Government Notice No. 46 of 2013).

N. Ministry of Labour, Industrial Relations and Employment –

- (a) The Employment Rights (Registration of Employers and Permits of Job Contractors) (Amendment No. 2) Regulations 2012 (Government Notice No. 216 of 2012).
- (b) The Employment Relations (Trade Union) (Amendment) Regulations 2012 (Government Notice No. 218 of 2012).

O. Attorney General's Office –

The 2012 Annual Report on the Activities of the Law Reform Commission the period 1 January to 31 December 2012.

P. Ministry of Tourism and Leisure –

- (a) The Tourism Authority (Dolphine and Whale Watching) (Amendment) Regulations 2012 (Government Notice No. 228 of 2012).

- (b) The Tourism Authority (Tourist Enterprise Licence Fees) (Amendment No. 2) Regulations 2012 (Government Notice No. 229 of 2012).

Q. Ministry of Health and Quality of Life –

- (a) The Occupational Safety and Health Act (Fees and Registration) (Amendment) Regulations 2012 (Government Notice No. 219 of 2012).
- (b) The Private Health Institutions (Fees) Regulations 2012 (Government Notice No. 222 of 2012).
- (c) The Occupational Safety and Health (Employees' Lodging Accommodation) (Amendment) Regulations 2013 (Government Notice No. 51 of 2013).
- (d) The Report of the Director of Audit on the Financial Statements of the National Agency for the Treatment and Rehabilitation of Substance Abusers for the year ended 31 December 2011 (In Original).

R. Ministry of Industry and Commerce and Consumer Protection –

- (a) The Consumer Protection (Fees) (Revocation) Regulations 2012 (Government Notice No. 215 of 2012).
- (b) The Consumer Protection (Control of Imports) (Amendment No. 7) Regulations 2012 (Government Notice No. 221 of 2012).
- (c) The Patents, Industrial Designs and Trademarks (Amendment) Regulations 2012 (Government Notice No. 223 of 2012).
- (d) The Consumer Protection (Consumer Goods) (Maximum Mark-up) (Amendment) Regulations 2012 (Government Notice No. 225 of 2012).
- (e) The Bread (Control of Manufacture and Sale) (Amendment No. 2) Regulations 2012 (Government Notice No. 226 of 2012).

- (f) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No.16) Regulations 2012 (Government Notice No. 227 of 2012).
- (g) The Consumer Protection (Control of Imports) (Amendment No. 8) Regulations 2012 (Government Notice No. 233 of 2012).
- (h) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No.17) Regulations 2012 (Government Notice No. 234 of 2012).
- (i) The Consumer Protection (Control of Imports) (Amendment No. 5) Regulations 2013 (Government Notice No. 13 of 2013).
- (j) The Consumer Protection (Control of Imports) (Amendment No. 6) Regulations 2013 (Government Notice No. 14 of 2013).
- (k) The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) (Amendment) Regulations 2013 (Government Notice No. 15 of 2013).
- (l) The Consumer Protection (Use of Liquefied Petroleum Gas in Small Cylinders) (Amendment) Regulations 2013 (Government Notice No. 18 of 2013).
- (m) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment) Regulations 2013 (Government Notice No. 21 of 2013).
- (n) The Legal Metrology (Assize Fees) (Amendment) Regulations 2013 (Government Notice No. 26 of 2013).
- (o) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 2) Regulations 2013 (Government Notice No. 28 of 2013).

- (p) The Consumer Protection (Price and Supplies Control) (Amendment of Schedule) Regulations 2013 (Government Notice No. 32 of 2013).
- (q) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 3) Regulations 2013 (Government Notice No. 33 of 2013).
- (r) The Mauritius Accreditation Service (Certification Body Accreditation Fees) (Amendment) Regulations 2013 (Government Notice No. 35 of 2013).
- (s) The Mauritius Accreditation Service (Laboratory Accreditation Fees) (Amendment) Regulations 2013 (Government Notice No. 36 of 2013).
- (t) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 7) Regulations 2013 (Government Notice No. 55 of 2013).
- (u) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 4) Regulations 2013 (Government Notice No. 47 of 2013).
- (v) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment) Regulations 2013 (Government Notice No. 48 of 2013).
- (w) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 5) Regulations 2013 (Government Notice No. 49 of 2013).
- (x) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 6) Regulations 2013 (Government Notice No. 50 of 2013).

S. Ministry of Social Integration and Economic Empowerment –

The National Economic and Social Council Report 21 on Indiscipline and Violence at Schools – November 2012.

T. Ministry of Gender Equality, Child Development and Family Welfare –

- (a) The Annual Report 2009 – 2010 of the Sugar Industry Labour Welfare Fund.
- (b) The Report of the Director of Audit on the Financial Statements of the National Children’s Council for the year ended 30 June 2006.

ORAL ANSWERS TO QUESTIONS

STC – MOGAS & GAS OIL - PRICE

The Leader of the Opposition (Mr A. Ganoo) (*by Private Notice*) asked the Ministry of Industry, Commerce and Consumer Protection whether, in regard to Mogas and Gasoil, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to –

- (a) the reasons for the recent price increase thereof, and
- (b) the amount –
 - (i) collected in terms of excise duty, Value Added Tax, *Maurice Ile Durable* Levy, Road Development Authority contribution and subsidy for Liquefied Petroleum Gas, flour and rice for 2011, 2012 and estimated for 2013, indicating if Government will consider reviewing the various components of the price structure thereof to bring down the price;
 - (ii) paid to Betamax Ltd. by the Corporation as at to date, indicating how the freight rates have been determined;
 - (iii) of profits made by the Corporation on the sale of aviation fuel and bunkering for 2011, 2012 and estimated for 2013, and
 - (iv) of hedging losses, including the amount of interest paid on the insurance cover.

Mr Sayed-Hossen: Mr Speaker, Sir, as regards part (a) of the question, I wish to inform the House as follows: The retail prices of Mogas and Gasoil have remained unchanged since end March 2011, that is, for nearly two years. The House may know that a new Petrol Pricing Mechanism (PPM) to fix the retail prices of Mogas and Gasoil was introduced in January 2011 to replace the Automatic Pricing

Mechanism and to ensure that the prices will not change every month but only when rendered absolutely necessary as a result of significant changes in price trends on the world market.

The key objectives of the new mechanism are, *inter alia* -

- to mitigate, if not nullify, the effects of world price fluctuations on retail prices;
- to ensure that monthly price shocks on commodities crucial to the conduct of economic and social activities be avoided if at all possible, and
- to achieve a reasonable longer-term planning of all economic activities as well as of the family budget.

These objectives, Mr Speaker, Sir, have by now been largely attained as the retail prices for Mogas and Gasoil have seen no change from 30 March 2011 until 01 March this year, that is, over a period of nearly two years in spite of the fact that oil prices on the world market have increased significantly by around 40%.

In fact, the average Platts price of Mogas has increased from USD 729 per metric tonne in 2010 to USD 1021 in 2012 which represents an increase of 40%. With regard to Gasoil, the average price per barrel has increased from USD 88 in 2010 to USD 126 in 2012, which represents an increase of 43%.

A point had been reached, Mr Speaker, Sir, where the Price Stabilization Account could no longer sustain the soaring oil prices on the world market. With a new reference price by 01 March 2013 of USD 1073.45 per metric tonne for Mogas and that of USD 131.24 per barrel for Gasoil, the retail prices should have increased at that date as follows -

- Mogas: From Rs49.30 to Rs53.70 per litre, that is, an increase of 8.92%.
- Gasoil: From Rs41.20 to Rs45.10 per litre, that is, an increase of 9.47%.

However, to mitigate the impact of such a price rise, Government decided to waive entirely the current applicable hedging charges of Rs1.25 per litre for Mogas and Re1.00 per litre for Gasoil.

With this measure, retail prices of Mogas and Gasoil came to Rs52.25 (5.98% increase) and Rs43.95 (6.67% increase) respectively per litre.

I must add that, Mr Speaker, Sir, as at 31 December 2012, the deficit in the Price Stabilization Account for Mogas and Gasoil stood at Rs111.3 m. and Rs109.9 m. respectively. The estimated deficit as at 28 February 2013 would have been Rs156 m. for Mogas and Rs161.7 m. for Gasoil, that is, a total of Rs317 m. in February 2013 as compared with Rs221 m. at December 2012.

I said estimate, Mr Speaker, Sir. We have to note that the estimate is for vessels which arrived in January and February and for which payments are effected in March and April this year.

As regards part (b) (i) of the question, I am informed by the State Trading Corporation as follows

Excise Duty		2011	2012	2013
		Rs Million	Rs Million	Rs Million
	Mogas	1,727	1,804	1,825
	Gas Oil	823	830	878
	Total	2,550	2,634	2,703

Value Added Tax (VAT) (2011 – 2013)

VAT		2011	2012	2013*
		Rs Million	Rs Million	Rs Million
	Mogas	952	999	1,102
	Gas Oil	1,238	1,242	1,470
	Total	2,190	2,241	2,592

*Estimated Value Added Tax for 2013

MID levy (2011-2013)

I must point out that this levy was introduced in 2008.

MID Levy		2011	2012	2013*
		Rs Million	Rs Million	Rs Million
Introduced in 2008	Mogas	48	50	51

	Gas Oil	76	75	80
	Total	124	125	131

*Estimated MID Levy for 2013

Contribution to the Road Development Authority

That is inclusive of Bus Companies' Recovery Account (BCRA).

Contribution to RDA		2011	2012	2013*
(inclusive of BCRA)		Rs Million	Rs Million	Rs Million
	Mogas	296	309	313
	Gas Oil	443	447	465
	Total	739	756	778

*Estimated contribution to RDA for 2013

Contribution to subsidy for Liquefied Petroleum Gas, Flour and Rice (2011-2013)

Contribution to Subsidy		2011	2012	2013*
		Rs Million	Rs Million	Rs Million
	Mogas	237	251	254
	Gas Oil	376	383	399
	Total	613	634	653

*Estimated contribution to subsidy for LPG, Flour and Rice 2013

I must point out, Mr Speaker, Sir, that on top of taxes collected from the sale of Mogas and Gas Oil in the price structure for subsidies, the State Trading Corporation also generated revenues through international sale of aviation and marine bunker fuel and this is used, of course, to partly subsidise Liquefied Petroleum Gas, flour and rice. I wish to add that in 2011 subsidies total rice, flour and LPG amounted as follows -

Subsidy		2011	2012	2013*
		Rs Million	Rs Million	Rs Million
	Total	1,167	1,157	1,475

*Estimated subsidy for 2013.

Mr Speaker, Sir, as regards part (b) (ii) of the question, I am advised as follows -

Freight is determined by an aggregate amount of USD17,6 m. in any contract year in which the vessel normally undertakes 16 round trips giving an average freight per tonne of USD7.10. To this is added a Bunker Adjustment Factor (BAF), which is based on the world price of Fuel Oil 180cc or Gasoil 2500 ppm sulphur, which are the components of bunker utilised. The port dues at the loading and unloading ports are also on account of the STC.

For example, for the voyage of 12 January 2013 (this is the arrival date), which is a fairly typical voyage, the total freight paid was Rs54,558,884 for a consignment of 60,170 tonnes, equivalent to 70,246,000 litres, in other words, 78 cents per litre, which represents 1.49% of the retail price of Mogas.

The cumulative amount paid to Betamax from August 2010 to March 2013 is Rs2,472 billion.

Mr Speaker, Sir, with regard to part (b) (iii) of the question, I am advised that the profits made by the State Trading Corporation on the sale of aviation fuel and bunkering for 2011 and 2012 and estimated for 2013 are as follows -

Surplus on Aviation and Bunker Fuel	2011	2012	2013*
	Rs Million	Rs Million	Rs Million
Aviation Fuel	154	269	310
Bunker Fuel	175	232	243

Total	329	501	553
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*Estimated surplus on Aviation and Bunker Fuel

With regard to part (b) (iv) of the question, Mr Speaker, Sir, I wish to inform the House that this matter has been raised on several occasions in the National Assembly and this information has already been given to the House. I am informed by the STC that hedging losses amounted to Rs4,739 billion in July 2009.

The interest paid on lines of credit used to repay the hedging losses amounted to Rs237 m.

I thank you, Mr Speaker, Sir.

Mr Ganoo: I thank the hon. Minister, Mr Speaker, Sir. I come to part (a) of the question, the reasons for the recent price increase. Since the hon. Minister himself made mention of the reference price, does he agree that the reference price used for the calculation of the retail price of Mogas as per the State Trading Corporation website itself is at present USD1073.45 per metric tonne and same was in march 2011, USD960.07 per metric tonne which represents an increase of 12% with regard to the reference price, as compared from 2011 to 2013. In the case of gasoil, the present reference price is USD131 per barrel, as mentioned, I think, by the hon. Minister, and there has been a similar increase in the case of gasoil from 9% to 12% from 2011 to 2013? Does he agree with that?

Mr Sayed-Hossen: Mr Speaker, Sir, I am concerned about the fluctuations of retail prices with regard to reference prices. I have a Table here showing the evolution of daily Platts prices since 01 March. We started on 01 March with Mogas at 1,013 and we were yesterday, 25 of March, at USD1,005 per metric tonne. On 18 March, the price had reached 1,023 which is the highest over the past 25 days. For gasoil, on 01 of March, it was 123.91 per barrel and yesterday it was 118.14 per barrel, the highest price having been reached on 06 March USD124 per barrel.

On the basis of this, Mr Speaker, Sir, irrespective of the different fluctuations day by day, we made what we should call a theoretical calculation. If, for example, the Petroleum Pricing Committee were to meet yesterday or today on the basis of the recent prices, of course, we have not calculated the average six months past and six months future. We have taken an average. If the PPC had met yesterday or today, the new ...

Mr Ganoo: I am sorry, Mr Speaker, Sir, my question was very factual. I have two documents emanating from the STC which confirm what I am saying, that is, in March 2011, the reference price was 960.07 and in March 2013, the reference price, as the hon. Minister just said, was 1.073.4 which amounts

to an increase of 12% in terms of increase of the reference price for Mogas. In the case of gasoil also the reference price was 120.57 per barrel in 2011 and now it is 131.24 as per the two documents of the STC, which represents an increase in the case of diesel of 9%.

Mr Sayed-Hossen: I get the point of the hon. Leader of the Opposition. Actually, I think it would be misleading with due respect to the hon. Leader of the Opposition. If we just take a figure from 2010 or 2011 and compare it with the latest figure, this ignores the fact that, during the period between the initial date and the last date, there are fluctuations, and there have been fluctuations. I gave the figures a few minutes ago as to what was the situation on 01 March this year. Indeed, prices have started going down from 01 March as compared to the situation at end February and this is the point I was trying to make, Mr Speaker, Sir, that, if the PPC were to meet and calculate the prices on the basis of yesterday's prices, there would be, in the calculation, a drop of an average of 1%. It would be 1.05% for Mogas lower and 1.02% for gas oil which is insignificant technically speaking because the regulation that governs the fixing of prices by PPC stipulates that the fluctuations have to be to a certain extent before the PPC recommends a change in prices. I agree with the point of the hon. Leader of the Opposition, but I just want to say that in-between there are major fluctuations.

Mr Ganoo: Having agreed with me in terms of the reference price which is used to determine the retail price, is the hon. Minister aware that the increase on the world market for Mogas and Gasoil - he has talked about that in his reply and I have the documents with me - has been, in the case of Mogas, to the tune of 7%, and in the case of gasoil, diesel, to the tune of 0.8%. Therefore, this reference price used by the STC, in fact, is a wrong reference price. It is to fleece the population. This reference price has increased by 12% and 9% respectively, as I said earlier. I repeat my question for the hon. Minister to understand my point. On the world market, I have a document with me to the effect that in terms of Platts, *la différence entre 2011 et 2013* for Mogas has been an increase of 7% and in the case of diesel the increase has been from 124.12 per barrel to 125.17 per barrel, representing 0.8% increase in the case of diesel. This is an official document.

Mr Sayed-Hossen: Mr Speaker, Sir, the hon. Leader of the Opposition does not seem to understand or pretends not to understand my point.

(Interruptions)

Mr Speaker: Order!

Mr Sayed-Hossen: It is very easy to take one point in time, March 2011, and to compare with the latest figure. If, for example, tomorrow in the US there is a huge discovery of shale gas or whatever

and prices go down, then the hon. Leader of the Opposition will come and tell us prices have gone down from March 2011 ...

(Interruptions)

No, the Leader of the Opposition is not speaking about average, he is comparing point to point. March 2011 to now the drop has been like that. But, Mr Speaker, Sir, what happened in the meantime? A more relevant presentation given to the hon. Leader of the Opposition or a relevant analysis should consider the whole continuum of changes which happened between March 2011 and now. If the hon. Leader of the Opposition were right, how come that the price stabilisation account - this is not a fund, Mr Speaker, Sir, it is an account, *c'est un jeu d'écriture* - from December 2012 at end February 2013, over a period of two months, jumped from Rs221 m. by almost 50% to reach Rs370 m.? It is because there have been effective physical changes in prices. We should look at the continuum of changes, the fluctuations, not point to point comparisons.

Mr Ganoo: If the STC had increased the price of Mogas and Gasoil according to the rate which I just highlighted - I mean the rate that they have increased on the world market according to Platts - the Mauritian consumers would have paid less in case of Mogas and diesel; in fact, by Rs170 m. and Rs580 m. respectively, if the Platts price had been used.

Mr Sayed-Hossen: The hon. Leader of the Opposition is certainly wrong, Mr Speaker, Sir. The calculations and the recommendations of the Petroleum Pricing Committee are governed by the Consumer Protection (Price and Supplies Control) Act (Government Notice No. 9 of 2011), and there are procedures that are set in the law on how to calculate the reference price and how we move from the reference price to the established retail prices sold in the filling stations. This is very simple. There is no manipulation. My Ministry does not intervene in that, the State Trading Corporation does not intervene in that. By law, it is the PPC that looks at reference prices. Of course, figures are provided by the STC, but these are actual figures; these are not cooked up figures as the hon. Leader of the Opposition seems to say.

Mr Ganoo: I come to this methodology which the Minister is referring to. I agree with him that there are regulations which determine these calculations. But is the hon. Minister aware that this method of computing the retail price, the use of an average based on six months previous to the month in question and six months ahead based on the Platts forward price plus 4% risk to cater for fluctuation and so on; this methodology of determining the reference price is unfair; it does not reflect the real market value to the consumer and we are one of the rare countries which are still using ...

(Interruptions)

Mr Speaker: Order!

Mr Ganoo: We are one of the rare countries using this methodology, using the futures as they call it, six months ahead, and the Minister should revisit, because it brings injustice to the consumers.

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Sayed-Hossen: Mr Speaker, Sir ...

Mr Speaker: I want some order!

(Interruptions)

I repeat myself, I want some order! I will not give any warning, I will take action.

Mr Sayed-Hossen: Mr Speaker, Sir, maybe I should remind the hon. Leader of the Opposition that his new friends were in Government ...

(Interruptions)

Mr Speaker: The hon. Minister should simply answer the question.

Mr Sayed-Hossen: Well, his assessment is a matter of opinion. I am not here to comment on opinions, Mr Speaker, Sir.

Mr Ganoo: Can the hon. Minister, since he has given us a lot of figures, tell us, in terms of VAT, what is the additional amount that now Government will make in view of the increase in the price of these commodities? Can he give us the additional amount of VAT which will go in the coffers of the STC or the State now?

Mr Sayed-Hossen: Well, VAT does not go into the coffers of the STC, we know that, everybody knows that! A simple calculation: 2012: Rs2.241 billion; 2013 estimated Rs2.592 billion; the difference is around Rs351 m.

Mr Ganoo: Does the hon. Minister think that in this very harsh and depressed economic situation which the country is going through, it was warranted to further tax Mauritians of Rs351 m. and

in the case of the RDA contribution, given the increase in road tax, the increase that the motorists are being made to suffer in the recent past and the forthcoming implementation of the toll road; why should consumers and motorists be made to pay another Rs1 billion in addition to the Rs351 m. of TVA?

(Interruptions)

Mr Speaker: Silence!

Mr Sayed-Hossen: It is ironical, Mr Speaker, Sir, that the question should come from a side of Parliament which decided a few years ago to increase VAT by 50% in one year!

(Interruptions)

Mr Ganoo: Before I come to the element of the price structure which is posted on the website of the STC: 'Oil Companies Operational Expenses and Wholesale Margin', is the hon. Minister aware that this is a component in the price structure and, in this case, Mr Speaker, Sir, the price structure regarding the oil companies or oil majors, if we can call them *les barons* of these products? In this case, in the case of Mogas there has been an increase in their favour to the tune of 24% and in the case of diesel, 18%. This is what they have received. And this in times of sluggish growth! This unprecedented increase, Mr Speaker, Sir, will bring an additional sum of Rs115 m. in the coffers of the old majors, of the barons of the petroleum products.

(Interruptions)

Mr Sayed-Hossen: Mr Speaker, Sir,

(Interruptions)

Mr Speaker: Please, order! Allow the hon. Minister to answer!

Mr Sayed-Hossen: Mr Speaker, Sir, petroleum does not flow from the ship that brings it to Mauritius into the tanks of cars, buses and motorcycles. There is a process. The petroleum products come in, they have to be stored, managed and distributed. The oil companies, if the hon. Leader of the Opposition decides or chooses to call them *barons*, I would advise him that there are some other *barons* who benefited from Rs8 billion

(Interruptions)

Rs8 billion of *cadeaux* from them...

(Interruptions)

But let me explain....

(Interruptions)

Let me explain....

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

Mr Sayed-Hossen: Let me explain...

(Interruptions)

Mr Speaker: I said order!

(Interruptions)

Mr Sayed-Hossen: In 2006, Mr Speaker, Sir, there was a marginal increase in the cost of operations of the oil companies. In 2008, there was another marginal increase. From 2008 to 2013, five years have elapsed and, of course, the oil companies - as any economic agent in this country - provide services and add value to the industry. The compounded inflation from 2008 to 2013 has been calculated at 18 point something cents per litre. Everybody knows, Mr Speaker, Sir, that if we do not act quickly we will be running out of storage capacity for petroleum products soon. Instead of the State Trading Corporation spending public funds to invest around Rs700 m. in storage tanks, the oil companies have given the undertaking that they will build storage starting with 15,000 tonnes to be increased gradually up to 25,000 tonnes within the next five years. The ten cents average supplementary (18 +10 average of 28) will be to help them over a period of 20 years to finance the building of storage tanks....

(Interruptions)

...which otherwise the State Trading Corporation would have been obliged to do.

Mr Ganoo: The hon. Minister seems to be sympathising with these oil majors and he seems to be very sorry for them. But, is he aware - I will give him one example - in the case of Vivo Energy which has just published its profit on its website, this company has made Rs324 m. just recently...

(Interruptions)

And does not the hon. Minister think that it would have been fairer to allocate part of this massive windfall to the *propriétaires de filling stations* who went on strike and closed down on Monday? These *propriétaires de filling stations* have not received any increase in the last exercise....

(Interruptions)

And this would have been a proof of the Government's pledge to democratise *l'économie!*

(Interruptions)

Mr Speaker: Time is over, but I will allow only two more questions! Hon. Bhagwan!

(Interruptions)

Mr Sayed-Hossen: Mr Speaker, Sir, may I reply to that question which is actually about me sympathising with the barons of the petroleum industry. They should know better about barons...

(Interruptions)

They should know that. But, let me tell you...

(Interruptions)

Les propriétaires de filling stations, as the hon. Leader of the Opposition

(Interruptions)

Mr Sayed-Hossen: I am not saying ...

Mr Speaker: Hon. Bhagwan!

Mr Sayed-Hossen: *Je ne veux pas dire qu'ils roulent sur l'or mais, en 2008, M. le président, les retail filling stations ont bénéficié d'un supplément de 46 sous par litre, ce qui équivalait à 45% d'augmentation dans leur marge. Cela ne s'est jamais vu. 45% d'augmentation en 2008, on verra à l'avenir ce qu'on peut faire mais pour le moment, I think that what we have done is rational...*

(Interruptions)

It is easy when you sit in the Opposition to criticise profit and companies...

(Interruptions)

But, they should tell...

(Interruptions)

They should tell to the banks that announced Rs3 billion profit what to do with that!

Mr Bhagwan: Mr Speaker, Sir, some time back, I mentioned the name of one person, the President of the Association for the Protection of Environment and Consumers who is a well known person. The hon. Minister himself acknowledged that the person is in the office every day, Mr Tengur. This is what he had said –

“La hausse des prix des carburants est injustifiée, depuis un certain temps déjà j’ai dit que Maurice est un pays où il y a beaucoup de taxes sur les produits pétroliers ; il faut les enlever ».

Can the hon. Minister state whether he has received representations from Mr Tengur and the consumers to reduce the prices?

(Interruptions)

Mr Sayed-Hossen: Mr Speaker, Sir, Mr Tengur is the Director or the Chairman of a Consumer Protection Association as some other people. If they said that the increase in price of around 6% after two years was justified and reasonable, probably they would lose their jobs! So, they cannot say that. They have to criticise, I mean it is their job to criticise as it is the job of our hon. Members on the other side.

(Interruptions)

Mr Jugnauth: Replying to a question that I put in the past to the hon. Prime Minister, the Prime Minister said that an enquiry was under way since 2009 with regard to the hedging loss. May I know whether the enquiry has been completed and whether responsibilities have been situated and if the hon. Minister can table a copy of that enquiry to the House?

Mr Sayed-Hossen: Being given that the hon. Member is referring to a question that he set to the hon. Prime Minister, can I invite him to come with a substantive Parliamentary Question to the Prime Minister?

(Interruptions)

Mr Speaker: Last question to the Leader of the Opposition!

Mr Ganoo: Can I ask....

(Interruptions)

Mr Speaker: Silence!

Mr Ganoo: Can I ask the hon. Minister one question from another part of my question concerning Betamax Ltd? Is the hon. Minister aware and can he today inform the House whether STC has undertaken to pay to Betamax Ltd. 100% of its freight capacity, meaning that even if STC makes use of the tanker or the tanker lays idle, the STC has to pay an aggregate freight capacity which amounts to USD17.6 million per year? According to clause 6.58 of the contract and the daily freight capacity charge which the STC has to pay to Betamax Ltd. every day is USD48,000 daily, that is, about Rs1.5 m. daily!!

(Interruptions)

And this is very a scandalously high rate, three times the ongoing rate...

Mr Speaker: I have to remind the Leader of the Opposition...

(Interruptions)

I have to remind the Leader of the Opposition that he has the full right to put a question, but not to make a statement during Question Time.

(Interruptions)

However, the Minister will be given time to answer!

(Interruptions)

Mr Sayed-Hossen: Thank you, Mr Speaker, Sir, I am very willing to reply to that.

Mr Speaker: But, the hon. Minister has to reply and answer the question put to him.

Mr Sayed-Hossen: I will, Mr Speaker, Sir. I gave that figure of USD17.6 million in my main reply. Let me come to the principle, Mr Speaker, Sir. Before using the services of Betamax we were having recourse to the services of two shipping companies, namely Pratibha Shipping and ST Shipping. One was ...

(Interruptions)

Wait for my reply!

Mr Speaker: Answer the question, please!

Mr Sayed-Hossen: One was carrying ...

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

Mr Sayed-Hossen: One was carrying white oils, and the other one was carrying black oils. Pratibha Shipping used to cost us 68 cents per litre for carrying; that was four years ago. If we update that figure, taking into consideration the increase in the cost of bunker fuel, the change in US dollar, the rates, this would now amount to 70 cents per litre. ST Shipping used to cost us 0.65 cents per litre. Updated again, this would cost now 77 cents per litre. So, that would be an average of 74 cents per litre for carrying fuel from Mangalore to Mauritius, and this is exactly what the Red Eagle is costing us. There has been no increase or maybe a very marginal - I have not worked out the details - increase in the cost of carrying fuel.

(Interruptions)

Mr Speaker: Time is over! Last questions to the Leader of the Opposition!

(Interruptions)

Mr Ganoo: Is the hon. Minister prepared to table a copy of the contract between STC and Betamax Ltd for the sake of transparency?

Mr Sayed-Hossen: I am totally prepared to do that. This is a contract with a private party, and ...

(Interruptions)

Mr Speaker: Order!

(Interruptions)

I said order!

Mr Sayed-Hossen: For the other contracting party, this is a commercially sensitive issue, and we need the authority of the other party to make it public. We can't do it unilaterally.

Mr Speaker: Time is over! Questions to Dr. the hon. Prime Minister! Hon. Mrs Radegonde!

TAMARIN BAY – DROWNING – INQUIRIES

(No. B/1) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the loss of lives in the Tamarin Bay, in Constituency No.14, Savanne and Black River, on 03 and 05 February 2013, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if inquiries have been carried out thereinto, and if so, the outcome thereof.

The Prime Minister: Mr Speaker, Sir, allow me, at the very outset, to again present my condolences to the bereaved families of the two victims who lost their lives at sea at Tamarin Bay on 03 and 05 of February.

Mr Speaker, Sir, I am informed by the Commissioner of Police that on 03 February 2013, at about 15 55 hrs, the Police were informed by a Security Officer of Tamarina Hotel that a group of persons appeared to be in difficulty in the lagoon of Tamarin. Personnel of Black River and Flic en Flac National Coast Guard Posts immediately proceeded to Tamarin Beach, and reached the spot at about 16 20 hrs. The Police helicopter was also deployed to the spot, and a Search and Rescue Operation started at 16 55 hrs. During the search, at about 17 45 hrs, the crew of the Police helicopter saw an inert person inside the lagoon. The Police removed the body from the sea and transported it to Dr. Yves Cantin Hospital, Black River, where death was confirmed. The body was identified as that one of Mr S. J. L., a 19 year old inhabitant of Plaisance, Rose Hill.

On the same day, an autopsy was carried out, and the cause of death was revealed to be Asphyxia due to Drowning.

In regard to the case of 05 February 2013, I am informed that on that day, at about 11 40 hrs, the Police Information and Operations Room was informed that a person who was swimming in the lagoon near Tamarina Hotel was reported missing. Personnel of Black River and Flic en Flac National Coast Guard Posts proceeded to the spot for a Search and Rescue operation. A Heavy Duty Boat, which was on coastal surveillance off Le Morne, as well as the Police helicopter also participated in the operation. At about 12 30 hrs, the Police helicopter crew saw a body in the lagoon. The body was removed and conveyed to Dr. Yves Cantin Hospital, where death again was certified. He was identified as Mr A. S. M., aged 21, and residing at Bell Village, Port Louis.

Again the Police Medical Officer carried out the autopsy, and certified that Mr A. S. M. had died of Asphyxia due to Drowning.

In the two cases Mr Speaker, Sir, the Police have taken statements from persons who were in company of the victims on the days of the incidents, and both enquiries are ongoing. Upon completion thereof, the case files will be referred to the Director of Public Prosecutions for advice.

Mrs Radegonde: Mr Speaker, Sir, question on safety and security at sea has been put to the House on many occasions by other Members of this House and myself, to which the hon. Prime Minister replied that –

“Regulation will be made setting down the demarcation where there is a dangerous swimming zone.”

And Tamarin Bay was on that list.

Can I ask the hon. Prime Minister whether this Regulation has been overlooked by the Beach Authority and the Tourism Authority, and if not, why action has not yet been taken to ensure the safety of public beach users of Tamarin Bay and wherever required?

The Prime Minister: In fact, they are doing so, Mr Speaker, Sir. But let me just mention that there are information panels which have been placed on the beach near the mouth of the river; there are three of them, in fact. One of them says “Beware of strong currents”, the other one says - “Dangerous bathing”, and the third one “Do not cross the river”. So, in various areas, there are, but not everywhere. I am aware that the Beach Authority has started the procedure. They are looking at where they think there might be potential danger to swimmers, apart from what there is already, and they have approached the Police with a view to obtaining - which they are doing now - a survey report on the status of dangerous bathing panels of certain public beaches - I can name the public beaches if the hon. Member wants - and a list of any - if any - additional places where more panels need to be installed. This is what is being done at the moment, but at this place there was already.

Mrs Radegonde: Mr Speaker, Sir, the hon. Prime Minister mentioned that dangerous signs are posted in Tamarin. There are two of them, and I am aware of that. The hon. Prime Minister will also agree with me that it is always a trauma among families to lose a loved one at sea. May I ask the hon. Prime Minister whether, in the meantime, due to the specific case of Tamarin Bay, where there is a high risk area, he will consider taking urgent and appropriate measures as is the case in Blue Bay, where if there is a sign post and if you bathe, one has to pay a fine? This will create a legal environment and thereby reduce occurrences in Tamarin because we have had too many cases of drowning in Tamarin. We had one in January, and two in February of this year.

The Prime Minister: The hon. Member is right, Mr Speaker, Sir. We need to make people realise. I am told there is no legal basis to actually make them pay a fine; that is what has been found – whether we should do it. I know they will be doing this kind of additional thing when we will bring the legislation on Disaster Management. Definitely, if there is a cyclone warning, you will not be allowed to go into the sea or in the river. You will have to pay fines. Otherwise, there is a question whether that is

possible or not. But we can look at it at the same time. As the hon. Member rightly said, it is a dangerous area. People know it is a dangerous area, there are signs there, and sometimes they still go. There was a meteorological warning on the 3rd about the danger.

On the 05, the National Coast Guard personnel did actually go and talk to fishermen at Le Barachois about the rough sea that is going to get even rougher, but in spite of that people went. But, I tend to agree with the hon. Member. I will look into that.

CHAMOUNY – MINOR A. J. - MISSING

(No. B/2) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to one A. J., aged 16, of Chamouny, who is reported missing since 09 February 2013, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and if so, the outcome thereof, indicating if any arrest has been effected in connection therewith.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that on 11 February 2013 at 22 10 hours, one Mr R. J. residing at Tamarin Road, Chamouny reported at Chemin Grenier Police Station that his son minor A. J., 16 years old, left his residence at about 22 30 hours on 08 February 2013 and had not returned home since then.

The Divisional CID started an enquiry into the case. Information was gathered from his relevant surroundings as well as from inhabitants of Chemin Grenier and Chamouny and his relatives were also interviewed. Searches were effected in different places, bungalows, at Ilot Sanchot, at Ste Marie and at Pointe aux Roches public beach.

On 14 February 2013, following information that minor A. J. might have been drowned in a river at Chamouny, the services of “*Groupe d’Intervention de la Police Mauricienne*” and the National Coast Guard were sought. From 17 05 hours to 19 50 hours, the personnel of the “*Groupe d’Intervention de la Police Mauricienne*” were deployed at Chamouny for diving operations at Bassin Antoine. However, the operations had to be temporarily stopped as the pond was flooded and muddy due to continuous rainfall of the previous days.

On the same day, that is, 14 February 2013, the personnel of Chemin Grenier CID questioned two minors A. C. and A. B. in presence of their responsible parties.

During the course of the investigation, both minors stated that on 09 February 2013 at 08 45 hours they proceeded to Bassin Antoine, Chamouny for a swimming party along with minor A. J.

According to them, whilst minors A. C. and A. J. were swimming, minor A. B. remained on the bank of the pond. At a certain moment, minor A. J. was in difficulty and minor A. C. tried to rescue him but was not successful. Minor A. C. came out of the water and waited according to him for about five minutes to see whether minor A. J. would come out. As minor A. J. could not be seen, they decided to leave the place and hide the victim's clothing. Whilst handling the victim's clothing they found a sum of 5,100 Russian Roubles and a mobile phone of the make of Nokia in the trouser pocket. They took the money and the mobile, hid the clothing of victim in a bush and went away. They claimed that they were afraid and did not inform anybody of the incident.

Both minors were arrested on the same day and a provisional plaint for the offence of "Larceny being two in number" was lodged against them before Savanne District Court. On 07 March 2013, they were released on bail after furnishing a surety of Rs3,000 each. Their bail has been extended to 23 May 2013.

Mr Speaker, Sir, on 15 February 2013, several searches were resumed by different Units of the Police. The personnel of the "*Groupe d'Intervention de la Police Mauricienne*" were deployed for sweep search operation along Rivière des Galets. The Souillac National Coast Guard conducted a search and rescue operation off Rivière des Galets. The Police Helicopter flew over the southern coastline in the region of Rivière des Galets and carried out two-hour daily searches on 25 February 2013, 01 March 2013 and 08 March 2013. These searches have not been successful so far.

Following the statements made by the minors, one Mr M. N. was brought to the Chemin Grenier CID on 15 February 2013 whereby he confessed having purchased the stolen mobile phone and the same was produced to the Police and kept as exhibit. He was arrested on the same day and bailed out before Savanne Court on 07 March 2013 after furnishing a surety of Rs15,000. His bail has also been extended to 23 May 2013.

On 19 March 2013, the case file was handed over to the CCID for further investigation.

The enquiry is still ongoing.

Mrs Hanoomanjee: I thank the hon. Prime Minister for all this information. But, can the hon. Prime Minister say whether he has any information as to if any of the two alleged offenders had had problems with the Police previously?

The Prime Minister: They have a criminal record, Mr Speaker, Sir.

Mrs Hanoomanjee: Can I ask the hon. Prime Minister whether this was taken into consideration before they were released on bail?

The Prime Minister: We must not forget about their age, but they are on the criminal record. That is for the Courts to decide.

Mr Ganoo: I know this case personally, being an MP of the area and the parents came to see me - I suppose they saw my colleagues also. Is the hon. Prime Minister aware that, in fact, the Central CID was roped in at a certain point of time, because the parents were dissatisfied with how the enquiry was being conducted at the level of Chemin Grenier CID?

I would, therefore, ask the hon. Prime Minister whether he is aware that perhaps it is due to the late intervention of Central CID that this *enquête a piétiné* and the *GIPM* came in later, unfortunately, although these were rainy days and that is why perhaps the body has never been found as yet?

Is the hon. Prime Minister aware that there is a problem with Chemin Grenier CID which is inadequately staffed and that this is perhaps one of the reasons why this matter has not been able to be elucidated properly?

The Prime Minister: From what I see from the record, Mr Speaker, Sir - in fact, you mentioned the *Groupe d'Intervention de la Police Mauricienne*. I did not say they intervened on 14 February itself. Mr Speaker, Sir, I don't want to prejudice any inquiry, but I must point out - from what I see - that the father said that his son, a minor, had left home on 08 February 2013, but he only - from what I see - came to inform the Police on 11 February. That is, three days had already gone. So, there was a delay even here, and then the enquiry; but, the Divisional CID started the enquiry immediately. I think, I mentioned earlier on that the enquiry was broadened to the CCID for further investigation on the 19. But I must say that all these information that I just gave about when they started the enquiry - on the very day they questioned the two minors, because they had got information that the two minors were there. There might have been something that has happened. They started the enquiry; they got the two minors, they confessed and all this. So, I can't say that they did not actually do proper work, but the delay started from the very beginning.

IBA - BOARD MEMBER - APPOINTMENT

(No. B/3) 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 Independent Broadcasting Authority, he will state -

- (a) if Government proposes to introduce a new Bill to replace the existing Act in relation thereto and, if so, when and

- (b) the date of appointment of Mr S. D. as member of the Board thereof, indicating the terms and conditions thereof.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I have on several occasions informed the House that the media law, which includes the Independent Broadcasting Authority Act, will be reviewed after the receipt of the Report on the reform of the media law which is currently being finalised by Mr Geoffrey Robertson, QC.

Mr Robertson is expected in Mauritius shortly in the context of the finalisation of the Report.

As regards part (b) of the question, I am informed by the Director of the Independent Broadcasting Authority that Mr S. D. has been serving as a member of the Authority since 19 May 2006.

The IBA Act provides that the members of the Board of the IBA shall receive such allowances or remuneration as the Authority may determine. These allowances are adjusted at every salary review in the public sector. The monthly fees and allowances presently given to the Board members of the IBA are as follows –

	(Rs)
Fees	: 13,520
Travelling Allowance	: 1,690
Telephone Allowance	: <u>1,690</u>
TOTAL	: <u>16,900</u>

In addition, since 2002, the members are entitled to a TV set and to a free subscription to any one of the three Direct to Home Satellite Broadcasting Services, namely, *Canal Plus*, *Parabole Maurice* and DSTV, that's since 2002.

(Interruptions)

Mr Bhagwan: Mr Speaker, Sir, we have an institution, although the hon. Prime Minister said it will be reviewed – the Independent Broadcasting Authority which is supposed to be independent. Can the hon. Prime Minister inform the population, the House, the country, how does he reconcile the fact that here we have somebody who is *le président* of a *socioculturelle*, who is making daily political statements, who is known to be a well-known supporter of the Labour Party and the Government, and who is, in fact, sitting on the Board of an institution which is supposed to be independent and, where, we, the Opposition, other people, are sending cases, and these reports are being biased? So, can the hon. Prime Minister

inform the House - recently he has made statements and has come with a tsunami replacing all the incompetent persons of the para-statal bodies - whether Mr S. D. is on his tsunami list?

(Interruptions)

The Prime Minister: The tsunami might also be for the Opposition. Let me say this, Mr Speaker, Sir. It is unfair to criticise somebody because he belongs to a socio-cultural organisation. I can give you...

(Interruptions)

Mr Speaker: Silence! Order!

The Prime Minister: We have nearly 1.3 million people in this country. We have to choose from what we have.

(Interruptions)

You want me to put foreigners all over the place. I can give you names of people who are - when we were in the Opposition - close to the hon. Member, but they did not say anything because every person has a right. Mr S. D. is not disqualified to be a member of the IBA. Section 7 of the IBA Act clearly states and specifies who the people who are disqualified are. He has the same rights as every other citizen in this country.

Mr Lesjongard: Mr Speaker, Sir, I will refer the hon. Prime Minister to the same clause of the IBA Act, that is, Disqualification, Clause 7 where it is stated that -

“(2) A member shall cease to be a member where -

- (a) he becomes a member of the National Assembly;
- (b) he becomes a member of a political party or is actively engaged in politics;”

May I ask the hon. Prime Minister whether he is aware that on Friday, 07 December 2012, that same gentleman took the floor in a political meeting whereby he canvassed those present and threatened the people present that if they don't vote for the Labour Party/PMSD Alliance, sanctions will be taken against them *et je prends à témoin l'honorable vice-Premier ministre Bachoo qui était présent à cette réunion...*

(Interruptions)

...which was held at the seat of the Valmiki Sporting Cultural Circle at Vallée des Prêtres.

The Prime Minister: Mr Speaker, Sir, first of all, everybody in this country, believe me, has a public opinion. Everybody would like to be Prime Minister of this country.

(Interruptions)

It is not the only socio-cultural organisation.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: I can name you other socio-cultural organisations.

(Interruptions)

Many people are doing.

(Interruptions)

Secondly, let me say! If you want me to answer, I will answer. If you don't want me to answer, I will ...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Just now, the hon. Member mentioned hon. Bachoo. Hon. Bachoo is saying...

(Interruptions)

He might have been present there, but he is saying loud and clear that what the hon. Member is saying is false.

(Interruptions)

Were you there? Don't get excited!

(Interruptions)

Mr Speaker: Silence, please!

(Interruptions)

Hon. Leader of the Opposition!

(Interruptions)

Please, allow the hon. Leader of the Opposition to put his question!

Mr Ganoo: Mr Speaker, Sir, I do not think that this august Assembly should become a court of law to assess testimonies of hon. Members. But what I am saying is that in view of the serious statement which has been made by hon. Lesjongard and in view of the dignity of the IBA as an institution I think that in order to protect its honour and dignity, the hon. Prime Minister should order the start of an enquiry. We have nothing against this person, but there is the law but in the spirit the law, even though he is not an active political activist but if he has made such type of statement, Mr Speaker, Sir, I think, he should be asked to retire from this institution.

(Interruptions)

The Prime Minister: Mr Speaker, Sir, let's not exaggerate. Tell me something! Who, in Mauritius today, you can go and tell him – if you don't do this, I am going to stop ...

(Interruptions)

It does not work that way.

(Interruptions)

If somebody comes and threatens me, I will do exactly the opposite.

(Interruptions)

He did not. He just mentioned he did not. He was there.

(Interruptions)

I don't believe that hon. Lesjongard was there. So, he was not there. He is talking about hearsay and he is the person who was there and he is saying that is not the case. That is what I want to say.

(Interruptions)

Mr Speaker: Will you allow the hon. Member to put his question? You are all talking at the same time. This is not proper.

Mr Obeegadoo: My colleague raised the issue of disqualification. Could I approach the issue from the other end, that of qualification? In Section 6 of the Act, it is clearly stated that –

“A member is appointed having regard to his experience in the field of broadcasting policy and technology, media issues, frequency planning, entertainment, education or related activities.”

Could the hon. Prime Minister tell us where does the experience of this gentleman lie that would qualify him to be a member of the Independent Broadcasting Authority?

(Interruptions)

The Prime Minister: Perhaps the hon. Member does not know, the honourable person that we are mentioning, first of all, is an educated person. He has been involved in education. He has been involved in the media and other activities.

(Interruptions)

Mr Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Can the hon. Prime Minister inform the House how he reconciles that somebody who publicly says he is giving *le mot d'ordre* to vote for the Government ...

(Interruptions)

Twa ki kapave dire fausse. To pena parole twa. Ticket to pas ti gagné; to pas pu regagné. Ki fausse?!

(Interruptions)

Mr Speaker: I am on my feet! Hon. Bhagwan, resume your seat! I want some silence. Order!

(Interruptions)

Order! Order! I say, order! Now, you may put your question.

(Interruptions)

Mr Bhagwan: Can I ask the hon. Prime Minister how he reconciles that somebody who is publicly saying that he is giving *le mot d'ordre* to vote for the Government...

(Interruptions)

Mr Speaker: Well, I have said allow the hon. Member to put his question, please.

(Interruptions)

Well, the hon. Prime Minister is answering the question, give him the chance to do so!

(Interruptions)

Yes, hon. Prime Minister, answer!

The Prime Minister: What I am saying, Mr Speaker, Sir...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: We have just heard that I have not seen anywhere where he has said you must do this, you must do that, but he can have his political opinion. That is what I have just said.

(Interruptions)

Mr Speaker: Hon. Quirin!

MBC - ENGLISH FOOTBALL ASSOCIATION CUP - BROADCAST

(No. B/4) Mr F. Quirin (Third 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 Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the reasons why the matches of the English Football Association Cup are being broadcast live only on Sports 11, which is a TNT Channel.

The Prime Minister: Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that with the digitalisation of television transmission, the television programmes are being broadcast on dedicated channels. At present, the MBC has twelve dedicated television channels.

Sports 11 digital channel is dedicated to the broadcast of all sports activities, whether they are local, regional or international.

Mr Speaker, Sir, however, I have impressed - because I took note of what certain people are saying - on the Director-General of the MBC to arrange for the English Football Association Cup Matches also to be broadcast on MBC 3 Channel, pending the complete digitalisation of television transmission.

The attention of the Public is also drawn to the fact that by December 2013, the MBC would migrate completely from analogue to digital transmission.

AZIR MORIS – REPRESENTATIVE - DECLARATION

(No. B/5) 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 statement made to the Police by a representative of *Azir Moris*, on or about 12 February 2013, in connection with the airing of excerpts of a press conference held by Mr S. D., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and if so, the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that on 12 February 2013, a representative of *Azir Moris* made a declaration at the Moka Police Station in relation to the airing of excerpts of a press conference held by Mr S. D. on 07 February 2013 in Port Louis.

I am also informed that a complaint was also received by the Independent Broadcasting Authority on 18 February 2013 and that the Complaint Committee of the IBA has started its investigation into these complaints and has, so far, met on two occasions.

I am further informed by the Commissioner of Police that the words allegedly uttered by Mr S. D., as quoted by the representative of *Azir Moris* in his statement on the 12 February 2013 are actually factually incorrect.

The Police enquiry is ongoing.

I am also advised that the Police are also enquiring into several complaints made against that particular representative of *Azir Moris*, including several breaches under the Information Communication and Technologies Act and an alleged case of racism. I think, I have got a list here of 35 or something, maybe more.

Mr Bhagwan: Mr Speaker, Sir, if I well heard, can the Prime Minister again confirm whether the IBA is making an enquiry. If it is the IBA, whether there won't be any interference from that gentleman who is also on the Board of the IBA?

The Prime Minister: The House may like to know that the people of the IBA were nominated by the previous Government.

(Interruptions)

Many of them were nominated by the previous Government. There was a complaint to the IBA but the Police also are enquiring as I said.

Mr Bhagwan: May we know whether the Police has completed its enquiry and whether the Police has taken a statement with Mr S. D.

The Prime Minister: For the first problem, as I said, Mr Speaker, Sir, what the representative of *Azir Moris* has said in his "statement", between inverted commas, actually turns out to be factually incorrect. That is the first thing.

Mr Uteem: In the light of the fact that the hon. Prime Minister himself just mentioned that the IBA is conducting an enquiry and has not even started taking statement, would he not consider it proper in this case that Mr S. D. steps down, pending the outcome of the enquiry?

The Prime Minister: As long as he does not take part in that enquiry. I didn't say they have not taken statements, I said they met on two occasions.

Mr Baloomoody: The hon. Prime Minister said that what that representative said in his statement was factually incorrect. May we know: was there an enquiry to find out whether it was factually incorrect and, if so, was Mr S. D. interviewed? If interviewed, was he interviewed under caution?

The Prime Minister: The first thing is: the representative of *Azir Moris* makes a statement to the Police. He quotes “Mr S. D.”, between inverted commas, in his statement. Now they have to check. They have the recording. That is actually incorrect - first step.

Mr Ganoo: It has been reported that when this Police enquiry was going on, the hon. Prime Minister made a comment that Mr S. D. had the *liberté d’expression*. Can I ask the hon. Prime Minister, as being the highest political authority in this country, whenever a Police Enquiry is going on or is open - I am sure he knows and he is aware of how democracy functions! He should not make such statements because this could hinder the Police enquiry. Can I appeal to him not to repeat that?

The Prime Minister: I can tell the hon. Member what I said: he has a right like every other citizen to enjoy his freedom of expression as long as he does not transgress over the law. But I must tell you I did not prejudice the enquiry because the enquiry was not actually actively in process at the time I made the statement.

Mr Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Has the attention of the Prime Minister been drawn that Mr S. D., on three occasions, had made such statements of communal nature and whether there are three other cases at the Police? Can the Prime Minister enquire and inform the House?

The Prime Minister: What I know is that there are about 38 such cases against this representative of *Azir Moris*, but then we cannot take on Mr S. D. and not on the other guy. The Police enquire what they have to enquire, but, as I said, we have to be careful. We hear things and then unfortunately my good friends of the press, sometimes, that is why I say we need to double-check things. He has made a “statement”, between inverted comma, which stands out to be factually incorrect.

AIR MAURITIUS LTD – STRATEGIC PARTNERSHIP

(No. B/11) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Air Mauritius Ltd., he will state if a strategic partnership with any other airline is being envisaged.

(Withdrawn)

Mr Speaker: Time is over! The Table has been advised that PQ No. B/11 has been withdrawn. This is a proper time to suspend for lunch. We will resume at half past two.

At 12.55 p.m. the sitting was suspended.

On resuming at 2.34 p.m. with Mr Speaker in the Chair.

EXCLUSIVE ECONOMIC ZONE – PERMIT

(No. B/15) Mr Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Minister of Fisheries whether, in regard to our Exclusive Economic Zone, he will state –

- (a) since 2005 to date, on a yearly basis, the –
 - (i) number of permits issued, indicating the nationality of the permit holders;
 - (ii) quantum of monies collected, and
 - (iii) tonnage caught and
- (b) the terms and conditions under discussion for the proposed Fishing Partnership Agreement to be signed between the European Union and the Republic of Mauritius.

Mr Von-Mally: Mr Speaker, Sir, the information relating to part (a) of the question is being tabled. It is quite long, unless the hon. Member wants me to read the whole list ...

(Interruptions)

Mr Speaker: No crosstalking, please. Answer the question!

Mr Von-Mally: Mr Speaker, Sir, with regard to part (b) of the question, I wish to refer the hon. Member to PQ No. B/602 of 23 October 2012 when I informed the House that a new Fisheries Partnership Agreement (FPA) and Protocol were concluded and initialled by Mauritius and the European Commission in February 2012 in Mauritius.

Discussions on the terms and conditions have already been held in accordance with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) and other rules of international Law and practices prior to initialling the Agreement and its Protocol.

Following the initialling process of the Agreement and Protocol, both parties initiated action and completed the necessary internal procedures for the Protocol to enter into force. The new Fisheries Partnership Agreement and Protocol were signed by both parties in Brussels on 21 December 2012.

Furthermore, in view of completing administrative procedures, Mauritius notified the European Union in January this year for the adoption of the Fisheries Partnership Agreement and Protocol. I am made to understand that the EU would incessantly notify Mauritius once consent of the EU Parliament is

obtained. It is with effect from the date of the reciprocal notification that the Agreement and the Protocol will enter into force for a period of three years.

Mr Speaker, Sir, given that the Agreement contains several terms and conditions, I am, therefore, tabling a copy of the signed Agreement.

Mr Li Kwong Wing: Mr Speaker, Sir, may I ask the hon. Minister to inform the House whether the agreement pertains to the exploitation of 2.4 million square kilometres of our exclusive zone for 86 foreign vessels and for which the Government of Mauritius will be collecting only 660,000 Euros, that is, Rs26 m. Is this not a *braderie* of our precious maritime resources to foreigners and should not this agreement, therefore, be renegotiated or cancelled?

Mr Von-Mally: In fact, Mr Speaker, Sir, this is not the first time that we are signing such a protocol. The last one spanned on a period of 17 years. Mr Speaker, Sir, I must say that our waters in the Indian Ocean are the poorest in terms of tuna. In fact, the EU fish in the north of Agalega; they do not fish near our island. The protocol has been signed to allow them, when they are fishing in the waters of Madagascar, Mozambique, Comoros, being given that tuna is a migratory fish - they fish normally skipjack - when the tuna are in our territory, in the north of Agalega, to continue fishing. In fact, Mr Speaker, Sir, the reference tonnage is 5,500 tonnes, but they are fishing on an average of 1,800 tonnes, that is, Mauritius is winning. Without investing a cent, we are receiving more than Rs26 m.

Mr Li Kwong Wing: Mr Speaker, Sir, is the hon. Minister aware that we are getting only Rs26 m., which he thinks is a gift to the Government of Mauritius, but which is not enough to buy even an Aston Martin for the Prime Minister? Is this amount sufficient as a trade-off for the unlimited fishing and pillage of our fish resources given the fact that we are getting only Rs2.60 per kilo for the fish when Mauritian local fishermen are not able to get any fish after the over fishing done by the foreigners and local consumers are paying a market price of more than Rs200 per kg.

Mr Speaker: Hon. Member, I shall draw your attention to the fact that when you put a question, try to be relevant and not drag in extraneous matters.

(Interruptions)

Mr Von-Mally: Mr Speaker, Sir, I think we must be patriotic.

(Interruptions)

Mr Speaker: Answer the question, please!

Mr Von-Mally: The seafood hub is an important pillar of our economy. We know that Europeans are investing in our seafood hub which is a pillar of our economy. In the seafood hub, we have

about 16,000 people earning a living directly or indirectly from fishing. We must not play with that. It is not true that they are paying Rs2 etc. per kg of tuna. They are fishing less than 1,800 tonnes. This can be checked through the logbooks. The hon. Member can check and crosscheck the data.

(Interruptions)

Mr Speaker: The hon. Minister should address the Chair. Yes, hon. Uteem!

Mr Uteem: We have just extended our continental shelf and have a greater economic zone. Can I know from the hon. Minister what measures is his Ministry taking in order to encourage more licensees to apply to be able to explore this industry?

Mr Von-Mally: In fact, Mr Speaker, Sir, being given that we have the problem of piracy in the North-Western part of the Indian Ocean, I think more fishing vessels are welcomed in our seas. Actually, we have quite many fishing vessels fishing in our EZ. I think it is o.k, we must not have too many also.

Mr François: Mr Speaker, Sir, may I ask the hon. Minister whether there is any quantum collected from the Japanese permit holders and if the monies are being earmarked for any specific purpose with regard to fishers community and what are they, if any?

Mr Von-Mally: Yes, from the Japanese and the European. There are bilateral agreements between Japan and Mauritius and, of course, likewise with the European, Rodrigues is also benefiting from that. We have, for example, beacon lights being installed, outboard motors to Rodriguan fishermen, you have the Diogo Rodriguez Vessel that has been repaired, etc.

Mr Ameer Meea: Mr Speaker, Sir, the hon. Minister just stated that, in fact, they are fishing less than they are supposed to fish. Can I know from the hon. Minister what measures does he have at his Ministry - the figure that is being reported by the books, as the Minister said of the ships that undertake the campaign for the fishing - to verify the exact figure that is being reported and also whether any audit or any methodology has been designed and what has been the outcome up to now?

Mr Von-Mally: Mr Speaker, Sir, we have serious officers working in the Ministry and we have the IOTC also working on that.

(Interruptions)

Yes, Mauritius is chairing the IOTC. So, we are not going to shoot in our own foot.

Mr Obeegadoo: Mr Speaker, Sir, we are all aware of the attempts of the UK to create a Marine Protected Area and of the stand of Mauritius in that regard. So, may I know from the Minister how this Partnership Agreement relates to the waters of the Chagos Archipelago?

Mr Von-Mally: Well, regarding the waters of the Chagos Archipelago, the hon. Member knows that the Minister of Foreign Affairs is dealing with that and he knows quite well what is happening with the Chagos waters.

Mr Obeegadoo: Well, I am just expecting an answer. Do I understand from the hon. Minister that he does not know how this Partnership Agreement relates to the dispute over the waters of the Chagos Archipelago?

Mr Von-Mally: We have everything in the report. There are so many terms and conditions that have been put in that.

Mr Li Kwong Wing: Mr Speaker, Sir, can the hon. Minister inform the House what are the surveillance equipment and vessels available at his Ministry or available by Government to ascertain that the catch is really 5,500 tonnes and can he ensure that the amount which is being negotiated as a deal in the agreement of the EU would be used to finance the surveillance of our ocean which is being pilfered by the following vessels?

Mr Von-Mally: Big words, Mr Speaker, Sir! In fact, all the countries in the Indian Ocean are working in close association, they are monitoring all this. We have the National Coast Guard, we have the Dornier, our helicopters and recently we have the ATSANSA Vessel where you have officers from Mauritius, from Comoros, from the different countries surveying our EEZ. We work together to combat illegal fishing and, as I have said, according to the logbook, we can make sure that the amount that is fished tallies with the agreement.

Mr Ganoo: M. le président, le ministre doit savoir qu'il y avait une coalition qui regroupait les associations des pêcheurs, les mouvements écologistes, les associations des consommateurs et les syndicats qui avaient organisé plusieurs rencontres et ils avaient demandé au ministre et au gouvernement, je crois officiellement, la mise sur pied d'une *National Marine Audit Commission* pour vérifier, pour auditer ce qui se passe en vérité, s'il y a ou non surexploitation. Est-ce que le ministre à l'époque avait réagi ou a-t-il une opinion sur cette demande ? Est-ce qu'il peut dire à la Chambre ce qu'il en pense ?

Mr Von-Mally: M. le président, nous avons rencontré effectivement ces gens au ministère et je peux dire qu'avant la signature de cet accord, les représentants des pêcheurs étaient là. Ils ont participé aux délibérations entre l'*E.C.* et les *stakeholders*. Ils étaient d'accord. Je peux vous le dire. Mais on continue à discuter. S'il faut faire un audit on va le faire.

Mr Obeegadoo: Mr Speaker, Sir, I understand from the official communiqué released by the EU that the new protocol includes elements of conditionality relating to the implementation of sectoral policy. Could the Minister tell us what are these elements of conditionality?

Mr Von-Mally: Mr Speaker, Sir, we have all these in the report and if the hon. Member is agreeable, I am willing to read, but there are so many.

(Interruptions)

I can read. How Mauritius makes satisfactory use of the amount earmarked for targeted measures. For example, we have the building of a fish landing station, dredging of channels, creation of boat passages, construction of slipways for fishermen, equipment for fisheries protection service, radio/telephone network, building of fisheries post and all these.

Mr Ameer Meea: Finally, can I ask the hon. Minister if he is satisfied with the way things are going, that is, how it is being assessed on the tonnage of fish that are being caught, is he satisfied with the whole process and whether he will sign the agreement?

Mr Von-Mally: The agreement has already been signed. The hon. Member is asking for my opinion. Well, we can always improve. My friend, hon. Obeegadoo, has been Minister of Fisheries, he knows very well what I mean.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Minister whether he is aware that in the Chagos Archipelago area, which the British call BIOT, the British Government is allocating a certain number of permits for fishing?

Mr Von-Mally: Mr Speaker, Sir, we know that this is before the International Court. I prefer not to comment on that.

UNESCO - LOCAL CULTURE - PROMOTION

(No. B/16) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the local culture industry, he will state if he has received the visit of two experts from the UNESCO, in September 2012, in relation to the promotion thereof as part of our economic sector and, if so, give details thereof.

Mr Choonee: Mr Speaker, Sir, two experts from UNESCO visited Mauritius in the context of the development of a strategy for the promotion of cultural industries locally. The mission was in Mauritius from June to September 2012.

Technical assistance missions of UNESCO are meant to support the beneficiaries in their efforts to -

- (i) establish legal, regulatory and/or institutional frameworks necessary;
- (ii) develop their cultural sector in their country, and
- (iii) introduce policies that address the role of culture in social and economic development, particularly through the fostering of cultural industries.

The objective of this mission was to come up with an Action Plan with clear objectives and targets, with emphasis on actions/policies that would assist in, amongst others -

- (i) professionalising the services offered by the Ministry;
- (ii) encouraging cultural entrepreneurship;
- (iii) improving the quality of cultural products;
- (iv) improving the status of artists, and
- (v) developing a database on cultural industries.

Mr Speaker, Sir, the experts submitted their report to my Ministry in September 2012. Their recommendations fell short of our expectations. They did not propose any work plan and implementation schedule as per their terms of reference. As for the proposals they made, no distinction was made between those measures that could be implemented in the short-term, medium-term and long-term respectively, as discussed with the experts at several meetings held at the Ministry.

Furthermore, instead of proposing measures on how to improve the working capacity of the Ministry, the experts merely suggested the setting up of a Cultural Industries Development Agency. My Ministry was previously working on the creation of a National Arts Council with a mandate similar to that of the proposed Agency. However, this project did not work out as there was overlapping with other agencies in Mauritius. In fact, during the working sessions held with the experts, the difficulty in setting up an agency was explained to them. Yet, they simply reiterated the same proposal.

Regarding improvement of the status of artists, the two experts only mentioned that legislation has to be passed to that end, while in fact, they should have proposed a draft legislation as per their terms of reference.

My Ministry went back to its stakeholders to clarify the findings of the experts, and submitted its comments on the report to UNESCO on 07 February 2013.

On 08 February 2013, UNESCO informed that it was assessing the situation, and that it would reply in greater length later.

Mr Speaker, Sir, the House will appreciate that my Ministry is still awaiting the reply from UNESCO, and in view of the fact that the report was commissioned by it, we have to await its decision before considering any action.

Mrs Radegonde: Mr Speaker, Sir, I do not understand why the expectation of the hon. Minister fell short from the visit of the two experts. The UNESCO and the Ministry of Arts and Culture have commissioned a first study. Can I know from the hon. Minister if the first study did not have any recommendations, and if it does, what has been implemented so far, and provide examples thereof?

Mr Choonee: Mr Speaker, Sir, let me start by commenting on the falling short of the recommendations from the experts. Actually, they did not refer to the terms of reference proper, which means they just slipped away from what was expected from them. Secondly, we have had two reports earlier. Those reports recommended the creation of the cultural industries, and the experts who were here between June and September last year referred to the same reports and gave the same recommendations, which means that there was no new input from the new experts who were here last year. Some of the recommendations of the previous reports concern cultural industries, and one vivid example is the setting up of the film framework and 30% grant. The Ministry of Finance, the Minister in particular, has looked into the matter personally, and now we are coming ahead with the creation of cultural industries, the first being support to producers. It is working well, and we are giving support to those who want to make films in Mauritius, whether they are foreigners or locals. We have already started implementing it. This is one example. Another one is the support that we give at the Ministry to artists. The sum being given up to last year was only Rs15,000. We doubled it to make it Rs30,000; an increase of 100%!

Another scheme is that of participation by our artists in international fora. We have a grant scheme which goes up to Rs250,000 for local artists to participate in competitions and activities being held abroad. Similarly, we have so many new things that we have added up. Further to that, we expected that the experts would come up with new innovative proposals. But they were not up to the level, and they did not give us the expected recommendations.

Mrs Radegonde: Mr Speaker, Sir, all this is for the television. I would like to know if the hon. Minister is...

(Interruptions)

I mean all this is...

(Interruptions)

All what the hon. Minister said was just for the television. What I want to know is what recommendation we have.

(Interruptions)

The recommendation was about effective copyright. If we do not have an effective Copyright Act, how would you expect to develop the cultural industry? My question to the hon. Minister is whether he is really aware that the creative industry is a major drive for growth in our fragile economy, and this is being done across all small islands for the cultural industry. Why has the hon. Minister not still strengthened the copyright legislation, which is long awaited by the local artists, to obtain the intellectual, moral and economic rights? What about the White Paper?

(Interruptions)

When is the White Paper due? Now the hon. Minister is talking about Action Plan. We are still waiting for the Copyright Act, the White Paper, and now the Action Plan. Which is which?

(Interruptions)

Mr Choonee: Mr Speaker, Sir, the hon. Member started by a question pertaining to the two experts from UNESCO. I gave the reply for the House and not for the Mauritius Broadcasting Television. But, anyway, if they do cover it, it is a plus point, and it is good.

Coming to copyright, for years together we have been discussing about copyright issues. You know what the problem is better than me, and you know where MASA stands today. You know where the artists stand today. Mr Speaker, Sir, we are almost ready with a new Copyright Bill, and I would like to inform the House that this time the Copyright Bill is not being considered in isolation. There is a Ministerial Committee chaired by the hon. Minister of Foreign Affairs, wherein...

(Interruptions)

...we have the Attorney General, hon. Varma, the Minister of Industry. At least, six Ministers and technicians have been working on copyright because...

(Interruptions)

...Mr Speaker, Sir, we have to understand that copyright does not concern only artists. There is patenting, agriculture copyright, and there are so many other issues that come in. That is why a committee chaired by the Foreign Affairs Minister has been set up, and recommendations are ready. The Attorney General is coming with the Bill in the very near future.

Mr Obeegadoo: Mr Speaker, Sir, the Minister would have this Assembly believe that the experts from UNESCO did not come up to his standards. Is it not true that, in fact, these experts gave up on their mission because, on the one hand, they said that the State agencies deemed responsible for implementation and strategic leadership lacked the will and/or capacity to act...

(Interruptions)

And, on the other hand, when they tried to consult the stakeholders, the stakeholders refused, the stakeholders had given up on all meaningful dialogue with the Ministry to such an extent that the experts concluded: *“Il n’y a aucune possibilité de développer des industries culturelles, durables et viables si la situation persiste”*.

Mr Choonee: Mr Speaker, Sir, the report submitted by the experts is supposed to be confidential. That report came to the Ministry. Let me confirm that whatever consultation that was needed to be accommodated when they were here was done, we facilitated every aspect of their visit, we gave them all the support, but the mindset of the experts was such, they did not find much to write positive about the country. They consulted about 200 persons in Mauritius, and yet, whatever the hon. Member is referring to is a copy from an article from the press. I can’t go by the press; I am telling you the truth and I am telling you that at the Ministry we wrote to the UNESCO and put forward our comments and we are waiting for UNESCO to react.

BUSES – LOW FLOOR

(No. B/17) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the bus industry, he will state if Government will consider taking measures with a view to encouraging the replacement of the conventional buses by low floor ones to improve the lighting and alighting thereof, especially to render them accessible to the elderly and the disabled.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the Road Traffic (Construction and Use of Vehicles) Regulations 2010, makes provision for low floor buses.

However, because of the high cost of those buses and the increasing operating costs, bus companies cannot afford to purchase this type of buses.

I am informed by the National Transport Authority that the United Bus Service is already operating two low floor buses. I have requested the National Transport Corporation to consider

purchasing two such buses to be operated on a pilot basis. If the experience proves successful, bus companies will be encouraged, if not urged, to buy such buses when renewing their fleet.

Mr Speaker, Sir, the bus modernisation programme, including fleet renewal and improved buses, will be given a new boost in the context of the introduction of the Light Rail Transit.

Ms Anquetil: Mr Speaker, Sir, can the hon. Minister inform the House whether consideration will be given or could be given to operate the low floor buses on selected routes to link hospitals?

Mr Bachoo: Mr Speaker, Sir, I have just mentioned that the cost is too high and that is the reason. For example, a low floor bus ranges from Rs5.5 m. to Rs8 m. and that is the reason which has not allowed bus companies to procure such buses. There are two semi low floor buses that I have mentioned and I have requested the National Transport Corporation to, at least, import two such buses on a pilot basis and if the buses are imported I will see to it that they are utilised in those regions where patients can have access to those buses.

Ms Deerpalsing: In view of the reply given by the hon. Minister about the cost of these buses, would he consider making representations to the hon. Minister of Finance in order that in the next budget there are measures that are taken so that these buses are privileged?

Mr Bachoo: Mr Speaker, Sir, to be very honest, the Ministry of Finance has made provision of Rs250 m. earlier in 2008 and with the idea of at least supporting those bus companies and individual bus operators by providing them Rs500,000; but, that was too little a sum compared to at least Rs2 m. which additionally they needed. So, I am going to make a request to my hon. friend if he can have a look at it afresh.

Ms Anquetil: Being given that it is a discrimination against disabled if they don't have access to public service vehicles, can the hon. Minister inform the House if provision could be made for wheelchair to board the semi low floor buses?

Mr Bachoo: As far as the semi low buses are concerned we will have a look at it but, as far as ordinary buses are concerned, it is very difficult to provide that type of facility to them. So, I would humbly request the hon. Member to bear with me because, in fact, we are importing two low floor buses and we will have a trial with those buses.

SECONDARY SCHOOLS - FORM IV STUDENTS - PC TABLETS

(No. B/18) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Education and Human Resources whether, in regard to the proposed provision of one PC tablet to each student of Form IV in the secondary schools, he will state where matters stand.

Dr. Bunwaree: Mr Speaker, Sir, with your permission I am going to reply to PQ Nos. B/18 and B/46 together as they relate to the same issue.

The proposal to distribute a PC tablet to each student of Form IV was announced in the last budget speech and, to that effect, a sum of Rs150 m. for the procurement of tablets has been provided for in my Ministry's budget.

Immediately after the budget, on 19 November 2012, a Steering Committee was set up under the Chairmanship of the Acting Director, Central Informatics Bureau and comprising representatives of my Ministry, the Ministry of Finance and Economic Development, the Central Informatics Bureau and the Mauritius Institute of Education.

The Steering Committee has since met nine times and had numerous exchanges electronically. The project framework has been worked upon by the Steering Committee and involves seven major components which I would like to highlight -

- a) Procurement of 23,110 PC tablets
- b) Connectivity of fibre Optic to 153 schools
- c) Recurrent charges (live rental of fibre optics)
- d) Wi-Fi hotspots in all schools
- e) Upgrading of Network for the Government Online Centre (GOC)
- f) Recurrent Charge for GOC (Internet Link)
- g) Support to MIE for the production of pedagogical content

Mr Speaker, Sir, given the use of new technology, and the novelty of such a high-tech project, a market sounding exercise was carried out on 10 January with closing date of 31 January 2013.

The aim was to –

- a) inform interested parties and service providers about the project proposal;
- b) invite interested parties for comments on the project, and
- c) use the comments and feedback received to further refine the project's key aspects.

Mr Speaker, Sir, the above market sounding exercise was carried out by my Ministry in collaboration with the Ministry of Information and Communication Technology. Some 32 companies have responded. In light of the information obtained, the specifications are currently under finalisation.

Once these are finalised and approved - I hope in the coming days - the bid documents will be prepared and tenders launched.

Mr Obeegadoo: Mr Speaker, Sir, we are talking here about schools. I have heard the hon. Minister – I am quite astounded! - speak about all the technical dimension but nothing about the pedagogical software, nothing about the human wear, that is, the training of teachers. Are we to understand that there is no pedagogical project on which the provision of PC tablets will rest?

Dr. Bunwaree: He wanted to hear what he wanted to - (g) Support to MIE for the production of pedagogical content.

Mr Speaker: Next question!

Ms Deerpalsing: The hon. Minister has talked about all the different aspects that have to be looked into and one of them is preparing Wi-Fi hotspots and all that. Would the Ministry consider tablets which don't necessitate a Wi-Fi connection, that is, a tablet that connects with each other within one room? For example you already have Bluetooth technology where tablets can connect with each other without an external Wi-Fi hotspot.

(Interruptions)

I can tell you what you can do with that!

(Interruptions)

Dr. Bunwaree: This is an interesting suggestion. I'll ask the Steering Committee whether they have taken that on Board because there have been discussions as I have said. I have to check, I don't know whether they have taken it on board or not.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he thinks that by the end of this year he will be in a position to supply these tablets to form IV students?

Dr. Bunwaree: End of this year? Well, I hope it is going to come as early as possible. We are going to launch the tenders in the weeks to come. I am seeing to it that we don't take too much time. I must thank you for this question because there seems to be some hurdles in the other aspects, apart from the tablets. So, if there are these difficulties, then we will give the tablets to the children and then, the second part will follow after because the MIE has already trained teachers for certain specific subjects to use tablets, especially for Secondary Schools.

Mr Obeegadoo: May I know specifically for what part of the Form IV curriculum these tablets will be used, how and when, and how many teachers are being trained?

Dr. Bunwaree: I cannot answer this question offhand, but I can tell the hon. Member that everything is being done for the core subjects in Secondary Schools for Form IV.

Mr Ameer Meea: Can I ask the hon. Minister why a measure that has been announced three years back - three years back during the last electoral campaign - that it is now that the tenders are being launched?

Dr. Bunwaree: It is because the Minister of Finance has changed.

(Interruptions)

Mr Speaker: Silence, please!

(Interruptions)

I say enough, now! Silence!

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether these tablets will also be supplied to the Pre-Voc. Form IV students?

(Interruptions)

Mr Speaker: Could the hon. Member speak up because there is so much noise?

Mrs Dookun-Luchoomun: I ask the hon. Minister whether the tablets would also be supplied to the Pre-Voc. students of Form IV.

Dr. Bunwaree: Yes, all of them; all students of Form IV.

Mr Speaker: Hon. Mrs Labelle!

AGALEGA - INSTITUT CARDINAL JEAN MARGÉOT REPORT

(No. B/19) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Local Government and Outer Islands whether he has taken cognizance of a report on Agalega prepared by the Department of Applied Pedagogy of the *Institut Cardinal Jean Margéot* and, if so, will he state if Government proposes to consider the proposals contained therein.

Mr Aimée: Mr Speaker, Sir, I wish to inform the House that the Report of the *Institut Cardinal Jean Margéot* on Agalega was addressed to the hon. Prime Minister and copied to -

- (i) Hon. Paul Bérenger, Leader of the Opposition;
- (ii) Father Jean Maurice Labour;
- (iii) Father/Dr. Jean Claude Veder;

- (iv) Mr Jean François Battour, Chairperson, Outer Islands Development Corporation;
- (v) Members of the Agalega Island Council, and
- (vi) Mr Laval Soopramanien.

The Report was not addressed nor copied to me by the author in my capacity as Minister of Local Government and Outer Islands. A copy was, however, made available to me by the Prime Minister's Office on 08 January 2013, requesting me to take necessary actions on the points raised in the Report that falls under my purview.

The Report, Mr Speaker, Sir, does not raise any new issue. All that is said in the Report is known to me and which, I have addressed both in my capacity as former Chairman of the Outer Islands Development Corporation and lately, in my capacity as Minister responsible for the portfolio of Outer Islands.

I would like, Mr Speaker, Sir, in order not to take the time of the House uselessly, to refer only to two issues raised in the Report, just to show that the Report does not bring forward any new matter deserving further attention.

First, Mr Speaker, Sir, on the issue of children and minors on board, I had, since I was Chairman of the OI DC, taken the decision to recruit a Social Worker whose duties would be, *inter alia*, to provide assistance to children and minors. The Officer was recruited since 2010 and one of her duties is to provide support to children and minors during their stay in Mauritius and also during their travel to and from Agalega.

Secondly, Mr Speaker, Sir, on the issue of food policy, I had, as Chairman of the OI DC, taken the decision since 2008 to recruit an Agricultural Development Officer to be responsible for the implementation of the food policy in Agalega. The Officer has undergone training at AREU and is now supervising the production of bio foodstuffs. The ultimate aim is to give 30 tonnes of such food produced every year.

As you can see, Mr Speaker, Sir, these two examples illustrate the statement I have put forward earlier on, i.e., the Report does not bring forward any new issue but only those which are very much well-known to me and which, I have addressed sufficiently both in my capacity as Chairman of the OI DC and subsequently, as Minister.

Mr Speaker, Sir, I am going to table the other issues raised in the Report and action taken on the Table of the Assembly.

Mrs Labelle: Mr Speaker, Sir, I am very surprised to hear that the hon. Minister mentioned he has received the Report from the office of the PMO. May I ask the hon. Minister whether he has not requested a copy of the Report from the author through a mail to which the author responded, explaining why the Report was not sent to him, because he did not respond to his first mail? This was the reason why it was not circulated and he presented his apologies and the author did send him a report as well as to his adviser. Mr Speaker, Sir, I am tabling a copy of the mails exchanged between the hon. Minister and the author of this Report.

(Interruptions)

So, these are the copies of the mail between the hon. Minister and the author of the Report. Will the hon. Minister...

(Interruptions)

Mr Aimée: Mr Speaker, Sir...

(Interruptions)

Mrs Labelle: May I be allowed to put my question, Mr Speaker, Sir. Thank you. So, may I ask the hon. Minister whether there was this exchange of mails between him and the author and whether a copy has been sent to him on 09 January? Thank you.

Mr Aimée: Mr Speaker, Sir, no. I have not received any Report from the *Institut* Cardinal Margéot.

(Interruptions)

Mrs Labelle: This mail has been addressed to the hon. Hervé Louis Aimée. So, you will see, Mr Speaker, Sir, who is not telling the truth.

My second question, Mr Speaker, Sir, is: is the hon. Minister aware that the O IDC, who has received a copy of the Report, has already initiated some actions. As far as I know, O IDC is under the Ministry of hon. Aimée. Is the hon. Minister aware that the O IDC has already initiated some actions by sending the corresponding excerpt of the Report to different Ministries and institutions concerned, namely the Police, the Ministry of Gender Equality, Child Development and Family Welfare, Ministry of Environment and Sustainable Development, Ministry of Education and Human Resources as well as Ombudsperson for Children. And some of these institutions have already responded asking for a full Report. So, I would say that the O IDC has already initiated some actions. May I ask the hon. Minister whether he is aware of this initiative of the O IDC?

Mr Aimée: Mr Speaker, Sir, I mentioned in my reply I had a copy of the Report from the Prime Minister's Office and I mentioned here, we have the issue raised on the Report that I have tabled in the Assembly where mention is made of all the steps taken via O IDC and via my Ministry also.

Mrs Labelle: Since several stakeholders are concerned, will the hon. Minister consider setting up a coordinating committee for the implementation of the actions which he is talking about?

Mr Aimée: No, Mr Speaker, Sir, because we have got the O IDC Board and Officers from my Ministry sit on that Board. There are also other officers from different Ministries. We have got the Agalega Island Council which is an Advisory Council. I think we have enough institutions to discuss the issue of Agalega. There is no need to put one more institution to deal with it.

Mr Ganoo: I have got one last supplementary. Mr Speaker, Sir, what I find strange in the answer of the hon. Minister is that he used the adjective 'useless' and he said that the report of the *Institut Cardinal Jean Margéot* needed no further attention because his Ministry was already dealing with the problems of Agalega. Can I ask the hon. Minister, over and above the fact that even last week, Jack Bizlall and other well-wishers were organising public press conferences denouncing the situation in Agalega, that the Agaleans have not received their foodstuffs, is he also aware that after, as he said, he received the report from the hon. Prime Minister - I am not asking the question whether there were emails and so on, I go by what he was saying - beginning of January, there were still *petitions circulées* and sent to him? I have in my hand one of these petitions: "*Premier ministre, l'honorable Ramgoolam, ministre des îles, l'honorable Hervé Aimée*" and so on. In this petition of several pages, the people of Agalega are still complaining about basic problems like in this case, not only the jetty, but their foodstuffs are not arriving on time.

For example, it is said -

"fodé enn travailleur mort lerla pou gagn alarme. Pareille couma générateur, fodé enn générateur endommagé lerla ki pou alle rode enn lott."

Simple problems, Mr Speaker, Sir! I am asking the hon. Minister why, therefore, if had been able to solve all the problems and there was no need to go into the report of Cardinal Jean Margéot, petitions are still circulating complaining about the terrible situation in which these Mauritians *à part entière* are still living? Why do they regularly complain about so many problems?

Mr Aimée: M. le président, cela va faire sept ans que je travaille avec les Agaléens en tant que *Chairperson* de l'O IDC et aussi comme ministre des îles.

(Interruptions)

M. le président, concernant la dernière pétition que le *Leader* de l'opposition a cité, on a adressé certains problèmes dans le rapport de l'Institut Cardinal Margéot. Mais il y a certaines choses qui sont indépendamment de notre volonté. Par exemple, il a parlé du générateur. Mais j'aimerais autant vous dire, M. le président, que c'est après un *sit-in* que j'ai été à Agalega. Pourquoi il y a eu ce *sit-in* ? C'est parce qu'il y avait un cyclone et je dois, malheureusement, dire que l'opérateur du générateur a laissé ouvert les portes et les fenêtres du bâtiment *where the generator is housed. That is why there was a court-circuit and the generator was broken down.* Agalega est à 1,000 km de Maurice. Il nous faut trouver des moyens pour envoyer d'autres générateurs. Il y avait un *spare* générateur. Mais ce générateur ne pouvait fonctionner qu'entre six heures du soir et six heures le lendemain. Mais pendant le jour il ne peut pas fonctionner. On n'a pas eu d'électricité pendant 24 heures. Ce n'est pas parce qu'on n'a pas prévu. Il y avait un *stand-by generator.* *So, what was the next step, Mr Speaker, Sir ?* Je suis allé vers l'Ambassade de France pour qu'on ait le Transall pour pouvoir transporter deux générateurs à Agalega. Malheureusement, l'armée de l'air était prise au Mali. Alors, il a fallu que j'aille vers l'Ambassade de l'Inde. Ils ont dépêché un bateau pour transporter deux générateurs qu'on avait acheté et qui devaient être acheminés. C'est là qu'on a pu débloquer la situation.

(Interruptions)

Mr Speaker, Sir, quand j'ai parlé de *useless issues*, vous verrez dans la liste que toutes les doléances, après ce qui s'est passé le 10 février, ont été adressées. Mais, beaucoup d'initiatives ont été prises pendant sept ans. J'aimerais autant vous dire que même dans certaines circonstances, les Agaléens bénéficient plus que les Mauriciens.

(Interruptions)

Mr Bhagwan: From what we hear from the hon. Minister, are we to understand that, as at to date, there are no problems at Agalega, the hon. Minister has solved everything, that everything is on target, that these people are lying, Mr Bizlall is lying, the Police are lying and only hon. Aimée is right ? Can the hon. Minister give an assurance to the country...

Mr Speaker: The hon. Member would better not use the word 'lying', but instead 'not telling the truth'.

Mr Bhagwan: The hon. Minister is not telling the truth or distorting facts. Can the hon. Minister at least give the assurance to the House that he is doing everything he can to solve the problems of these poor people there?

Mr Aimée: M. le président, je n'ai jamais dit qu'il n'y a pas de problèmes à Agalega. Nous avons encore des problèmes. *There is the remoteness of the island – 1,000 kms away.* Nous avons, par

exemple, le problème de *airstrip*. D'ailleurs, c'est la clef du problème à Agalega. Une fois que le *airstrip* va être fait, tout va rentrer dans l'ordre au niveau de la santé. On a des problèmes du côté de la santé. Il nous faut envoyer les mamans ici pour accoucher. Mais il n'y a pas d'autres solutions. On ne peut pas garder une dame qui est au cinquième ou sixième mois de grossesse à Agalega et subir des complications alors qu'Agalega se trouve à 1,000 kms où il n'y a pas de communication.

Mr Speaker: Hon. Mrs Labelle!

Mrs Labelle: Thank you very much, Mr Speaker, Sir. Mr Speaker, Sir, the hon. Minister said that among the 17 proposals made in this report there are only two which deserve further attention. I heard the hon. Minister said that there is nothing new, nothing which deserves further attention. May I ask the hon. Minister whether, in this report, there is mention of a protocol for children and minors on board - for example, this has been taken care of - the question of legal framework for the protection of rare and endemic species has to be extended to Agalega which exists in Mauritius? We know that there is a big problem of the killing of the tortoises over there. May we know if the land cultivation programme has been established or maybe this does not deserve further attention? I am not going to mention all these proposals. I have chosen only three, regarding a protocol for minors while travelling, the endemic plants and protection species and the land cultivation programme. Do these items not need further consideration? I am not going to mention all these proposals, I have chosen only three regarding a protocol for minors while travelling; regarding the endemic plants and protection of species there, and I have talked about the land cultivation programme; how these items do not need further consideration.

Mr Aimée: Mr Speaker, Sir, I have given a list of the situation in Agalega; of what we have attended to. I am going through the list now. *Concernant l'embarcation de Aureline Perrine Terminal Mauritius*, a request had been made to the Commissioner of Police for strict custom search and control at Terminal. The Mauritius Shipping Corporation Limited has been requested to ensure that all the containers going on board the Mauritius Pride be controlled before embarkation of passengers. I have already mentioned for minors. I am going now to hazardous disembarkation at Agalega Port St. James. The Mauritius Shipping Corporation Limited had been requested to look into the issue of acquiring a beach vessel for the Mauritius-Agalega Maritime Travel. Security norms at St. James: a proper luggage control system will be established at the level of the Corporation both at Port Louis and Agalega; right to be born on one's motherland. At present, the mother is transferred to Mauritius for prenatal treatment as such facility does not exist in Agalega. The Resident Medical Officer posted at Agalega advised that transfer to Mauritius. There are so many that I'll lay the list on the Table.

(Interruptions)

Mr Speaker: Please, no cross-talking! There is a fundamental principle that we have to apply. When a question is put, the answer must be relevant and related to the question. I am saying it for the guidance of Members. This subject matter has been aired sufficiently and adequately. However, in view of its importance, I will allow two more questions and those who have raised their hand first are hon. Ameer Meea and hon. Jhugroo. Hon. Jhugroo!

Mr Jhugroo: Mr Speaker, Sir, can I ask the hon. Minister where matters stand regarding the construction of the airstrip in Agalega and whether any studies have been carried out to have a port development there, in Agalega?

Mr Aimée: Mr Speaker, Sir, in 2011, in 2012 and also in 2013, an amount of Rs120 m. was provided in the Budget for the construction of the airstrip in Agalega. Tenders were invited and the tender price received from the only two companies was around Rs340 m. Being given that the bid prices exceed by far the estimate costs, no construction was given for the bid evaluation. In the meantime, my Ministry was under an obligation to request the firm to extend the validity of the bid on five subsequent instances. It is important to note that out of the two bidders; only one has recently renewed the validity of its offer. This being so, there is only one bidder for the exercise and the procedure will require that the present bidding exercise be cancelled and a new one to start afresh. The question of construction of the airstrip is still under consideration at the level of my colleague in Cabinet and in Government. An alternative mode of construction is actively under study. No decision has yet been taken in this regard.

Mr Speaker: Hon. Baloomoody?

Mr Baloomoody: Mr Speaker, Sir, the hon. Minister has laid a paper on the Table explaining what action is supposed to have been taken. Looking at the document, as a fact, - I will refer only to two or three issues where supposedly action has been taken - can he inform the House, with regard to embarkation at Aureline Perrine Terminal Mauritius where he said a request has been made to the Commissioner of Police for strict custom search and control at the Terminal, what is the strict control search which has been initiated by the Commissioner of Police? I refer to the item - children and minors on board. He said that the Commissioner of Police has been invited to establish, apply and reinforce a code of conduct for members of the Police Force who travel to Agalega, especially when they are posted there. Can the hon. Minister inform the House today what is that code of conduct? I'll take a last one because it seems that the Minister just passes the buck to other institutions and doesn't take action. With regard to educators: he said that provision for education facilities in Agalega rest with the Ministry of Education and Human Resources. That Ministry is best placed to assess the requirements and deployment of necessary staff. Can the Minister inform the House as a fact what action has been taken regarding the educators. On these three issues, can the hon. Minister enlighten the House?

Mr Aimée: Mr Speaker, Sir, as I mentioned at the very beginning of this parliamentary question, I said I have been working for the people of Agalega and I have done my best, Mr Speaker, Sir.

(Interruptions)

Mr Speaker, Sir...

Mr Speaker: Hon. Bhagwan, withdraw the word. Please, you stand up and withdraw the word.

Mr Bhagwan: I withdraw, Mr Speaker, Sir.

Mr Aimée: The hon. Members of the Opposition want to know why I have requested the Commissioner of Police to initiate strict Custom Search.

(Interruptions)

Mr Speaker: Hon. Minister, I have still to repeat what I said earlier. When a question is put, listen carefully to the question and the answer should be relevant.

Mr Aimée: I said in my reply why I have requested the Commissioner of Police to have a tight search on the ship while embarkation at Aureline Perrine Terminal Mauritius. There is one reason for that, Mr Speaker, Sir.

(Interruptions)

Do you know, Mr Speaker, Sir...

Mr Speaker: Please, Minister, I don't want to know. Please, answer the question.

(Interruptions)

Order! I have said that this subject matter has been sufficiently aired, but, in view of its importance, I allowed only two questions. Let us try to be brief because there are other questions to be answered.

Mr Aimée: I'll reply, Mr Speaker, Sir, they have asked the question.

Mr Speaker: Yes, reply.

Mr Aimée: Yes. I have requested the Commissioner of Police because since 2011 there was a report from the inhabitants of Agalega. They are not all complaining what is going on in Agalega. It has been reported to my office that they are planting gandia there. In that particular letter, they said to me that gandia is coming in the fish to Mauritius. So what should I do?

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

Mr Aimée: So, what should I do, Mr Speaker, Sir?

(Interruptions)

Mr Speaker: Silence! Allow the Minister to answer!

Mr Aimée: I wrote to the Commissioner of Police informing him what's going on in Agalega. Then, he recalled all the policemen that were there, putting new ones there, a team of Mobile Force, they searched and they got 14 plants of gandia.

(Interruptions)

Mr Speaker, Sir, that was in 2011. I left five months later in 2012. I tried again to have 13 Agaleans. Also, in 2012, we got gandia planting there. So, Mr Speaker, Sir, that's why I said, from the very beginning, I have always worked in the interests of the Agaleans. Nobody reported that, not the Cardinal Margéot Institute, not anyone reported that there was search and got gandia in Agalega.

Mr Speaker: Hon. Ameer Meea, next question!

MINISTER OF LOCAL GOVERNMENT AND OUTER ISLANDS - AGALEGA VISIT

(No. B/20) 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 his last visit to the Agalega Island, he will state the –

- (a) date and duration thereof;
- (b) composition of the delegation, and
- (c) outcome thereof.

(Interruptions)

Mr Aimée: Mr Speaker, Sir,...

Mr Speaker: Silence! Hon. Bhagwan!

Mr Aimée: Mr Speaker, Sir, now I know there are so many people laughing, which means many people are happy here.

Mr Speaker: Hon. Minister, please answer the question! Carry on!

(Interruptions)

Silence! I say, order!

(Interruptions)

I say enough noise now!

Mr Aimée: Mr Speaker, Sir, I wish to inform the House that my last visit to Agalega took place on 10 February 2013. The Dornier aircraft left Mauritius at around 6.30 a.m., departed from Agalega around 3.00 p.m. on the same day.

The visit was originally scheduled to be conducted by myself and my colleague, hon. Shakeel Mohamed, Minister of Labour, Industrial Relations and Employment. However, the latter could unfortunately not join in.

(Interruptions)

Mr Speaker: Silence! Please, no interruption!

Mr Aimée: Mr Speaker, Sir, I wish to point out that my visit to Agalega took place at a time when there was unrest, frustration as well as a sit-in on the island. My visit aimed at restoring calm, peace and serenity amongst the population.

The purpose of my visit was therefore to bring comfort to the population whose difficult situation had been further worsened by the passage of cyclone Dumile. I told them that Government was fully aware of their difficulties, accentuated by the remoteness of the island and communication constraints. I conveyed to them the full support of Government and its commitment to continue mobilising resources to improve life and quality of life on the island.

Mr Speaker, Sir, I wish to inform the House that I will continue to maintain close contacts with the population of Agalega and liaise with the various Ministries/Departments in Mauritius to contribute to the improvement of life and quality of life in Agalega.

Mr Ameer Meea: *Mr Speaker, Sir*, en relation avec la visite du ministre Aimée à Agalega, est-ce que le ministre serait d'accord que le discours qu'il a fait à Agalega, ne cadrerait pas du tout avec la raison officielle de sa visite à Agalega et surtout l'attaque injustifiée qu'il a faite contre l'Eglise Catholique ?

Mr Aimée: M. le président, de nos jours, il est trop facile d'interpréter ce qu'on voit sur les journaux pour venir même amener cela, ici, sans justification. Je demande à l'honorable membre de voir qui a enregistré ce que j'ai dit à Agalega et il n'a qu'à produire l'enregistrement ici. A ce moment-là, je répondrai de mon maladresse ou du problème qu'il y a eu. Si vous avez l'enregistrement amenez-le ici et produisez-le à l'Assemblée.

Mr Lesjongard: M. le président, toujours suite à la visite du ministre et concernant ses commentaires à propos de l'église Catholique qui est restée silencieuse sur la cultivation du gandia à Agalega, est-ce que le ministre ne trouve pas ses propos insultants et inacceptables à l'égard de l'église Catholique qui jouit d'une très bonne réputation dans ce pays depuis des années ? C'est la première fois qu'un ministre de la république de ce pays tient de tels propos vis-à-vis de l'église Catholique. Est-ce que le ministre est prêt, aujourd'hui, à présenter ses plates excuses à l'église Catholique et retirer ses propos, M. le président ?

(Interruptions)

Mr Aimée: M. le président, je vais répéter ce que j'ai dit...

Mr Speaker: The Minister is about to answer. The question has been put, give him the opportunity to answer.

Mr Aimée: ... dans les journaux où vous avez l'appris, et là je dis...

(Interruptions)

C'est vrai ce que j'ai dit. Tout ce que j'ai dit, ce n'était pas contre l'église, M. le président, c'était contre M. Labour.

(Interruptions)

Et je répète, M. Labour.

(Interruptions)

Mr Speaker: There is a point of order.

Dr. A. Boolell: The hon. Member has used an unparliamentary word, he has to withdraw the word 'bourrique'.

(Interruptions)

He has or otherwise he goes out.

(Interruptions)

Mr Speaker: Order! I say, order! Hon. Mrs Labelle!

(Interruptions)

I am speaking to hon. Mrs Labelle. Have you uttered the unparliamentary word?

Mrs Labelle: No.

Mr Speaker: My question is simple: have you...

Mrs Labelle: No.

Mr Speaker: You have not uttered the unparliamentary word?

Mrs Labelle: No. my colleague has said '*bourrique*' and I said: 'he is acting like a *bourrique*'.

Mr Speaker: Yes, even then, you will have to withdraw the word.

(Interruptions)

Hon. Mrs Labelle, I have asked a question: have you uttered the unparliamentary word?

Mrs Labelle: Mr Speaker, Sir, with due respect, though I did not say he is a *bourrique*, I said: 'he is acting like a *bourrique*', he is acting like a stubborn person, because he is repeating that the Church is supporting the plantation of gandia and as a Christian it is very difficult for me to bear such a statement.

Mr Speaker: Hon. Mrs Labelle, withdraw the word!

(Interruptions)

Silence! I am speaking to hon. Mrs Labelle.

Mrs Labelle: To abide by your ruling, Mr Speaker, Sir, I withdraw the word.

Mr Speaker: Thank you very much.

Dr. Bunwaree: Mr Speaker, Sir, on a point of order.

Mr Speaker: On a point of order, yes. Let us listen to that point of order

Dr. Bunwaree: Mr Speaker, Sir, hon. Mrs Labelle, in a standing position, in reply to your query, mentioned that it is hon. Lesjongard who said "*bourrique*" and she used that word. Are you going to accept that hon. Lesjongard mentioned the word "*bourrique*"?

(Interruptions)

Mr Speaker: I expect some respect and decorum from hon. Members. It is a matter of integrity. If someone has uttered the unparliamentary word, he must, as a hon. Member, have the courage to say 'yes, I did it'. I have asked the question to Mrs ...

(Interruptions)

May I complete my sentence, please!

I have asked hon. Mrs Labelle whether she uttered that unparliamentary word. She admitted and she withdrew. This is the end of the matter. The hon. Minister may proceed.

(Interruptions)

Only one Member at a time!

Dr. Bunwaree: On a point of order. Hon. Mrs Labelle, in a standing position, replying to your query whether she had mentioned that, said - and it is in Hansard - that it is not she but hon. Lesjongard who said the word "*bourrique*". So, if this is the fact, hon. Lesjongard should withdraw that word.

(Interruptions)

Mr Speaker: Silence!

Mr Assirvaden: M. le président, j'ai entendu l'honorable Lesjongard traiter le ministre de « *bourrique* ».

Mr Speaker: I put the question to hon. Lesjongard. Have you uttered this unparliamentary word?

Mr Lesjongard: Mr Speaker, Sir, I maintain what I said.

Mr Speaker: What did you say?

Mr Lesjongard: "*Bourrique*". And I did not ...

(Interruptions)

Mr Speaker: I am on my feet!

(Interruptions)

Hon. Lesjongard, you withdraw the word "*bourrique*".

Mr Lesjongard: I maintain, and I withdraw the word.

Mr Speaker: You maintained you have said it, and you withdraw the word.

Mr Aimée: M. le président, maintenant que les choses sont rétablies, répondant à la question de l'honorable Lesjongard à propos de ce que j'ai dit que l'Église est associée au *gandia*, non, j'ai dit que l'Église n'a jamais rapporté ces faits. Mais par contre, l'Église ...

(Interruptions)

Mr Speaker: Wait a minute! Don't interrupt the hon. Minister. He has the right to reply.

Mr Aimée: J'ai dit ...

(Interruptions)

Mr Speaker: Wait a minute! I am on my feet. The hon. Member will be given the right to reply on a matter of personal explanation, however. The Minister is saying something. Let us listen to him.

Mr Aimée: J'ai dit que l'Église est silencieuse là-dessus.

(Interruptions)

The hon. Member should not impute motives to me. I have never said that *l'Église* is associated to that.

(Interruptions)

Mr Speaker: I am not going to accept any interruption. This morning, I said that I am not going to give any warning. Let the Minister explain his position.

Mr Aimée: M. le président, effectivement j'ai mentionné tout cela dans la presse pour dire que l'Église n'a jamais fait mention du problème de la drogue à Agalega. Cela ne veut pas dire que j'ai dit que l'Église était associée au problème de la drogue à Agalega. Ils peuvent interpréter cela comme ils le veulent. Encore une fois, je demande, M. le président, premièrement, qu'on ait l'enregistrement de ma visite à Agalega, pour être sûr et certain de ce qu'on dit, parce que moi je peux rassurer la Chambre que j'étais dans mon droit. J'ai parlé, bien sûr, avec un peu d'ardeur parce que je n'étais pas content. Il y a autre chose que les honorables membres ne savent pas. M. le président ...

(Interruptions)

Mr Speaker: Wait a minute! Let us clear this issue first. The hon. Minister has given his explanation, and I have listened to it. Hon. Lesjongard has a right to explain what he said exactly, as a matter of personal explanation, of course.

Mr Lesjongard: Merci, M. le président, de me donner la parole. Dans ma question, j'avais répété les propos du ministre, c'est-à-dire que l'Église est restée silencieuse sur la cultivation du gandia à Agalega. Le ministre vient de confirmer ces propos, notamment que l'Eglise Catholique de Maurice cautionne la cultivation du gandia à Agalega.

(Interruptions)

Mr Speaker: Just a minute! Hon. Lesjongard, I have to make it very clear. I have not heard the Minister saying that "*l'Eglise cautionne*". I have not heard this sentence at all.

Mr Ameer Meea: Mr Speaker, Sir, I don't understand why we are losing precious time of the House on such a word like "*bourrique*".

(Interruptions)

Mr Speaker: Hon. Member, I would not tolerate this attitude. I have ruled that this word is unparliamentary. So, you are not allowed to use it again. You withdraw the word, please!

Mr Ameer Meea: I withdraw. M. le président, maintenant qu'on réalise le tort immense qui a été causé aux Agaléens, peut-on demander au ministre s'il envisage une prochaine visite à Agalega et ce qu'il compte faire pour rétablir les ponts pour faire avancer la cause agaléenne ?

Mr Aimée: M. le président, tout en exprimant ce que j'ai dit dans mes propos à Agalega et sur les journaux, je suis conscient en tant que ministre responsable des *Outer Islands* que le pont dont l'honorable membre a fait mention est là ; il n'a jamais été détruit.

Mr Speaker: We move to the next question. Hon. Mrs Labelle!

MANGALKHAN - STATE LAND – GREEN SPACE

(No. B/21) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Housing and Lands whether, in regard to a plot of State land located next to the Reverend Espitalier Noël Government School, in Mangalkhan, he will state if same has been allocated, and if so, the purpose therefor, and if not, if consideration will be given for the vesting thereof to the appropriate authority for the creation of a green space thereat.

Dr. Kasenally: Mr Speaker, Sir, the plot of State land located next to the Reverend Espitalier Noël Government School in Mangalkhan was formerly used as a treatment plant by the Wastewater Management Authority. The latter has stopped its activities on this site in June 2009 and, therefore, the land has been retrieved.

I am proposing to vest the said plot of land in the Ministry of Local Government and Outer Islands, which is eventually to be put at the disposal of the Municipal Council of Curepipe for the creation of a green space.

***ZONE D'ÉDUCATION PRIORITAIRE* SCHOOL FEEDING PROJECT - IMPLEMENTATION**

(No. B/22) **Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Education and Human Resources whether, in regard to the *Zone d'Éducation Prioritaire* School Feeding Project, he will state if, prior to the implementation thereof, a committee was set up to examine all the aspects thereof and, if so, indicate the -

- (a) composition thereof, and
- (b) number of meetings held and table copy of the minutes thereof.

Dr. Bunwaree: Mr Speaker, Sir, the Primary School Feeding Programme was implemented in ZEP schools for the past 10 years with a view to improving learning through better child nutrition, and to encouraging pupils of lower social groups to attend school regularly, thus reducing the absenteeism rate.

In November 2012, in a bid to further strengthen its support to pupils of ZEP schools and to combat absenteeism, Government announced the provision of a daily hot meal to each child attending ZEP schools in the Budget Speech 2013.

With regard to part (a) of the question, a Technical Committee was set up at the level of my Ministry in early December 2012 to look into the implementation of the budgetary measure, examine its implications, and work out the modalities for its implementation. The project was scheduled to start on the day of resumption of studies in schools, i.e., 14 January 2013.

The Technical Committee was chaired by the Chief Technical Officer of my Ministry and comprised the following Senior Officials -

- Assistant Director (Primary);
- Principal Assistant Secretary (School Management);
- Principal Assistant Secretary (Procurement, Stores and Pre-primary);
- Manager, Financial Operations, and
- ZEP Project Manager

The Ministry of Health and Quality of Life was consulted with regard to food safety guidelines, menu to be served and inspection visits to be conducted. Guidelines and menu were subsequently provided by the Ministry of Health and Quality of Life.

A meeting was moreover held with the Head Masters of all the ZEP schools in the presence of ZEP Cluster Coordinators to explain the modalities for the implementation of the project as well as the need to ensure strict compliance with relevant norms and standards.

In reply to part (b) of the question, I am informed that two formal meetings were held prior to the start of the project and I am tabling a copy of the minutes of proceeding of the two meetings dated 07 December 2012 and 04 January 2013.

Mrs Hanoomanjee: Mr Speaker, Sir, I understand from the hon. Minister that the Ministry of Health did not form part of that technical committee at the level of his Ministry to sort out all aspects of the project. Can the hon. Minister say whether all places where food was to be prepared were visited equally by members of a technical team comprising Education and Health at the same time to ascertain that these places were according to safety norms?

Dr. Bunwaree: I put the question when the problem arose and I was made to understand that all the places had been visited - not everywhere - by officials of the Ministry of Education but, at least, by the Ministry of Health and their inspectors.

Dr. S. Boolell: I would like to ask the hon. Minister whether the project is still on course and whether the same Technical Committee which had proved to produce the results that we know in Bambous will be the same people who will actually decide again on the same guidelines or whether there is any change.

Dr. Bunwaree: We had a meeting chaired by my colleague, the hon. Vice-Prime Minister, Minister of Finance and Economic Development with all those stakeholders involved and we have not done away with the project. In fact, I must admit that there are flaws. It was not easy for us to monitor everything that was happening from the beginning to the end. In fact, hon. Obeegadoo was Minister then and he also tried – he is not responsible, of course – but he must know the difficulties that exist in such cases. I can report on many cases that took place in those days. But the thing is that we have decided to review and some decisions have already been taken. We may go on pilot scheme. We have chosen a few schools and, of course, the monitoring will be stricter and will include all those who need to be included to see that such problems do not recur. But, it is not an easy thing, Mr Speaker, Sir. I must tell you that we have had cases where excess of e-coli have been seen in food, but that has been proved only microscopically. We did not find any sign of infection or whatever, but it is through microscopic examination that this could have been detected and that takes time. So, at the same time, the food can go to the children, but we have to be very, very careful about that, especially insofar as hot meals are concerned. However, we have put in place another system where food is being served but not hot meals for the time being.

Mr Ganoo: Mr Speaker, Sir, the question that I want to ask the hon. Minister concerns the Bambous Government School where food poisoning took place on an important scale. Is the hon. Minister aware if the Ministry of Education has taken follow-up actions with regard to these children as some of them are still suffering from this *traumatisme* of this food poisoning, and whether special attention should be given to them on the part of the Ministry so that they can recuperate, and even thinking in terms of monetary compensation to these children or their parents?

Dr. Bunwaree: Definitely, the first and most important concern for us was the situation with the children since the incident occurred. The monitoring is still going on and it is being done by the Ministry of Health and Quality of Life and the Ministry of Education and Human Resources. Insofar as compensation is concerned, we will look into the matter if ever there is any need. Of course, there are some problems but these have occurred in cases where problems already existed with the children who,

for example, were asthmatic and allergic. It does not mean that it is the result only of what happened on that day at school.

Mr Jugnauth: In fact, the hon. Minister has just admitted that there are flaws with regard to this project. Can he tell the House what are all the flaws that he has found out?

Dr. Bunwaree: I can mention a few, but then I have already mentioned the most important one just now. It has been difficult for us to control the food from the place it is prepared to the place it is being distributed and whatever happens on the transport. The control has to take place at many points and I must say that I was not satisfied with the fact that we could not follow everything that was happening from the beginning to the end.

Mr Obeegadoo: If the hon. Minister is to be believed that there was a committee that met in anticipation of the project, how does he explain that the Head Teachers - to whom the Ministry entrusted the responsibility to take charge and manage both the procurement and the delivery of the hot meals - should have come up with a public statement to the effect, and I quote –

“Tout a été fait dans la précipitation et sans planification (...).”

Dr. Bunwaree: This is not really exact, but it could have happened in one or two cases. It was not the Head Teacher alone; it was the Head Teacher with the Parent Teachers’ Association (PTA) and also in close collaboration with the Zone which was responsible for the schools which existed in the Zone. I must also add that we had already experienced even hot food supplied to children through what we call the Summer Schools and the Winter Schools and it worked marvelously well. Maybe we have been taken by surprise afterwards, but it worked marvelously well. We used that same system when it came to the supply of hot food to schools but one thing did happen. And, as I said, hon. Obeegadoo himself had experienced things like that in the past. What is important is for us to see where the problem lies and we address it as it should.

Mr Seeruttun: Est-ce que l’honorable ministre peut confirmer si dans ces écoles ZEP les élèves ont été servis des repas comme mines frites, des frites et même des burgers alors qu’on sait que dans des écoles normales ce sont des repas interdits?

Dr. Bunwaree : Normalement, cela ne devait pas être le cas. Si l’honorable membre a connaissance de tels cas, je lui recommanderais de m’informer ...

(Interruptions)

S’il a eu des plaintes dans ce sens ! Ce que je peux dire et assurer la Chambre - et je l’ai dit dans ma réponse - c’est que les menus étaient proposés par le ministère de la Santé d’après des experts et tout allait

dans ce sens. Mais il n'est pas impossible, et je ne dis pas le contraire que dans un cas il y a eu un problème quelconque.

(Interruptions)

C'est à nous de savoir. Mais venir dire comme cela, sans avancer des choses plus solides, je ne peux pas agir. Mais, à ma connaissance, il n'y a pas eu de tels cas.

Mr Jugnauth: Can the hon. Minister say whether, after the incident at Bambous, there were checks at different places by Health Officers and also if e-coli were discovered in a number of cases?

Dr. Bunwaree: Yes, e-coli were discovered in a number of cases. I said that publicly and it was then that we decided to stop it altogether.

Mr Speaker: Last question, hon. Obeegadoo!

Mr Obeegadoo: Can the hon. Minister explain to us why it took the poisoning of so many little innocent children at Bambous for the Ministry to realise that you cannot have one caterer who is not a professional caterer for more than 600 children?

Dr. Bunwaree: Là je suis vraiment *flabbergasted*. L'honorable membre, quand il était ministre, à son époque, il y a eu un seul *caterer* pour l'ensemble du pays.

(Interruptions)

Et il y a eu des problèmes

(Interruptions)

De nombreux problèmes ont existé.

(Interruptions)

Mr Speaker: Silence!

Dr. Bunwaree: Au moment où il fallait décider, on s'est inspiré de cela au contraire pour ne pas répéter cette erreur. C'est pour cela qu'on a décentralisé pour essayer de faire de façon que cela ne se reproduise pas. Maintenant, lui, il vient me dire cela; c'est incroyable!

Mr Speaker: Well, I have said the last question, but, nevertheless, being given the interest of Members, I'll allow a few more questions.

Mrs Hanoomanjee: Mr Speaker, Sir, for such an important project where millions of rupees are involved, doesn't the hon. Minister think that, if right from the beginning, the Committee which was set up would have roped in not only the Ministry of Health but also some of the PTA's for whom the catering

service was given? Doesn't the hon. Minister think that the flaws which have risen would not have and that these issues would have been addressed at the level of the Committee before the implementation of that project?

Dr. Bunwaree: Whether we ought to do it together, but I said that a meeting was moreover held with all the headmasters who were involved in the project and all the PTA's.

Mr Speaker: Hon. Leader of the Opposition!

Mr Ganoo: One of the advantages that Government was flagging with regard to this project was that providing *un repas chaud* to these children of the ZEP school would discourage absenteeism and would favour more attendance at school. But now that this project has been done away with, can the hon. Minister tell us what the situation is? What is being done now to promote more attendance in these schools?

Dr. Bunwaree: I said that we have not done away with the project, we are going to come again with it but we are going to take all precautions and learn from the bad experiences of the past.

Mr Jhugroo: Mr Speaker, Sir, le *hot meal* a été remplacé par du pain et du beurre. Est-ce que le ministre est au courant qu'on est en train d'avoir du beurre *gâté* et même fondu ?

Dr. Bunwaree: Du beurre?

Mr Jhugroo: Gâté et même fondu!

Dr. Bunwaree: Je ne suis pas au courant de cela.

RING ROAD, HARBOUR BRIDGE & A1-M1 BRIDGE - BIDDERS

(No. B/23) **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 Ring Road, the Harbour Bridge and the A1-M1 Bridge Projects, he will state the names of the bidders who were selected through restricted bidding for the provision of services for geotechnical investigations therefor, in each case, indicating the -

- (a) name of the contractor therefor;
- (b) contract value thereof, and
- (c) cost of variations works, if any, indicating if there has been any investigation in relation thereto and if so, table the report thereof.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker Sir, I am informed that bids for the

provision of services for geotechnical investigations for the Ring Road, Harbour Bridge and A1-M1 Bridge projects were invited by the Road Development Authority through restricted bidding on 01 September 2010. The project was divided into three distinct lots as follows -

- Lot 1 - Harbour Bridge
- Lot 2 - Ring Road
- Lot 3 - A1-M1 Bridge

On 13 October 2010, bids were received from the three suppliers, namely -

1. Géoconsul Ltée
2. Water Research Co. Ltd, and
3. Sotravic Ltée

Regarding parts (a) and (b) of the question, the contract for Lot 1 and Lot 3 was awarded to Géoconsul Ltée for the total sum of Rs7,721,284.00, and for Lot 2, the contract was awarded to Sotravic Ltée for the sum of Rs17,870,174.30.

As for part (c) of the question, there were no variation works and the final sums paid to the contractors were as follows -

Géoconsul Ltée	- Rs7,715,881.30
Sotravic Ltée	- Rs16,679,590.80

It is to be pointed out that the amounts paid are within the contract price.

When the need arose for geotechnical investigations in the sea, the RDA solicited a quotation from Water Research Co. Ltd, which is the only firm equipped with sophisticated drilling equipment and sea barge to carry out marine investigations. On 02 May 2011, the RDA awarded the contract to the company for the sum of Rs4,650,059.50 after conducting the technical and financial evaluation of the quotation received. There were no variation works and the final sum paid was Rs4,311,522.50, again within the contract price.

As regards part (d), since there were no variation works, the question does not arise.

Dr. Sorefan: Mr Speaker, Sir, if I heard the hon. Minister rightly that on 13 October 2010, there were three bidders: Géoconsul Ltée, Water Research Co. Ltd and Sotravic Ltée, but how come that the award to set in section was awarded to Géoconsul Ltée who has not submitted its bid.

Mr Bachoo: Mr Speaker, Sir, I would remind the Member when I was reading the answer, I have mentioned – “On 13 October 2010 bids were received from three suppliers.” The first name I used was

Géoconsul Ltée. So, Géoconsul Ltée was there, Water Research Co. Ltd was there and Sotravic Ltée was there. I have mentioned already.

Dr. Sorefan: Mr Speaker, Sir, I have got an executive summary for this lot. I am going to table it. There is no mention of Géoconsul Ltée which has submitted its bid, but it has been awarded. I am tabling this document.

Mr Speaker: No. Has it been signed?

Dr. Sorefan: I am going to sign it!

(Interruptions)

Mr Speaker: Wait a minute! Hon. Jhugroo! You don't make any comment! You will be in trouble yourself. The document the hon. Member is going to table, is it signed? My question is simple. Is it a signed document?

Dr. Sorefan: Mr Speaker, Sir, this comes from the internet...

(Interruptions)

Mr Speaker: Not allowed! Next question! Hon. Dr. Sorefan!

Dr. Sorefan: I have got a supplementary question. Mr Speaker, Sir, is the hon. Minister aware that after having handed over the ring road to the RDA by the contractor and after the flooding, the heavy rains in February, there have been major works done at the roundabout going to Grewals and the roundabout Vivekananda and in-between there were retaining walls?

Mr Bachoo: Mr Speaker, Sir, in fact, the question is regarding consultants who were going to undertake the feasibility and consultative work. That has nothing to do with road construction. The hon. Member can come forward with a question and I will answer.

Mr Speaker: Does the hon. Minister need notice of the question?

Mr Bachoo: I could not get you, Sir.

Mr Speaker: Do you need notice of the question?

Mr Bachoo: No, there is no question of notice; that does not form part of this question.

Mr Speaker: Question is allowed!

(Interruptions)

If you don't have the information, you can well say that you take notice of the question.

Mr Bachoo: If the hon. Member comes with a substantive question on this, I am going to answer.

Mr Speaker: Yes, that's correct. Leader of the Opposition!

Mr Ganoo: Is the hon. Minister saying that it was the RDA who chose the most preferred bidders?

Mr Bachoo: Yes.

Mr Speaker: Does the hon. Member have a supplementary question?

Dr. Sorefan: Yes. Regarding the major works, I am going to table a photograph that has been taken on the second...

(Interruptions)

Mr Speaker: No, please, wait a minute! This photograph, does it come from you, hon. Member?

(Interruptions)

Mr Speaker: Well, wait a minute! I would not tolerate any laughter when I am putting a question to a hon. Member. Does it come from you, were you the person who handled the apparatus?

Dr. Sorefan: I took it myself, Mr Speaker, Sir.

Mr Speaker: You took it yourself.

(Interruptions)

Wait a minute, please! There is no point of laughing here.

Dr. Sorefan: Mr Speaker, Sir, I took it myself and I am going to table it.

Mr Speaker: Yes, produce it!

Dr. Sorefan: I have another question, Mr Speaker, Sir. Is the hon. Minister aware that, at the reservoir on that site, there is more or less landslide and there is no retaining wall? This is a danger in the near future that will cause the landslide because of no retaining wall and I am going to table pictures for the hon. Members to see how dangerous it will be in the near future. I took the photograph myself. I am going to table it. Is the hon. Minister aware?

Mr Bachoo: Mr Speaker, Sir, I mention again, this question deals with consultants who are appointed in order to prepare works. That is it! It had nothing to do with the retaining walls and whatever problems. If the hon. Member comes with a substantive question, I will provide the answer.

Mr Speaker: Let us move to the next question, hon. Dr. Sorefan!

TOLL SYSTEM – PPP PROJECT

(No. B/24) 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 PPP Toll Roads Project, he will state the name of the contractor who carried out the feasibility study in relation thereto, indicating the -

- (a) contract value thereof, and
- (b) additional works, if any, indicating -
 - (i) the cost thereof, and
 - (ii) who decided and awarded the additional works.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker Sir, with your permission, I would invite the hon. Member to refer to my reply to the Private Notice Question on 08 June 2012, where most of the information being sought has been provided.

As regards the variation works in part (b) of the question, there have been three and the amount involved is USD 523,508. This was due to the undertaking of tasks which were outside the original scope of the contract as follows –

- (1) micro simulation of traffic in the Caudan to *Place d'Armes* region and within Port Louis to complement insufficient available traffic information;
- (2) scope change to incorporate the Road Decongestion Programme to provide a holistic solution to decongestion relief on the M1 and M2, and
- (3) preparation of 'Best And Final Offer' Documentation and evaluation of BAFO Bids.

Furthermore, four additional assignments directly related to the PPP project, but outside the scope of the initial contract have been awarded to SPP Project Solutions by direct procurement under Section 25(2)(f) of the Public Procurement Act 2006 which authorises a public body to procure consultancy services from a single source without competition where continuity of consultancy services is essential to meet the objectives of the consultancy assignment. These are as follows -

- (1) Loan Structuring Contract - USD782,555
- (2) Additional Technical Solutions and Interactive Sessions - USD792,598.50
- (3) Services in relation to Toll Regulations and amendments to Legislation – USD 130,000.
- (4) EIA study phases 1 and 2 - USD631,122 and Rs5,190,028.

Those assignments were required to ensure that -

- (1) all necessary mechanisms for a successful PPP as envisaged in the Feasibility Study approved by the PPP Committee would be in place;
- (2) the concerns of the PPP bidders and the Road Development Authority were addressed, and
- (3) maximum relevant information would be provided to bidders in order to limit uncertainties and get competitive bids.

All the above have been decided by the RDA and approved by the RDA Board which comprises, amongst others, representatives of my Ministry, the Prime Minister's Office, and the Ministry of Finance and Economic Development. The decisions have been backed by legal advice as appropriate and financial clearance from MOFED where required.

Mr Speaker Sir, I wish to seize this opportunity to inform the House that the project which is currently materialising is a PPP project and a first of its kind in Mauritius. Although it has been and is a learning experience for everyone, the RDA with the support of my Ministry and the Ministry of Finance and Economic Development has acted with due diligence and care to ensure that no aspect of the project is neglected and this in order to guarantee the success of the project, both in terms of providing a value for money proposition and an effective long-term decongestion solution. This explains why complementary assignments have been entrusted to the Transaction Advisor as and when the study has unfolded. This approach has ensured consistency in the development of the project.

It is to be noted that when the project was floated in 2008, the capital cost of the project components was quoted as Rs7.3 billion, excluding VAT in the Request for Proposals Documents. The cost of the consultancy as a percentage was 0.6% of the estimated capital expenditure. As the project stands now, the estimated cost is Rs26 billion, excluding VAT. As at date, the cost of the consultancy, including project management as a percentage of the capital cost is still 0.6% of the estimated capital expenditure, which to all intents and purposes is considered fair and reasonable and it compares favourably with established international norms.

Mr Li Kwong Wing: Mr Speaker, Sir, the hon. Minister mentioned about the Ministry of Finance acting for due diligence on the feasibility contract. Can he inform the House whether the contractor has found the project of toll roads feasible, and if it is feasible, what kind of rate of return is it going to earn the economy?

Mr Bachoo: Mr Speaker, Sir, the matter is still being discussed at the level of the RDA and the CPB also because the award has not been official. So, I am not in a position to reveal to the House all the detailed contents of the toll system.

BROWN SEQUARD HOSPITAL – CHILDREN - ADMISSION

(No. B/25) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the children who have been transferred from the shelters to the Brown Sequard Hospital, since 2005 to date, she will state the -

- (a) name of the shelters from which they have been transferred
- (b) number and age of the children transferred, indicating -
 - (i) in each case, the date of admission to the said hospital and discharge therefrom, and
 - (ii) the number and age of the children who are still at the said hospital as at to date.

Mrs Martin: Mr Speaker, Sir, I am informed that children under Court Orders, placed in shelters, are not transferred from the shelters to the Brown Sequard Mental Health Care Centre. They are, in fact, admitted to the Brown Sequard Mental Health Care Centre for treatment upon medical advice.

In regard to part (a) of the question, since 2005 to date, children from the following shelters have been referred to the Brown Sequard Mental Health Care Centre -

- (i) La Colombe
- (ii) L'Oiseau du Paradis
- (iii) *Centre d'Education et de Développement pour les Enfants Mauriciens*
- (iv) Women and Children in Distress Trust Fund
- (v) Vedic Social Organisation
- (vi) *Association d'Hébergement pour les Personnes Inadaptées*
- (vii) SOS Children's Village
- (viii) *Foyer Monseigneur Leen, and*
- (ix) *Fondation pour L'Enfance Terre de Paix.*

As regards part (b) (i) of the question, 58 children have been admitted at the Brown Sequard Mental Health Care Centre. The number and age of the children indicating dates of admission and dates of discharge is being tabled.

As regards part (b) (ii), as at 24 March 2013, there was no child under Court Order at the Brown Sequard Mental Health Care Centre.

Mrs Ribot: Mr Speaker, Sir, I am referring to the five last cases of children who had been transferred or sent to Brown Sequard Hospital. I would like to know from the hon. Minister when she has been made aware of those cases and why she has not initiated any action to take those children out of BSH even if she considers the said hospital to be the best place ever for them?

Mrs Martin: Mr Speaker, Sir, I must say that since I assumed office in August 2011, I have been trying to find a solution that is in the best interest of all the children. I have to say this to the hon. Member.

As regards the six children mentioned, most of them were following treatment at the BSH. They were coming in and out. So, there is no child that has been staying at one go. But, the children who have been staying for more than a year only amount to two.

Mrs Labelle: Mr Speaker, Sir, in her last report which was published in September last year, the Ombudsperson for Children mentioned the case of these children. May I know from the hon. Minister whether she has taken cognizance of this report and what action was initiated, if any, following the recommendation of the Ombudsperson for Children which clearly stated that “the hospital should not be used as a respite centre for children with behavioural problem?” She even added that there was a case of a child who did not suffer from any mental impairment, but was there. The kid was discharged and the state of health of the child was confirmed by the treating doctor according to the report of the Ombudsperson for Children? May I ask the hon. Minister whether she did take cognizance of this and what action was initiated following the publication of this report?

Mrs Martin: Mr Speaker, Sir, yes, indeed, I have taken cognizance of the Ombudsperson’s report but, I must say, Mr Speaker, Sir, that some children who are admitted at the BSH are children who have been admitted mostly by relatives and, therefore, once their treatment is over, they go back home. The children whom we are concerned with, are especially children under Court Orders, and the children under Court Orders also undergo treatment at the BSH, and when their treatment is over they go back to the different shelters where they have been placed. The only problem that we have been having with two particular children is that the shelters where they had been admitted before refused to take them, but we have been multiplying letters and requests for the shelters to take them without success and to no avail. But I am very glad the inter-ministerial committee which was set up has found a practicable solution with regard to the children and they have now been placed in the shelters under some conditions, of course,

Mrs Ribot: I would like to know if the hon. Minister is in presence of a report from the psychiatrist recommending that those six last children be kept at BSH because, according to our information, they were there only because they had slight behavioural problems.

Mrs Martin: No, Mr Speaker, Sir, I am not aware of such a report, but I am in possession of the medical reports of the doctors which clearly state that these children have behavioural disorders and, at the same time, they also have mental retardation. If they have to be placed, it should be done in specialised centres which we do not have at the moment.

Mrs Ribot: Mr Speaker, Sir, I would like to know from the hon. Minister whether she is aware that when those children were at BSH, they were in a ward separate from the others, that is, from those suffering from a severe mental handicap or those with severe behavioural problems? I would also like to know from the hon. Minister when the CDU has been aware of the discharge of those children and why they had not left hospital then?

Mrs Martin: As I was saying, Mr Speaker, Sir, when the CDU has been made aware of the proposed discharge of these children, we have multiplied requests to the different shelters in order to accommodate those children, but it was to no avail.

Mrs Hanoomanjee: Mr Speaker, Sir, the hon. Minister has just said that these children have now been placed in shelters. *Est-ce que l'honorable ministre peut nous dire si ces enfants sont complètement guéris?* Because these children, now, are mingling with other children in the shelters and if there is a problem - if they are still under medication - does the hon. Minister think that the personnel of these shelters are sufficiently trained to take care of these children? And if there is a problem because in one of those shelters - I won't mention the name - there has been a case where one of the children *a mordu un membre du personnel!* *L'honorable ministre doit être au courant de cela.* Can the hon. Minister say who will take the responsibility because the personnel of these shelters are not qualified and are not sufficiently trained?

Mrs Martin: Indeed, Mr Speaker, Sir, that is the main problem why the shelters which had accommodated the children before were refusing to take those children because they were not only a threat to themselves, but also to the whole environment, including other children as well as the carers there. But, at the level of the inter-ministerial committee, the Chairperson has liaised with the Ministry of Finance and they have, on humanitarian basis and urgency, agreed to look into the possibility of supporting those shelters that are accommodating those children in terms of funding and capacity building.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I ask the hon. Minister whether she is aware that there are two types of students there? She mentioned herself that there were some who were sent by the court to the Brown Sequard Hospital and others who were there because of slight mental retardation. I would like to ask the hon. Minister whether she visited them, whether she was aware that these children were locked up in certain areas of the hospital and whether, as she mentioned right now, the children who are being sent to the shelters will have the proper care that should have been given to them?

Mrs Martin: As regards the third part of the question, I must say that the shelters which are accommodating the children have made a list of the requirements available to us. And, very shortly, I am going to submit that list to the Ministry of Finance to see in what way we can help them out because I think it is very important that we strengthen the capacity of these shelters to accommodate the children, in the meantime, until a proper and long-term solution is found with regard to this problem.

Mrs Ribot: Mr Speaker, Sir, I would like to know from the hon. Minister whether she is aware that when those six children were at BSH, they were locked up and were not entitled to any visit during the visiting hours and we have seen the order from the Brown Sequard Mental Healthcare Centre, whereas no visit was authorised to these children for the sake of safeguarding and confidentiality and those children could be visited only if they have a written permission from the concerned institutions among which was the CDU which falls under the aegis of the Ministry?

Mrs Martin: Mr Speaker, Sir, normally the children who have been referred to BSH by their parents or relatives are allowed regular visits by their relatives, that is something normal at the BSH and I think no hospital would prevent a parent from visiting his children. As regards children under court order, Mr Speaker, Sir, they are, in fact, referred to us because they are in a situation of distress and danger. That is the reason why any visit has to be supervised because, if that was not so, then the aggressor, himself, could go to the hospital and visit the child. We have to be very, very careful as regards the people who have access to children under court order. It is normally the practice in the shelters. The same thing applies to shelters and hospitals are also described as a place of safety as other shelters where we place our children.

Mr Jugnauth: The hon. Minister has just said that since assuming office, that is, since August 2011, she has been trying to find a solution. We are now in 2013 and the solution has not yet been found. May I know what concrete action she has taken in order to try to find a solution?

Mrs Martin: Mr Speaker, Sir, I have said that since I assumed office I was trying to find the best solution for all the children involved and under the responsibility of my Ministry.

(Interruptions)

Can I please finish?

Mr Speaker: Allow the hon. Minister to finish!

Mrs Martin: Thank you. However, successive Ministers have been confronted with the same problem, Mr Speaker, Sir and I am very happy that we have put together and I have requested Cabinet to help us and set up this inter-ministerial committee because this a multi-pronged problem.

(Interruptions)

When we talk about children with mental retardation, psychological problems and psychiatric disorders, these do not involve my Ministry only, but the Ministry of Social Security as well as the Ministry of Health. I am glad that together with the different Ministers in this committee, we are finding solutions. I must say also, Mr Speaker, Sir, there was a Cabinet decision in 2011 when the then Minister of Health was appraised that there should be a specialised facility which would be constructed to house those children. If that had been sorted before, then we would not have faced this problem right now.

(Interruptions)

Mr Ganoo: Mr Speaker, Sir, I have had the opportunity to visit these children. *Je m'appuie sur la déclaration faite par l'honorable ministre de la Santé, publiquement, une déclaration que j'avais lue dans un quotidien* when he said –

“Rightly so, these children shouldn't have been kept at the BHS”

The question which I am asking the hon. Minister is the following - she kept on saying that these children are being admitted, will be admitted or have been admitted on medical advice or their parents are leaving them there. But if this is not the place for children even suffering from some *légers* behavioural problems, are they not children who need psychiatric treatment? So, the solution is when will these half-way houses or mid-way houses be created for these type of children? We should not perhaps allow them to be mixed with other children in the shelters, but nor should they have been kept in a mental hospital. So, the mid-way home, the half-way home is perhaps the environment which the hon. Minister referred to in her answer at the beginning. When are these structures going to be put in place to accommodate these children? Secondly, has the Minister thought seriously of recruiting child psychiatrists to look after these children suffering from some behavioural disorder? We have no child psychiatrist at the BSH or in any hospital in the country. If we have, they must be very, very rare.

Mrs Martin: Mr Speaker, Sir, I must thank the hon. Leader of the Opposition for his question because it pertains to a very delicate problem indeed. We do not have as yet specialised facilities to be able to cater for these children correctly. I must here correct the hon. Leader of the Opposition. These are

not children with a slight mental retardation or slight psychological problems. They are children with psychiatric, psychotic problems and behavioural disorders necessitating psychiatric help and specialised care.

(Interruptions)

Mr Speaker, Sir, I am speaking with regard to children as mentioned here by this question that has been put to me, that is, the children under court orders, but I agree that we have to find a specialised medical facility that will enable the proper treatment of these children. However, we are confronted also with realities such as the difficulty of finding pedopsychiatrists. As you have mentioned, it is a very rare commodity and we cannot find them, but we want to really improve the situation of these children and I am happy to note that the Minister of Health has said that already he is taking immediate measures to improve the situation at BSH and then together we are going to find ways and measures which will help to improve the situation of those children.

Mr Speaker: Time is over! However, I will allow a question by the author of the question and a note of personal explanation from hon. Mrs Hanoomanjee. Time is over since long, but I have allowed seven minutes in view of the importance of the subject matter.

Mrs Ribot: Thank you, Mr Speaker, Sir, we have heard the hon. Minister, over and over again, saying that she has been trying to find a solution, to find a place to put those children. I would like to ask the hon. Minister what about that shelter at Grand River North West which is not operational and which has been completed since June 2012. I would like the hon. Minister to answer to me without any sigh on her part.

Mrs Martin: What does the hon. Member mean by sigh, I wonder? Mr Speaker, Sir...

(Interruptions)

If one is not allowed to breathe in this Assembly, I don't know what we have to do. I have to answer, Mr Speaker, Sir. Let me answer honestly to the hon. Member. She has been asking questions...

Mr Speaker: Answer the question!

Mrs Martin: On the centre at Grand River North West, I must remind her that this centre was designed for sexually abused children. We have been trying, through tender exercise, to find people for the management of this shelter and I am glad to inform the hon. Member that we have found a conducive organisation to manage the shelter which will be done soon.

Mr Speaker: Yes. Hon. Mrs Hanoomanjee, you are raising on a point of personal explanation.

Mrs Hanoomanjee: Yes. On a point of personal explanation, I think I heard the hon. Minister saying that, when I was Minister of Health, the problem was there but I didn't do anything. Allow me to tell the hon. Minister - and I am glad I have the opportunity to say this to the House - that I had already initiated action for a midway home. That was already on. The terms of reference were already worked out and I think the Minister of Health can say that this has been advertised. I don't know what has been the outcome when I left, but I did it and the midway home should have been there.

Mrs Martin: Mr Speaker, Sir...

Mr Speaker: The last word to the Minister. Please, be short!

Mrs Martin: This was when the hon. Member was the Minister of Health. I am not responsible for the subject of health.

ABUSER REHABILITATION PROGRAMME – CONSULTANT

(No. B/26) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Abuser Rehabilitation Programme, she will -

- (a) state the -
 - (i) names and qualifications of the consultant whose services have been retained therefor, indicating the amount of fees paid out thereto, as at December 2012, and
 - (ii) number of perpetrators of domestic violence who have benefitted therefrom, and
- (b) table the details thereof.

(Withdrawn)

FLOOD PRONE AREAS - MEASURES

(No. B/27) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the flood prone areas identified islandwise following the recent flooding, he will state the number thereof, indicating the remedial actions initiated to prevent the recurrence thereof and the budget earmarked therefor.

(Withdrawn)

LOCAL AUTHORITIES - GRANT-IN-AID

(No. B/28) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the local authorities, he will -

- (a) state -
 - (i) the number of grant-in-aid which has been calculated for the year 2013, indicating the formula used therefor, and
 - (ii) if consideration will be given for the grant of additional funds for service delivery to the citizens, if needed, and
- (b) obtain from each of them, information as to the quantum of their respective budget deficit, if any, as at 31 December 2012.

(Withdrawn)

CONSOLIDATED FUND – FUNDS RECEIVED

(No. B/29) 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 Consolidated Fund, since 2011-2013, he will, for the benefit of the House, obtain information as to the amount of funds -

- (a) received or estimated to be received from the –
 - (i) *Maurice Ile Durable* Fund;
 - (ii) Corporate Social Responsibility contribution paid to the Mauritius Revenue Authority;
 - (iii) Universal Service Fund for information and communications technology development, and
 - (iv) National Lottery, and
- (b) disbursed from the proceeds of the National Lottery for the servicing of the national debt.

(Withdrawn)

NATIONAL ENERGY COMMISSION – MEMBERS & TERMS OF REFERENCE

(No. B/30) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the

National Energy Commission, he will, for the benefit of the House, obtain from the Commission, information as to the -

- (a) names of the members thereof;
- (b) terms of reference thereof ;
- (c) legislation governing same;
- (d) legal powers thereof, and
- (e) expected output thereof, indicating the time frame for the delivery thereof.

(Withdrawn)

UTILITY REGULATORY AUTHORITY BOARD - SETTING UP

(No. B/31) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Utility Regulatory Authority, he will state the reasons as to why the Board thereof has not yet been set up.

(Withdrawn)

Mr Speaker: Time is over! The Table has been advised that PQ Nos. B/26, B/27, B/28, 29, B/30, B/31, B/33, B/34, B/35, B/36, B/38, B/39, B/47 have been withdrawn.

MOTION

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.

PUBLIC BILLS

First Reading

On motion made and seconded The National Agricultural Products Regulatory Office Bill (No. 1 of 2013) was read a first time.

At 4.46 p.m. the sitting was suspended.

On resuming at 5.35 p.m. with Mr Speaker in the Chair.

PUBLIC BILLS*Second Reading***(i) THE EMPLOYMENT RELATIONS (AMENDMENT) BILL****(NO. XXXI OF 2012)****(ii) THE EMPLOYMENT RIGHTS (AMENDMENT) BILL****(NO. XXXII OF 2012)***Order for Second reading read.*

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed): Mr Speaker, Sir, with your permission, I move that the Employment Rights (Amendment) Bill (No. XXXII of 2012) and the Employment Relations (Amendment) Bill (No. XXXI of 2012) be read a second time. With your permission, Mr Speaker, Sir, I will take both Bills together.

Before I get into all the details pertaining to both pieces of legislation, let me, at the outset, address this particular issue immediately for the benefit of the hon. Members in this august Assembly. There has been a lot of talk that this Bill that came for First reading in December of last year is supposedly being rushed through this august Assembly.

Let me, from the outset, state that I am of the view that all hon. Members need more time to go through the provisions of the amendment that I am proposing in the First reading, and the new ones that I have been circulating to hon. Members last night. I had conversations with the hon. Leader of the Opposition, and I had talks with the hon. Prime Minister, the Leader of the House. We are of the view that this consultative process is very important, and I share the view of the hon. Prime Minister that in essence it is a very important piece of legislation. The reason why things have delayed or are going fast is not because there is any agenda or there is no secrecy or there is no strategy. It is simply because of certain information that I have received, which I will share with the House in a few moments. But, in the meantime, in the spirit of democracy and in the spirit of wishing to learn from all Members of the House, to further the cause of the workers of this country - and the hon. Prime Minister has spoken to him -, I know that, at the end of my intervention, the hon. Leader of the Opposition will move for adjournment of the debates, and we will have more time, therefore, to go through the process.

Some people say this matter comes very fast to the National Assembly, and others say it is coming too slow. But, in actual fact, consultations have started ever since 2010, when I was made Minister of Labour, Industrial Relations and Employment. We have, together with my officers, my advisers, met the different trade unionists, federations, confederations, the Mauritius Employers

Federation and also the ILO that have sent us report as far back as 2011. We have worked a lot on these two pieces of legislation. In actual fact, today, why it is very important that all of us, Government and Opposition, stand together in order to see to it that we put our minds together, we see to it that a piece of legislation of this nature does go through, and that we contribute to make sure that it does go through in an intelligent and constructive manner is because there are people outside, Mr Speaker, Sir, that are adamant on going for illegal strikes. The information that I have, Mr Speaker, Sir, is very clear. It is not something that may happen; it is something that is already being worked upon and will happen. There are people out there who wish to bring this country to its knees. The excellent work that this Government has done in making sure that unemployment stays at 8%, is under control, that we have been successful in prevailing against all the problems that may arise in Europe, in the world, as far as the economic downturn is concerned, that we have shown so much resilience, all this excellent work that is being done by this Government, under the leadership of the hon. Prime Minister, could easily be undone by people who are irresponsible, who believe that it is in order to take advantage of any anomaly in the law to go for illegal strike in certain specific sectors: the port, public transport and the sugar sector. Mr Speaker, Sir, this is being prepared and that is why it was imperative that I come before this august Assembly with the support of Government, with the support of the Leader of the House to come to you, hon. Members that we need to get together and see to it that this country, the path that it has taken to keep behind us the dark days and to see before us the brighter days, the brighter future that it is not, in any way, put into jeopardy by people who are not concerned at all by the success of the people of this country but simply by their own personal success.

Funnily enough, Mr Speaker, Sir, you may, therefore, say that you have yourself lived through those days before. There are certain people who forget that, maybe, in the seventies, things were not as they are today. The laws are not what they are today; the economy is not what it is today. We have moved many light years ahead and it is no justification for anyone to try to take advantage or abuse the law in order to go for illegal strikes.

If you permit me, therefore, Sir, I will now go into the details pertaining to those two pieces of legislation. As the House is aware, the Employment Rights Act and the Employment Relations Act were enacted in August 2008 and proclaimed on 02 February 2009. Following representations made by the Trade Union Movement, and difficulties encountered to apply some provisions of these two Acts as well as new issues that have cropped up in the world of work, Government decided in November 2010 to set up a High-Powered Committee under the chairpersonship of the Deputy Prime Minister, Minister of Energy and Public Utilities and comprising five other Ministers as well as the hon. Attorney General to consider and examine amendments to be brought to the two Acts.

Government's decision, Mr Speaker, Sir, was in line with our commitment to protect the interests of workers, safeguard their rights and be "*à l'écoute*" of their grievances. In that perspective, and in a true spirit of social dialogue, my Ministry proceeded to consult all stakeholders concerned with a view to seeking their views and proposals on amendments to be made to those two Acts. Following bilateral meetings held by my Ministry, representations were made by workers' organisations as well as the Mauritius Employers' Federation. It was after extensive consultations and discussions that the proposed amendments were finalised by the High-Powered Ministerial Committee, approved by Cabinet and introduced in the National Assembly through the Employment Rights (Amendment) Bill and the Employment Relations (Amendment) Bill.

Mr Speaker, Sir, before I am to go into the details of the proposed amendments, I wish to assure the House that Mauritius, as a member of the ILO, is also deeply committed to the lofty ideals of this important international organisation. As a member of this unique and only tripartite UN Agency, Mauritius has to subscribe not only to all ILO Conventions, including the 8 Core Conventions, that we have ratified, but also recently the Decent Work Agenda, which remains the primary goal of the ILO.

Let me remind the House, Sir, that, at the core of the Decent Work Agenda, we have to retain and be guided by the following underlying principles: productive, secure and safer work; respect of Labour Rights; adequate income; social protection; social dialogue; freedom of associations and collective bargaining, amongst others.

In addition to these underlying principles and the ILO Conventions, I must confess and I have to say it here today, with a lot of humility, that I have let myself, in the preparation of this work, be guided by the ideals and actions of the Labour Party from which we cannot, Sir, dissociate the emancipation of the working class since its inception in 1936.

Let me, at this stage, pay tribute to those founding fathers and leaders of the Labour Party whose actions led the colonial Government in 1938 to set up the Labour Department and the Labour Administration Service following the recommendations of the Hooper Commission of Enquiry, in the wake of industrial unrests in 1937. It was in 1938 again that the Industrial Associations Ordinance was introduced which allowed for the first time ever for workers, as well as employers to form associations.

It would also be interesting to note, Mr Speaker, Sir, that whilst it was the labour movement that led to the creation of the Labour Party in England, here in Mauritius, history has it that it was the Labour Party and its actions that were instrumental in the formation of trade unions; that sequence is of utmost importance and very important for all to remember. It was the Labour Party that led to the formation of trade unions. Over the years since 1936 to date, the emancipation of the working class, the introduction of Labour Laws, of Pensions Laws, strengthening of the Welfare State, Labour Day is a public holiday,

amongst others - all these are intrinsically connected with the Labour Party and a Labour Government. And whatever I am saying here today, and that is why I am humbled that I am here today and those facts are nothing else, but truth and those are facts agreed upon by the then hon. Leader of the Opposition, hon. Paul Raymond Bérenger. He agrees with all those historical facts because those cannot be denied.

In short, Mr Speaker, Sir, whilst preparing my proposals, let me confess again that, in addition to the unending consultations I had with all stakeholders, I have let myself be inspired by the ideals of the Labour Party - and it is an opportunity here that I shall not miss - to which I belong, to the vision and objectives of the ILO and, more importantly, to all those stalwarts and leaders like Dr. Maurice Curé, Emmanuel Anquetil, Hariprasad Ramnarain, Guy Rozemont, Dr. Sir Seewoosagur Ramgoolam and I say proudly, Sir Abdool Razack Mohamed.

Those are people from whom I get my inspiration; inspiration, what is in our mind. Our foremost cause here is to protect the weak, to protect the workers of this country, that is, the Mauritius Labour; that is what we lived by. This is what we wake up every day to do and this is what we do. Just to mention a few of those people, a few who have been closely linked with the emancipation of the working class of this country.

Today, when the Labour Party is celebrating its 77th anniversary and when the Ministry of Labour is celebrating its 75th anniversary of the setting up of its Labour Department in 1938, the introduction of these new amendments, Mr Speaker, Sir, in this august Assembly will remain as another important milestone in the history of Mauritius.

I have recently been looking at some press coverage and another background which is of utmost importance, on a light-hearted note, is the following. I am starting this debate here and the background is the very difficult situation on the home front that shows the Home Affairs Minister. It happens that my wife has been hearing that I am '*zom patron*' and she was convinced that I was her only man and no one else's and she has told me that she does not want to share me with anyone. And I have tried to tell her that I am not '*zom*' of anyone, but I confirmed I am '*zom of my femme*' and on one else. And when my son heard that he said: whose '*zom*' and what '*zom*'?

And it also reminds me of the days when, once upon a time in the seventies, when my father was then hon. Minister of Labour, Industrial Relations, and you, Mr Speaker, Sir, also became hon. Minister of Labour, Industrial Relations in 1979 if I am not mistaken. In those days, the Prime Minister was Sir Seewoosagur Ramgoolam and in those days they used to call my father the same thing. Things repeat themselves. They used to call my father '*avocat patron*'. Now, they are calling the son '*zom patron*'. Lies continue coming from the same quarters and that is what is really consistent. Some people will never learn that they should differentiate between simple, cheap, baseless and classless propaganda. But

then others just because they have got no idea of what the truth is, because they revel in lies, they will continue being so excited by the words of ‘*zom patron*’ or ‘*avocat patron*’. That is the real tragedy we live in, in this country.

Mr Speaker, Sir, having said this, the object of the Employment Rights (Amendment) Bill was to

—

- (1) create a legal framework for the operation of shift work by limiting the maximum number of working hours per day and the maximum number of working days per week;
- (2) provide an appropriate framework to regulate fixed term contracts of employment to prevent employers from having recourse to such contracts abusively;
- (3) extend the grant of paid annual and sick leave to workers reckoning more than 6 months’ but less than 12 months’ continuous employment and to part-time workers governed by Remuneration Order;
- (4) review the process of disciplinary hearing to ensure that such hearing is held in a fair and independent manner;
- (5) introduce the concept of reinstatement in cases of unfair termination of employment on grounds of redundancy, discrimination and victimisation for participation in trade union activities;
- (6) provide for the setting up of an independent Employment Promotion and Protection Division within the Employment Relations Tribunal to determine, within a specific time frame, whether cases of redundancy or closing down of enterprises are justified or not;
- (7) provide for the payment of a death gratuity in cases of death of workers reckoning more than 12 months’ continuous employment;
- (8) increase the quantum of meal allowance from 50 rupees to 70 rupees per day where a worker is required to perform more than 2 hours overtime after having completed a normal day’s work, and
- (9) increase the quantum of recycling fee from 3 days’ to 6 days’ basic wages per year of service for employees reckoning between 12 months’ and 36 months’ continuous employment.

On the other hand, the object of the Employment Relations (Amendment) Bill was to amend the Employment Relations Act in order to, *inter alia* -

- (1) promote collective bargaining with groups of workers;
- (2) correct anomalies which presently exist in the administration of trade unions;

- (3) increase the fine related to the protection of workers against discrimination and victimisation from 75,000 rupees to 100,000 rupees and other fines for failure to comply with other provisions of the Act so as to better protect trade unions and workers;
- (4) review the process for recognition of trade unions of workers so as to facilitate and promote collective bargaining in an orderly manner;
- (5) limit the report of labour disputes relating to wages and conditions of employment where a collective agreement is in force, and
- (6) provide a conciliation service by the Minister to the parties to a labour dispute at any time before a lawful strike takes place and for any agreement reached following such conciliation to have the effect of a collective agreement.

Those were the objects as we started out at the time of the First Reading last year.

Mr Speaker, Sir, the House will recall that when those two Bills came for the First Reading on 11 December 2012 and were on the Agenda of the National Assembly at the sitting of 18 December 2012 for the Second Reading, before the two Bills came for the Second Reading, representations were received on 16 December 2012 from four workers' organisations, namely the General Workers' Federation/Joint Negotiating Panel, the Sugar Industries Labourers' Union, the Artisans General Workers' Union and the Union of Bus Industry Workers to withdraw the two Bills from the National Assembly.

Following those representations, Mr Speaker, Sir, we also received other representations on 17 December 2012 from other unions. One was formed and was called the *Platform Kont La Loi Travay Anti-Travayer* and from the *Conseil des Syndicats* regrouping the Confederation of Free Trade Unions, the Congress of Independent Trade Union, the Mauritius Labour Congress, the Mauritius Trade Union Congress and the National Trade Union Confederation (NTUC).

Toujours, M. le président, dans l'esprit de dialogue, I met separately, on 18 December 2012, the representatives of *Platform Kont La Loi Travay Anti-Travayer* and *Le Conseil des Syndicats*. I invited the General Workers Federation/Joint Negotiating Panel to come and meet the *Conseil des Syndicats* just as I have been meeting with the *Platform Kont La Loi Travay Anti-Travayer*. But the General Workers Federation/Joint Negotiating Panel chose not to attend the meeting. Subsequent to the meetings I had, memoranda were received from the Federation of Civil Service and Other Unions, the *Platform Kont La Loi Travay Anti-Travayer*, the Mauritius Labour Congress, *le Conseil des Syndicats* and the Primary Schools Employees' Union.

I wish to point out that the General Workers Federation/Joint Negotiating Panel did not submit any memorandum to me, but decided to send some petition of some 15 Trade Unions/Federations/Confederations and 33 other unions to Dr. the hon. Prime Minister, the Leader of the

House who in turn sent it to me. Their demands are actually, Mr Speaker, Sir, the same ones as they had made on 16 December 2012.

Following the submission of various memoranda received from the unions and following all the meetings I had with the *Platform Kont La Loi Travay Anti-Travayer*, the Federation and other unions on 06 and 12 February 2013 to discuss the issues raised by them, I also met the Mauritius Employers' Federation on 15 February 2013 to have their views on the two Bills. In a memorandum, the Federation, while acknowledging that certain proposed amendments aimed at improving labour management relations, others were squarely very prescriptive and rigid, and thus could not be accepted given today's economic outlook. So, as we stand right now, following the last consultations that I had with unions and the Mauritius Employers' Federation, it was clear that whatever was being proposed by the General Workers' Federation/Joint Negotiating Panel had already been proposed by *Le Platform Kont La Loi Travay Anti-Travayer* and *Le Conseil des syndicats* and *La Fédération des services civils* and that is why I find that it is very important for certain unions to have understood as opposed to others that it was very important for us to continue the consultative process. The consultative process does not stop for any reason because one has to satisfy one's own personal ego because, Mr Speaker, Sir, in this whole process I have come to one conclusion: I am not an important element of the equation. I am nothing. That is the truth because when I prepare something, I am only a vector, a tool of the people of this country who have decided to place their trust in this Government led by the hon. Prime Minister. I am only a vector to change. When we bring change, we bring it not for tomorrow, but for the day after tomorrow, for the years after and for the generations to come. We are, but as my hon. friend, Reza Issack already said: '*Nous ne sommes que des poussières*'. We are nothing. We are not important. What we believe is our differences, our cause for infighting, for telling each other off is neither here nor there, what we have to do is to put the people first as we always used to say ever since 2005. We have this time shown once again that we have not done differently but we have put the people first.

In order to ensure that we are proceeding in line with the International Labour Organisation and the instruments of the ILO to which Mauritius has adhered to, I proceeded on 13 and 14 March 2013 to the ILO Office in Geneva where I discussed the proposed amendments to the two Acts as well as the subsequent views expressed by both the trade unions and the Mauritius Employers' Federation, with the new Director-General of ILO, Mr Guy Ryder who was very impressed and had very commending words about Mauritius that we took the time to come and consult the ILO to ensure that what we were doing was in line with the international labour standards. We believe in Tripartism. We believe in continuous negotiations and consultations. We believe that it is imperative that since we have adhered to certain Conventions and ratified certain Convention of the ILO, we have to go up to the ILO and ask for advice because we learn always. I, for one, Mr Speaker, Sir, will not say that I have the monopoly of knowledge,

that I know everything about the Labour Laws. No, I learn every day, and the people I learn from are the officers of my Ministry who have shown that they are loyal and dedicated and have done a tremendous job in the preparation of those Bills, and I would like to place on record my thanks to the Officers of the Ministry, and my Adviser and my Permanent Secretary; the list goes on.

I wish to inform the House that the ILO has made certain suggestions regarding the right of workers to join more than one trade union in the same bargaining unit and the need for employers to follow certain specific criteria before having recourse to termination of employment for economic, technological, structural and similar reasons. They have further welcomed my proposed move not to proceed further with the provisions allowing a group of workers to initiate negotiation with an employer with a view to reaching a collective agreement where workers are not unionised in spite of the fact that such a proposal is in line with the ILO Convention on collective bargaining. They commended my conciliatory approach on this particular specific issue.

After giving due consideration to the various memoranda received, the views expressed by the stakeholders, and discussions I had with the Senior Experts of the ILO, I am proposing to bring some amendments to the two Bills. These amendments will be considered at Committee Stage.

In respect of the Employment Rights (Amendment) Bill, I shall propose the following - and those are very important proposals in light of what has been said in an irresponsible manner by certain people as to the agenda that I personally am leading as Minister of Labour, Industrial Relations and Employment. The first proposal I have with regard to the Employment Rights Amendment Bill is -

- (a) A normal day's work of a worker employed on shift work to consist of 8 hours instead of 12 hours. That is in relation to Clause 8 of the Bill.

As it stands today, Mr Speaker, Sir - and I think it is important for hon. Members of this august Assembly to realise that - is as follows: there is no limitation with regard to shift work and the number of hours that people can work. The former Minister of Labour knows that. Other people who are knowledgeable about the Labour Laws know that; you know that, Sir. There is no limit. The only limit there is with regard to shift work is the maximum of 90 hours fortnightly. In other words, as we speak today, employers can get their employees to work 90 hours on a fortnight. As we speak today, employers can get their employees to work with no limit on the number of hours and nothing is paid to those workers for this shift work. If it is night shift, nothing extra is paid to them. What we had proposed initially was, in fact, 12 hours. I am proposing that it will be reduced from 12 hours to 8 hours. This is something which, in spite of the fact that we have not ratified the Convention issue on shift work, we are in line as far as the hours are concerned, at least with the convention of the ILO on shift work.

- b) The existing provision of the Employment Rights Act to the effect that no employer shall terminate a worker's agreement for reasons related to the worker's misconduct unless he has within, 10 days of the day on which he becomes aware of the misconduct, notified the worker of the charge made against him be maintained and the provision of the Bill that the employer could notify the worker of the charge against him within 14 days of the completion of the investigation be removed. So, we are correcting the initial Bill.
- (c) Where an employer suspends a worker pending the outcome of disciplinary proceedings, any extension to the delay made by or on behalf of the worker, to be on full pay for a period not exceeding 10 days instead of 7 days. So, we are extending the number of days when the full pay will be paid to this worker, where the worker is found not guilty of the charge made against him. If this is not in line with a conscientious effort to give a more secure work environment to the worker, what is? If the structure that we are placing from 12 hours to 8 hours on shift work, if this is not in line with a better work environment, a decent work environment to a worker, what is?

Mr Speaker, Sir, additionally -

Every employer, irrespective of the number of workers employed - and that is a very historical change in our Labour Laws. As we speak today, everyone here and everyone out there, and the citizens of this country, are aware that if someone works for two years as a driver or as a maid or anything there is no obligation to give him a document that could be the particulars of his employment, his salary, where he comes from, what are the conditions of employment. There is no such condition in our law. How many people working as maid servants, as domestic workers - a Convention by the way that we have only just ratified? The first country in Africa to have ratified the Convention and the second country worldwide to have ratified the convention on domestic workers! Can you imagine right now that there is a lot of people who are working in this country, who are toiling or cleaning houses, as an example, and many other sectors of employment that they are there waiting to be represented in such a way that at least they get a document where they can say those are the conditions of my employment. In other words, it is equivalent to my contract of employment. How many years have not gone by since they have made this request? A lot of those people who are '*les sans voix*' have not obtained satisfaction many years now. Why? It is because they do not have, a lot of them, trade union representatives and that is why, I think, it is a historical move for every single Mauritian, every employer irrespective of the number of workers employed, to provide a written statement of particulars and, most importantly, when those particulars are provided, it has to be also communicated to the Permanent Secretary of my Ministry within 30 days. This will ensure that people who do not register, who register falsely maybe also at the offices of the Ministry

of Employment, we will find them out. This will ensure that contribution is being made to the NPF and NSF for all those people, that they will be entitled to a retirement one day, those who were the forgotten many; not the forgotten few, but the forgotten many. What is most innovative here is that not only must the contract of employment be in English but we are making provisions here by way of regulations. The law will enable us to make regulations to provide for the first time ever that this contract of employment will be in French. What is more historical than anything else, it is the introduction of Creole in our legislation, that contract of employment will also be in Creole because we want everyone to understand what exactly they are out for. This has never been done in the past. No one has ever introduce Creole language for this labourer of this country to feel secure, but it is this Mauritius Labour Party that is making historical move by introducing Creole for this worker, the labourer of this country, to feel secure, to know where he is, where he is at and what he is working for, and for his children, for his grandchildren to know if ever something happens to him, this is what he was working for and this is what he is entitled to until his death. We avoid the lies of people who like not to register their workers and hide and do not give the truth and sometimes everyone knows a worker finds himself before the Industrial Court, there is no evidence that he was, in fact, working and he gets nothing when he is just simply kicked out at the whim and the happiness of these employers. These would be things of the past.

Also, a 10% allowance on the basic wage for work performed during night shift. 10%! Today, you are at, how should I say, *au plaisir de votre employeur*. *Si l'employeur ne veut rien vous payer, il y a rien*. *Mais par contre, ici, ce qu'on prévoit* is 10%; the minimum. A 10% of the basic wage for work performed during night shift.

With regard to meal allowance; the payment of the meal allowance whenever a worker performs more than two hours overtime after having completed a normal day's work irrespective of the finishing time. That is a big difference because in the past we were given this meal allowance after two hours overtime, but you had to work after 6.00 p.m. But, here now, it is irrespective of the time. You have to recognise the effort of the worker; you have to recognise the sweat of the worker. If he is working overtime, you give him the meal allowance.

I will talk about the hotel industry before I come to the hotel industry in a big way. How many of us do not know those workers working in all sectors, not only in the hotel industry, because I have got a little something to say about the hotel industry in a few minutes after my meeting with Saint Géran earlier today. How many people do not know of all those workers who have finished work and who have to wait an hour, two hours or three hours for their transport to go? They think they have finished work at one or two or three o'clock in the morning. It is not that they will get home at 2.30 a.m. or even if home is one hour away, they will not get home at three o'clock. Sometimes they will get home after two hours, three

hours, or four hours, because their employer do not find it fit - some of them at least - to provide them with transport and they keep on waiting there in the yard or in the middle of the night with the cold of the night and asking for a lift in order to go back to their family. So, what we are doing now is making sure that things like that do not happen again.

- where an employer fails to provide a worker with a means of transport within 45 minutes after cessation of work, the worker will be entitled to payment of wages at normal rate in respect of the waiting time;

That is historical. The people will no longer wait on the side of the roads for transport to go home.

(Interruptions)

This afternoon I had the pleasure of meeting a group of hotel and I said just now, it was Saint Géran. When I met with Saint Géran, I made only a simple request - it was my fifth meeting with them - to them and I said to them: 18 people have been made redundant for economic reasons. Hon. Roopun wanted to know; unfortunately, your question did not reach. So, I will give the answer today in my speech. When I asked them: 'I want an example'. I asked the workers who were there: 'I want to know who has worked the longest for this hotel to raise his hand. And a man and a lady raised their hands and said: 'Both of us; 37 years and 5 months'. 37 years and 5 months! And, what this man for instance was doing there, Mr Speaker, Sir, he was the head butler. When I asked the *préposé de l'hôtel*, his Legal Adviser, his Human Resource Manager, his General Manager 'Listen, you mean to say that One & Only does not have a head butler anymore. You have fired your head butler. You mean to say no one supervises that work'. The answer was: 'No'. I said: 'Do you mean to say that there are no butlers there at the moment?' 'Yes, there are. We are a five-star hotel. We have butler service'. 'Very good! No one to supervise that they are doing their job properly or to coordinate their work?' 'Well, you know someone else is doing the job, but he is not a head butler'. 'So, you have given the job to someone else, but you have changed the appellation and that someone else is 20 years younger than that person whom you have fired?' So, the least you could do, because in this law of the Employment Rights Act of 2008 brought by my good friend, hon. Dr. Bunwaree, who was then Minister of Labour, there was a code of practice there with regard to redundancy.

What is good governance in matter of human resource management? What is good governance in matter of industrial relations? What to do when you are going to get someone to be fired for economic reasons? What do you do? And, the code of practice says exactly what is said in the recommendation of the ILO on redundancy and the Convention and, if I am not mistaken, it is Convention 158. So this was

provided for in the code of practice and I asked the *préposé* of Saint Gérán: ‘How did you inform this man after 37 years and 5 months that he was being fired? Did you, at least, speak to him? Try to see what he could do otherwise; try to consider other possibilities of not firing him for economic reasons; try to reduce his hours of work; get the permission of the Permanent Secretary of the Ministry of Labour, Industrial Relations and Employment; consider other options in order to protect his job; retrain him in order to put him in another department; did you consider all that?’ Obviously, when I put the question, Mr Speaker, Sir, I already knew the answer, because I will not put a question to which answer I am not aware. Lawyers normally know that; we don’t normally put questions we don’t know what the answer is. He never, no one else informed that man that he was going to be fired. He had worked the whole night, he had worked overnight and at seven o’clock in the morning, they called him in the office and said: ‘By the way, thank you very much for your 37 years of service. Could you leave and leave everything here?’, and they have him searched by the Security Officer. Thank you very much!

Now, my question is: yes, we want investors in this country; yes, we encourage investment; yes, the climate of investment is good, but why is it that they do not do what is expected, which is decent? You do not take someone who is younger and fire someone, we do not protect his 37½ years of service, toiled away to make you One & Only, but today Saint Gérán is not known as a One & Only Enterprise for comfort for tourists, but it is known as the One & Only Enterprise that has shown itself indecent to the workers of this country and it is because of companies like this, they have made an abuse of an excellent piece of legislation. That is what makes our country unique; our employers are excellent at making an abuse. They do not know what good practice is. They are good at making excellent speeches. They are good at making excellent moves and excellent motions at the ILO, but what happens with regard to the workers who are fired for economic reasons. So, this Government has decided the following - I have decided to propose and Cabinet has approved, and I am coming here now to say that -

‘no employer shall reduce the number of workers in his employment either temporarily or permanently/close down his business unless he has, in consultation with the trade union concerned, explored the possibility to avoid redundancy/closure by such means as -

- i. restriction on recruitment;
- ii. retirement of workers who are beyond the retirement age;
- iii. reduction in overtime;
- iv. shorter working hours to cover temporary fluctuations in manpower needs, or
- v. provision of training for other work within the same enterprise.

where redundancy has become inevitable, an employer has to establish which workers are to be made redundant and the order of discharge on the basis of the principle of last in first out’.

We have to protect people who have worked for years at the service of a company and if you believe that they are not productive, terminate their employment for them not being productive, but do not hide behind a lame excuse of economic reasons. The reason why you hide behind that lame excuse is because you do not want to pay them their dues as far as retirement gratuity and severance allowance are concerned. That is why you hide!

(Interruptions)

Mr Speaker, Sir, what I had said when I started my intervention was simply what?

(Interruptions)

Mr Speaker: Order, don’t interrupt the hon. Minister!

Mr Mohamed: My intervention is what? I am someone in love with my country. I am going to put aside all political differences, today, to a certain limit, but we have to think that - as I have said earlier on - there are people who are suffering. There is no need for me to say that more than 30,000 people have lost their jobs for economic reasons, and a lot has been invented. I could also go as far as to say that between 2006 and 2013, those are the figures; 30,000 or so people have lost their jobs. I could also say that before 2005, 57,000 or so people lost their jobs, but it would be pointless for me to go as far into those figures to say ‘well, you did worst than we did.’ That would be childish. I don’t want to do that. So, what I expect from people here today is to, please, let us put our heads and our minds together. The good practice in Austria, at this moment, is that there is full employment there when their next door neighbour is going through an unemployment problem. Germany is now feeling how come Austria is doing so well. We learn from examples from all around the world, and what we do here is not basically smirk and say ‘well, you voted that law.’ When we voted that law in 2008, this was something which was approved by the ILO again. But what happened is that there are a lot of employers who, unfortunately, did not play an honest game. A lot did, but a lot also did not. That is why what is important here is not to cry over split milk, but to come up with a solution. If the Opposition have any other solution that they would like to propose, we are all ears. Let’s not forget that I wrote a letter to the hon. Leader of the Opposition as he was then, last year. I did invite them to communicate because we are here to listen to all proposals. We are here to work for the interest of the workers of this country. I am still waiting for their proposals.

With regard to a worker who remains in continuous employment with the same employer after the age 60, up to the retirement age, the worker and the employer may agree. Very often, what you have now is a worker who is going to finish working at the age of 65. But here, we are giving the opportunity of employer and employee to agree on a pre-retirement benefit equivalent to what he would get when he retires at 60, or at least 75% of what he was going to get if he had retired at 60. Why? Because we give a chance to someone who has worked all those years to, at least, benefit, start getting an early harvest of what his retirement gratuity will be.

As we speak today, the maternity allowance in all sectors ranges from Rs300 to Rs2000. In other words, there are certain women who are getting a maternity allowance of only Rs300, depending on the Remuneration Order. There are certain women who are getting a maternity allowance between that range. There is discrimination, as we speak, in the maternity allowance that women should get. So, we are correcting that discrepancy, and we are making it a maternity allowance of Rs3000 to be applicable to all sectors of employment; that is with regard to clause 13(1A) of the Bill.

There are certain people, Mr Speaker, Sir, who work in certain sectors and who are not covered by Remuneration Order, and payment of their end-of-year bonus is based on their basic salary. We have disparity. Certain people are based on earnings, and some people are based on basic salary. So, the payment of an end-of-year bonus equivalent to one twelfth of earnings to workers who have remained in continuous employment with the same employer in a year and those who have taken employment during the course of the year, who are still in employment as at 31 December, and who have performed a number of normal days' work equivalent to not less than 80% of the working days during their employment in that year.

The worker has to now be assisted in a disciplinary committee by both his trade union representative and his legal representative; because many employers were saying 'either/or.' What we are saying here is the more the merrier. If a lawyer wants to go in, he goes in. If he wants to have a trade union representative, he goes together, if he wants to have someone represented from the Ministry; everyone can go on board. The more the merrier. At least that will give more chances to the employee to be represented correctly.

A lot of colleague Ministers have spoken to me about the fact that a lot of people come to my Ministry and ask for a Job Contractor Permit from the Permanent Secretary of my Ministry in order to work as a job contractor. A lot of people are being *arnaqués* right now, as we speak, because very often, in order to get a job contract from a main contractor, they have to go and share the money they get from the main contractor because they use an affidavit from the main contractor who has got experience

whereas they are the little companies; and they have to share their profits as well. There is an *arnaque* going on at the moment. What we have decided is the following: with a view to promoting business facilitation and democratisation of the economy, the provisions of the Act whereby any person has to obtain a permit from the Permanent Secretary of my Ministry in order to work as a job contractor, is now being removed. There is no longer need for Job Contractor Permit. It is over. Hon. Cader Sayed-Hossen has spoken to me many times about this. The job contractor will, however, continue to be recognised as an employer, and as such will have to comply with all relevant legislation, and to fulfil all the duties and responsibilities of an employer.

With respect to the Employment Relations Bill, I am proposing the following: the provisions to allow a “group of workers” as I explain earlier. I met with the platform called ‘*la loi anti-travailleur*’. I met with *conseil des syndicats*. I met with Mr Sadien, Mr Chuttoo, Mrs Jane Ragoon, Mr Benydin, Mr Atma Santo. Mr Subron does not want to meet me, and I feel very sad. I feel so lonely without him. He does not want to see me. What I am trying to say here is the following. I met them, and they took their time out to explain to me the following. In spite of the fact that it is in line with the Convention of the ILO on collective agreements, that group of workers can and must be able to negotiate in the absence of a recognised trade union. When I went to the ILO on 13 and 14 March, they said ‘hon. Minister, it is in line with the Convention. Why do you want to get rid of it?’ I said to them ‘if the majority of trade unionists in Mauritius don’t want it, who am I to say that we should have it?’ This is not something which I necessarily want to insist upon. For those reasons, we are removing it. Clause 3 of the Bill is being removed.

The provisions regarding the prohibition to report a labour dispute on terms and conditions of employment while a collective agreement is in force is being reviewed, so as to make it possible to report a labour dispute on issues which were not canvassed during the bargaining process leading to a collective agreement, during any period which may have been agreed for the renegotiation of the collective agreement or the statutory time frame of three months which we are providing for, for a collective agreement to be renegotiated. We are providing for issues that were not canvassed during the negotiation for this collective agreement. I will ask hon. Members to understand, and here is where you have certain trade unionists out there who say that I am allegedly threatening their fundamental rights to strike. This is totally untrue, totally uncalled for, and totally misinforming the public. I am not, in any way, challenging the fundamental right to strike. What I am saying here, what I am proposing here is the following. The trade unionists have always complained and said that employers do not take the pain to enter into collective agreements, employers do not take the time to negotiate collective agreements; *ils sont*

réfractaires. What I am saying here is that if you negotiate on certain issues and the issues that you have negotiated upon last for two years, you have, in other words, negotiated industrial peace for two years.

If there are certain issues which were not canvassed during the negotiation period, you cannot raise it day in day out, every week, every month during the two years of the collective agreement and declare dispute, and have strikes. Because if that is the case no employer will be interested to enter into collective agreements and if they are not interested to enter into collective agreements, they will just say simply: refer the matter to the National Remuneration Board. That is not the way forward. We have to enhance collective negotiations. We have to enhance collective agreements and in the process what we are saying is that we have created a statutory time limit: three months before the expiry of the collective agreement – *trois mois avant, et avant la fin de l'accord collectif pendant ces trois mois, il peut y avoir* renegotiation and they can raise issues that were not raised during the negotiations and they can declare a dispute. They can go to the Commission for Conciliation and Mediation. If they so wish, they can simply go for ballot and if the workers so decide they can very well go for a strike, but they should do it in a structured manner and the name of the game shall not be: every day of the week we go and have threats of strikes; every day of the week we are going to have people who are saying, in spite of a negotiation of two years I have obtained what I had to attain. *Mais maintenant je ne me satisferais pas simplement* of the cream and the strawberry; now I want even the person who has made the milk. We cannot basically have that. We need to have industrial peace. Now what is also of importance? The existing provisions of the Act that the Union shall be entitled to recognition, that is, when it has a support of 30% of the workers in the bargaining unit and to sole recognition; where it has the support of more than 50% of workers in the bargaining unit. This has to be re-established; the existing provisions of the Act whereby two or more trade unions may form a Federation, or two or more Federations may form a Confederation be re-established, and with regard to the organisation of strike, the Commission for Conciliation and Mediation has informed me as Minister and my officers that the nature of its work is to conciliate, to mediate. In other words, it does not feel it has the ability, the knowhow and the knowledge to be responsible in any way whatsoever for the organisation of a ballot in relation to strike. The trade unionists have explained to me that even for the Employment Relations Tribunal the same principles should apply. So, what I have provided for therefore. The ERT, I am changing it, I am amending it and I am saying that it should simply be done in the presence of the Permanent Secretary of the Ministry instead of the Employment Relations Tribunal.

Now, with regard to my intervention as Minister or any Minister of Labour for that matter – I here see hon. Soodhun, hon. Obeegadoo, hon. Bappoo, hon. Bunwaree, hon. Faugoo – a lot of us, if I am not mistaken, I have not missed anyone out, had been Minister of Labour; the Speaker himself. When we

are asked to intervene in matters, to act as a mediator, there is no legal foundation in the Employment Rights or Relations Act that says we can intervene as a mediator. Maybe a lot of us have not realised that. Hon. Soodhun is a bit surprised. Yes! Even when I have done it, he has done it, we have all done it, there is no legal foundation to say that we have the right to intervene. So what we are saying is: if, at the request of both parties, only at the request of both parties, if they wish that we intervene to act as a mediator, and only then we will be allowed to intervene. We are making provisions for that at Clause 36 of the Bill.

In order to counter the proliferation, the ILO has said there is a proliferation of trade union movement in Mauritius. Here, in Government, we want strong unions. We want unions that are representatives of the wide scope of workers, many workers. We do not want many small unions that are weak. We want strong unions that can represent their workers. That is what we want. So, in order to do that, strong does also mean responsible and not irresponsible. Then again, I mean, everyone is free to be responsible or irresponsible - who am I to judge. Now, what we want therefore is to say what the ILO says we are right in proposing. A worker may not join more than one trade union of his choosing. At this moment, as we are speaking, let me use the Cargo Handling Corporation as example. We have five unions at the Cargo Handling Corporation. Most workers or a lot of workers there are members of all five unions. Their salaries are being checked off for contribution for all five unions, but when they vote, they will vote only one man, one vote pertaining to the union they belong to. That does not make sense. This, in fact, encourages proliferation. We want strong unions. From now on, the fact that it has been brought to my attention by the ILO is being corrected. A worker may not join more than one trade union of his own choosing in the same enterprise. A worker, at the level of the enterprise, must choose one union and it is quite normal. I cannot be member of the Labour Party which is an association and, at the same time, member of the MMM or the MSM. It does not make sense. The Members of the Opposition side cannot do that also. It does not make sense. So, if we are to keep this discipline, I think that union members, who are representatives of workers, have to follow the same discipline because otherwise, we would have proliferation of political parties. We don't want that. We want democracy, but a strong democracy not a weak one.

In the present difficult global economic context, it is essential that our regulatory framework, while catering for workers' fundamental rights, also takes into account the need to build resilience to external shocks and maintain the country's competitiveness so as not to jeopardise employment creation. The review of our labour legislation is, therefore, meant to encourage the development of new patterns at work that tend towards mutually beneficial industrial relations.

The above amendments to the Bills, Mr Speaker, Sir, which are considered to be fair and reasonable, will undoubtedly strengthen industrial relations bringing along a win-win situation for all stakeholders. You will appreciate, Sir, that the other requests of the trade union movement cannot unfortunately be taken on board as they may jeopardize Government's efforts to facilitate business for employment creation.

Let me now take you, Mr Speaker, Sir, through the rationale behind the salient provisions of the Bills together with the amendments which I am proposing.

With regard to the Employment Rights Act, I have talked about the shift work issue. I have talked about night work which, in fact, has no definition in our law today. It is now being defined. We are providing for definition and the definition shall be all work which is performed during a period of not less than seven consecutive hours, from 6.00 p.m. to 6.00 a.m. Provision is being made that no worker shall be required to perform work on more than four consecutive nights. As you will all recall, in Mauritius, at the moment, an employer can have people work for more than four consecutive nights. In actual fact, what basically we were saying is that provision is being made that no worker shall be required to perform work on more than four consecutive night shifts, except in sectors or industry as may be prescribed or to follow more than eight hours during a shift unless the worker voluntarily agrees to do so. Now, if he voluntarily agrees to do so, fair enough, but he has to voluntarily agree to do so, it cannot be imposed upon him. Shift work will have to be scheduled on a monthly roster and night shift allowance – I said that about 10% will be paid. An employer will have to take measures to ensure that alternative to night work, day work is available to women workers for eight weeks before and eight weeks after childbirth - that is important - upon production of a medical certificate certifying that she is or was pregnant, thus offering some protection for female workers before and after childbirth. That is new also.

Let me also, Sir, say that the House may wish to note that I have been inspired here by the ILO Night Work Convention No. 171 of 1990 as well as measures in the field of safety and maternity protection.

I'll come to a very important issue now which is the lack of framework. As we are speaking, there is no framework to regulate fixed term contracts of employment. At this moment, everyone of us know Members of this august Assembly, you have people who are on contract for 9/10/11 months, there is a break in their contract and then they are perpetually being renewed in terms of their contractual work. At the same time, they are not getting any refund for local leave or sick leave; at the same time, they have no security of work; at the same time, they are drowning in precarious jobs, day in day out, in not a fixed term contract of employment. So, what we are providing for is to regulate the fixed term contract of employment.

In order to prevent employers from having recourse to contracts of employment of determinate duration abusively, the amendments proposed by myself are as follows:

- It will no longer be possible for an employer to make a contract of employment with a worker for jobs that are permanent by nature for a period exceeding 24 months.

Therefore, after the 24 months, automatically, it becomes *un contrat à durée indéterminée*.

- Where such a contract of employment exceeds 24 months, the contract of employment shall be deemed to be a contract of indeterminate duration and the worker shall be entitled to the payment of severance allowance for unjustified termination of employment.

So, imagine all those workers who are being fired and who do not have the safety net, who do not have access to this payment of severance allowance for unjustified termination of employment, they would be entitled to that, they would be protected *et le travail précaire sera quelque chose du passé*, at least, for those people.

- An employer will only be able to enter into an agreement with a worker for a contract of determinate duration for more than 24 months for –
 - completion of some specified work within a specific date; or
 - specific training contracts; or
 - works and activities that are temporary, seasonal – harvest, for instance, and
 - substitution of another worker who is absent from work – only in those situations.

If it is outside the parameter of the situations, you shall not be allowed to enter into a contract which is of a determinate duration of less than 24 months.

The paid annual and sick leave to workers reckoning more than 6 months' but less than 12 months' continuous employment and to part-time workers reckoning more than 12 months service governed by a Remuneration Order.

The proposed amendments provide that –

- Workers reckoning more than 6 months' service but less than 12 months' service shall be entitled to 1 day's annual leave and 1 day's sick leave for each subsequent month of service provided he is present on all working days.

As we speak now, before these amendments are being considered, we have to wait for 12 months. So, what we have here is a novelty, something in the favour of the working class, in the favour of

workers. So, I fail to see here, once again, after all that I have said, I still do not understand where is ‘*zom patron*’.

- A part-time worker who is governed by the provisions of any Remuneration Order shall be entitled to annual leave and sick leave on a *pro-rata* basis on the quantum of annual leave and sick leave prescribed in the relevant Remuneration Order.

Presently, workers reckoning more than 6 months but less than 12 months continuous employment and part-time workers governed by a Remuneration Order are not entitled to such privileges.

We are also reviewing the process of disciplinary hearing to ensure that all disciplinary hearings are held in a fair and independent manner. The law is here – how many of us have not, at one point or the other, gone to a Disciplinary Committee where we feel that there is no fairness, where we feel that there is no independence in the person who is chosen to chair Disciplinary Committees! So, this is what we are doing now and I will also prepare regulations pertaining to Disciplinary Hearings in order that it is structured.

There is no concept of reinstatement in Mauritius, in our Labour laws. There is no concept of reinstatement. This is what is important; this is how we have respect for the trade union movement. In order to prevent discrimination, victimisation on grounds of discrimination and trade union activities, the proposed amendments provide that in case the Industrial Court finds that the termination of employment of a worker is effected by reason of –

- a worker’s race, colour, national extraction – and we go on – religion, political opinion, sex, sexual orientation;
- a worker becoming or being a member of a trade union,- this is what we are adding - we are elevating the position of a trade unionist by putting him at par with all those important issues where discrimination is condemned by law, we are elevating and putting him there.

Then, the Court will have the power to reinstate the worker with continuity of service with payment of remuneration from the date of termination of employment or to pay severance allowance at the rate of three months remuneration per year of service. Is this anti-union to elevate the position of a union movement? Is this anti-union to introduce the concept of reinstatement? Is this anti-union to ensure that if there is discrimination, because of the appurtenance to a union movement or his working union that he is reinstated or he is paid three months’ severance allowance? Is this anti-union?

Most importantly, let us get back to the St. Géran case. What I am providing for now and I did say that to the Managers of St. Géran in my office just now. I was very, very upset, disappointed and disgusted by their *insouciance*. I cannot say exactly what I said, it would be unparliamentary. However,

what I did say is with the creation of the Independent Employment Promotion and Protection Division - a new Division of the Employment Relations Tribunal - when you want to fire someone, retrenchment for causes of economic reasons structural or otherwise, when you have, after consultations with trade unions, to explore all other possibilities - the case of St. Géran is an ideal case that I believe could be sent to this particular Division of the Employment Relations Tribunal. Once we send it there, after it goes to the Permanent Secretary of my Ministry who forwards it to the Division of the Employment Relations Tribunal, the Independent Employment Promotion and Protection Division, the matter will have to be resolved within 30 days. Within 30 days the Board will have to be convinced; that Division will have to be convinced that, indeed, there is a true economic reason that justifies the dismissal of those employees for economic reasons. They will have to be satisfied and the burden of proof will be, therefore, upon the employer to satisfy the Board that economic reasons do exist, structural reasons do exist, that they have not come up and invented it and within 30 days, the Board will have to be convinced. That is the important case for St. Géran, if the Board is not convinced. The Board has the power to order reinstatement. When I mean the Board, I mean that Division. The Division of that Employment Relations Tribunal will have the power to order reinstatement if it is not convinced that the economic reasons are true. This is new; this is to protect the workers who are being abused by certain employers who abuse the situation for economic reasons, their own economic benefit of firing people – not economic reason for the company suffering. This Division will be able to order reinstatement and if the worker decides that he does not want to go there and work anymore, it is his choice. If he does go there and work, they will have to pay him all the salaries for the time that he has not worked; they will pay him a salary from the moment he was dismissed to the decision of the Tribunal. That is something which is really new, really different. Some people were asking for the Termination of Contract Service Board. I believe that the Opposition is responsible enough and they are not going to come and tell us that we should go for the Termination of Contract Service Board again. Because as we are talking right now, it is only in 17.5% of countries, members of the ILO, that the Termination of Contract Service Board method is being used. In other words, it is not the preferred solution, it is not a solution that encourages employment creation, it is not a solution that gives a rapid solution to an employee who is suffering, it is not a favoured solution of the International Labour Organisation. And we are not going along that way because that would be going backwards and not going forward. What we are doing is being approved by the ILO and I shall, later on, refer to the document by the ILO that, basically, says exactly what I am saying. Whatever we propose today is a great step forward in the cause and the fight for the liberty and the freedom and the security of employees. I have the document in my possession and I will be able to send it.

But then again, it could be that Members of the Opposition could come and say the ILO is wrong. But then again, I will have nothing to say. If people say that they believe the ILO is wrong. Then, I will

say: well, if you know better than the ILO so be it, let's agree to disagree. Because at this moment in time, we can do nothing, people just simply send a letter to the Minister and then people are put down, the workforce is reduced, then what more can we do?

With regard to improving the functioning of the Workfare Programme and the benefits there for laid-off workers -

- Workers employed on determinate contracts of employment for more than 6 months will be entitled to join the Workfare Programme, which is not the case presently.
- The delay within which a worker, whose employment has been terminated, has to register himself in the Workfare Programme and to make his option for an alternative employment or training or setting-up his own business has been extended from 7 to 14 days.

Because a lot of people lose out if it is 7 days only. We give them an opportunity to come and register with the Workfare Programme.

- The rate of Recycling Fee which is payable between 12 and 36 months has been increased from 3 to 6 days for every 12 months.

So, they are going to get more money in terms of recycling fee.

- And as I have said, if there is a case where the Permanent Secretary enters proceedings before the Court on behalf of a worker who has a *bona fide* case, the worker has become gainfully employed, he shall be entitled to be paid an allowance equivalent to the Transition Unemployment Benefit, from the date of the termination of his employment up to the date he has taken up employment.

Now, regarding the computation of Severance Allowance/Gratuity on Retirement on the basis of remuneration instead of basic wages, the proposed amendment provides that the remuneration for the computation of severance allowance and gratuity on retirement be calculated in the manner best calculated to give the rate at which the worker has been remunerated over a period not exceeding 12 months prior to the termination of his employment or the worker's last month remuneration whichever is the higher. At the moment, it is being computed on basic salary.

With regard to the Payment of Gratuity on Retirement/Death Gratuity, the proposed amendments provide that –

- an employer shall not require a worker to retire before the new retirement age notwithstanding any agreement or enactment to the contrary;

Because, at the moment, in certain sectors if a worker wants to go on working and there is an agreement to the contrary, they are forced to retire at 60 and that shall no longer be the case. It is the choice of the worker now.

- where a worker remains in continuous employment with the same employer after the age of 60 up to the retirement age, the worker and the employer may agree on an advance payment as I explained earlier;
- a death gratuity of 15 days remuneration per year of service is payable in case of death of workers reckoning more than 12 months' continuous employment;

We have also, Mr Speaker, Sir, carried out some corrections with regard to anomalies existing in the administration of trade unions.

For example -

- where, under the rules of a trade union, provision is made for any special fund, the rules applicable to that special fund shall not be altered except by a resolution approved by a majority of the members present and voting at a General Assembly. Presently, the rules can only be altered by a resolution approved by a General Assembly and in accordance with the rules of the special fund which make it very difficult to amend the rules of the special fund;
- But, most importantly, Sir, the Registrar of Association will now be able to carry out an enquiry in the administration of a trade union upon a complaint made by 1% of the members of the union, instead of 5%.

With regard to the recognition of trade unions of workers, we are now proposing to review the process for the recognition of trade unions of workers so as to facilitate and promote collective bargaining in an orderly manner as follows -

- by guaranteeing that where a trade union or group of trade unions has been granted recognition as a sole bargaining agent or joint negotiating panel, respectively, for a bargaining unit in an enterprise or industry, no other trade union shall be entitled to recognition for the bargaining unit except by virtue of an order or determination of the Tribunal;

Mr Speaker, Sir, what we are also providing for amongst other measures, and I would like to highlight it, the other amendments that I am also proposing are -

- (a) where a worker resigns from his employment, his employer shall provide him with a certificate of service. Presently, an employer is bound to provide a certificate of service only where the employer terminates the employment of the worker.
But here, no, even if the employee decides to stop, he has to be provided with a certificate of service.
- (b) any unwarranted conduct based on sex – maybe that will wake up Members now - in the course of employment shall constitute harassment. Maybe you will be surprised that in our laws, as it stands right now, the definition of harassment, sex is not in there as

defined. So, we have to include that as well. Presently, the law does not include the term 'sex' as a ground for harassment. And we are making that correction.

Let me conclude, Sir, and I will now go to the last hour of my speech. And I am inspired by hon. Soodhun, Mr Speaker, Sir, when I see him like that, I want to go on. That is harassment and I can assure it is not sexual in any way. To conclude, let me emphasise that the above proposed amendments translate the Government's vision for a sound legal framework ensuring that workers' rights are fully safeguarded whilst at the same time enabling a friendly business environment to prevail. The overall aim is to allow a shift from an adversarial to a partnership mode in our industrial relations system while imparting adequate protection to the more vulnerable groups for a more just and peaceful society.

I am all for the fundamental right to strike. But there is an element here that I have not covered at all. It is pertaining to section 9 (2) of the Employment Rights Act of 2008. With regard to section 9 (2) of the Employment Rights Act of 2008, there is a provision there that says that a worker cannot, in any way, have his contract of employment terminated if he participates for the first time in an unlawful strike. The ILO, Mr Speaker, Sir, recognises very important preconditions to the organisation of a strike. And I have taken some time out to read the White Paper of the new legal framework for industrial relations in Mauritius dated September 2004. Maybe, hon. Soodhun has forgotten. But he had prepared that White Paper for the then Government of 2004 and when I go through that, there is at page 14, a paragraph called "Right to Strike". And a right to strike, rightly so ...

(Interruptions)

Mr Speaker, Sir, when the hon. Member hears what I am about to say he will say, even though there is no signature there, it is mine. In fact, you rightly say in this document that the ILO Committee on Freedom of Association has accepted the following conditions on the right to strike. There are seven conditions to a right to strike for it to be lawful - and rightly so. They are –

- (i) obligation to give prior notice;
- (ii) obligation to have recourse to conciliation/mediation and arbitration procedures;
- (iii) obligation to observe a certain quorum and to obtain the agreement of a specified majority;
- (iv) obligation to take strike decisions by secret ballot;
- (v) adoption of measures to comply with safety requirements and for the prevention of accidents;
- (vi) establishment of minimum service in particular cases, and
- (vii) guarantee of the freedom to work for non-strikers.

Those are the seven conditions recognised by the ILO Committee on the Freedom of Association as fundamental pre-conditions for a strike to be considered to be lawful. That is in the White Paper of the then Government.

(Interruptions)

I say they were right to put it there because, in fact, they are just saying and they are agreeing, therefore, that they recognise that it is important to stick to the provisions provided for by the ILO and, Mr Speaker, Sir, what the then Government is saying is that they are themselves all out for lawful strikes, but totally against unlawful strikes. That is why I commend them. Hon. Soodhun is totally right; he is totally right when he, in other words, says in this document ever since 2004, that he is not in agreement in other words with any union that say they are entitled to carry out an unlawful strike and we are on the same wavelength.

Hon. Bodha, in order to try to be different or interesting, tries to say in other words that – maybe he is not sure what he means here – the ILO says that, but it does not mean that because, he has, maybe, to side with the unions in order to be politically correct to serve his own interest. That is why I believe that hon. Soodhun, Mr Speaker, Sir, should brief hon. Bodha on the fundamentals of the ILO...

(Interruptions)

...and it would be wrong to underestimate hon. Soodhun on that issue.

Let me also say that I would be failing in my task if I do not convey my gratitude to all those who have helped me directly or indirectly in this venture. My foremost thanks and gratitude go to the hon. Prime Minister. I said ‘thank you’ and the Prime Minister did not understand why, but I said ‘thank you’ because he has given me

(Interruptions)

I am not like certain people who are so adamant that without politics, they do not have a life. I have a life without politics. I am sorry. This is me. Learn if they do know how to do it!

(Interruptions)

My foremost thanks and gratitude go to the hon. Prime Minister for his unflinching trust in me, for his support in this endeavour. My heartfelt thanks go also to the Deputy Prime Minister, the hon. Dr. Rashid Beebeejaun, the Chairperson of the High-Powered Committee who, at moments, when I thought things were in a very difficult situation, each and every time made use of his wisdom to encourage me to go on

because he saw that there were measures that were being taken in the interest of workers. I thank him for his support and encouragement.

(Interruptions)

I am also grateful to the Permanent Secretary of my Ministry, the former Director who is now in Australia and who has just retired, the new Director, his team and all the staff of my Ministry, my adviser, Mr Dev Luchmun. I cannot but forget obviously my good friend, the hon. Attorney General, the Parliamentary Counsel, Mrs Narain, the Assistant Parliamentary Counsel, Mr Aujayeb, Mrs Maheraly, the State Counsel for their dedication and hard work related to these amendments. I seize this opportunity to convey my deep appreciation to the Director General of the ILO and staff for their guidance and unflinching support.

I would like to say here - and I have kept this for the last - I have a document that hon. Obeegadoo thought I did not have, but it is here: the ILO Memorandum on Technical Comments on the Employment Relations Bill 2013 and the Employment Rights (Amendment) Bill 2013 of Mauritius dated 25 March 2013. I obtained it early in the morning. When I go through that document - I will gladly give a copy to the hon. Leader of the Opposition with whom I have willingly communicated all documents I may have in my possession, only because I believe in democracy, and I wanted to show and prove that in no way have we any agenda or any strategy, but we are here to put our minds together to help workers, as I have said. I would like to read a part of that document that I have just received -

“The Office welcomes this initiative of the current labour law reform which aims at adjusting the legal framework to evolving labour market realities in Mauritius. The Office notes that most comments provided in 2011 by the ILO were taken into account to prepare the subsequent version of the Bills. The Office also welcomes the fact that the labour law reform aims at further incorporating international labour standards in national labour legislation. This Office notes several amendments which reflect a clear commitment to reforming the labour law so that it can function effectively and efficiently. The Office welcomes the new provisions concerning such issues as discrimination and harassment, equal pay for work of equal value, written particulars of work agreement, fixed terms contract, maternity protection, wages and recycling fees, shift work and working time, dismissals and process of disciplinary hearing.”

It goes on to even comment that it is in total agreement with the Employment Promotion and Protection Division which shall be a new division of the Employment Relations Act. It is a document that says that this Government has shown its commitment, *son sérieux* to bring amendments that are all in line

with the international labour standards. We have no hidden agenda like certain people out there. We do not want to bring this country to its knees. We do not want to destroy this country. Imagine, if we are to continue along this line where certain people do not think that the last recourse would be a strike, people say that the first choice now is 'let us strike', the ILO does not agree with threats, left, right and centre: 'If you do not do this I will strike'. Before even any negotiation, we have certain '*syndicalistes*' who are threatening to strike even before having embarked on any negotiation, that is something that is condemned by the ILO. When it is condemned by the ILO that supposed '*syndicaliste*' condemns the ILO in return. This is the country we live in! If we want this country to go down to its knees then the Opposition and Government have to work against one another. If you want this country to have general strike and certain people want to emulate hon. Paul Raymond Bérenger of the 70's, they have got a long way to go to do that because those days and those contexts were different and he cannot even reach *le talon et la cheville* of hon. Paul Raymond Bérenger when it comes to his fight for workers. I say that!

I would like to say something else

(Interruptions)

At the end, let me share with this House the following quote from Steve Jobs –

“Being the richest man in the cemetery doesn't matter to me. Going to bed at night saying we've done something wonderful, that's what matters to me.”

In fact, Mr Speaker, Sir, I remember, and let me say that, one of the reasons why a lot of people have told me –

“What you have provided for as Minister of Labour here goes in the interest of workers. You have thought about the daily lives of workers. You have thought about all the difficulties they go through that very often we seem to forget, not because we are not concerned, but because they are so simple things but which matter a lot.”

A lot of people tell me that this Government has done so much and each and every time that the law of employment has changed in this land, it has always been the Mauritius Labour Party, never any other Government! Never any other party! It was always the Mauritius Labour Party! People tell me: “how is it that you have done such an important work and still people call you”

(Interruptions)

'Zom patron!' Then they talked about, as I said earlier on. And let me finish on that, my father has been *'avocat patron'*. Let me here pay homage to the father, the former Minister of Labour, that they call *'avocat patron!'* It is because of his upbringing that today I will fight until my last breath for each and every worker of this country because this is my mission, my dream, and I am living it today. I thank the hon. Prime Minister for it.

With these words, Mr Speaker, Sir, I commend the Bill to the House.

The Deputy Prime Minister rose and seconded.

Mr Ganoo: Mr Speaker, Sir, I move for the adjournment of the debate. May I, Mr Speaker, Sir, appeal to the Leader of the House that the Opposition be allowed sufficient time to go through this Bill, the amendments which have been circulated, since we need to make some consultations with the different trade union organisations. We have listened to the hon. Minister; taken note of Government wish to push through this Bill as soon as possible, but if the Leader of the House could give the Opposition a few weeks, for us to react.

The Prime Minister: Mr Speaker, Sir, I was going to say just a few words, but since the hon. Leader of the Opposition is asking for more time, I was going to put Parliament on Friday.

(Interruptions)

So, Thursday would be too early. Thursday would be even less time.

Mr Uteem rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move for the adjournment of the House to Tuesday 02 April 2013 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Mr Speaker: The House stands adjourned.

MATTERS RAISED

(7.13 p.m)

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: I have to draw the attention of the hon. Members that we have got as many as 15 - as per the list given to me - who are going to intervene and I am going to allow less than two

minutes to each Member because I am going to make allowance for the replies from the Ministers in question.

HENRIETTA PRIMARY SCHOOL – DEMONSTRATIONS -

08 & 13 MARCH 2013

Ms S. Anquetil (Third Member for Vacoas & Floreal): M. le président, ma demande s'adresse au ministre de l'Education et des Ressources humaines. Suite à l'affaire de mœurs à l'école d'Henrietta, ayant entraîné deux manifestations de parents d'élèves le vendredi 08 mars et le mercredi 13 mars 2013 devant l'enceinte de l'école, et conduit au transfert de trois personnes, dont deux professeurs et un *caretaker*, je voudrais savoir si le ministre de l'Education et des Ressources humaines aurait réclamé et obtenu un rapport du responsable de la zone ; si oui, si le ministre envisage de rendre ce rapport public. J'ai été informé que les officiers du ministère de l'Education ainsi que ceux de la CDU suivent l'affaire de près. Je sais également qu'une enquête policière est en cours.

M. le président, l'honorable Dr. Abu Kasenally, le ministre qui assurait l'intérim au ministère de l'Education, la ministre Madame Sheila Bappoo, le président de la PTA et moi-même avons effectué une visite en présence des responsables de l'école le lundi 18 mars dernier pour s'enquérir du problème. Lors de cette visite j'ai constaté qu'un *container* verrouillé ayant servi de laboratoire, mis hors service depuis des années, reste dans la cour de l'école. Pourquoi? Aussi une maisonnette - faisant office de store - dans un état d'insalubrité, vue de l'extérieur n'aurait été clôturée qu'après l'incident, pourquoi ? Nous avons appris de la maîtresse d'école que des professeurs utilisent ce store disgracieux à l'heure du déjeuner. Pourquoi garder des infrastructures non appropriées dans l'enceinte de l'école, de surcroît primaire ? Cela crée des doutes. Nous aurions souhaité que toute la vérité soit faite sur cette affaire et également que le ministre intervienne pour éviter que ce genre d'incident ne puisse se reproduire. Merci, M. le président.

The Minister of Education and Human Resources (Dr. V. Bunwaree): M. le président, je remercie l'honorable Melle Anquetil d'avoir soulevé ce point ici. Mais je dois dire qu'il y a une enquête en cours, pas seulement au niveau de l'Education mais au niveau de la Police aussi. On travaille de concert, on a déjà pris certaines décisions sur le champ. On a bougé quelques membres du personnel, tout en disant qu'on ne sait pas où est la vérité parce qu'on ne peut pas pénaliser les gens sans avoir une bonne enquête. De toutes les façons, tout sera rendu public, je n'aurais rien à cacher à la Chambre et au pays et on attend quand même la fin de l'enquête mais en attendant il y a une équipe qui travaille, qui protège cette école et qui a décidé de mettre sur pied certaines mesures. C'est pour cela que vous avez vu des changements assez rapides après la découverte de cette affaire.

The Deputy Speaker: Can you afford to be shorter.

Dr. Bunwaree: Je dis, M. le président, qu'il faut quand même attendre le résultat de ce rapport.

CUREPIPE - CHEMICAL INTOXICATION - ADB DENTAL LAB

Mrs F. Labelle (Second Member for Vacaos & Floreal): Thank you, Mr Deputy Speaker, Sir, I would like to raise two issues as briefly as possible which are affecting the inhabitants of ...

The Deputy Speaker: I am sorry, I am going to allow you to raise only one issue and then if there is time left at the end, I'll see if I can give you a second opportunity.

Mrs Labelle: Thank you very much, Mr Deputy Speaker, Sir. So, this first issue concerns the Minister of Health, the Minister of Environment and the Minister of Local Government, who, unfortunately, is not in the House. I am referring, Mr Deputy Speaker, Sir, to the activities of the ADB Dental Lab. During the past two years, several complaints of chemical intoxication have been found with both the Ministry of Health and the Ministry of Environment as well as with the Municipality of Curepipe. There is also, Mr Deputy Speaker, Sir, a petition signed by some 40 inhabitants of the region. I am tabling a copy of this petition.

Mr Deputy Speaker, Sir, to add insult to injury, at the end of October of last year, the Municipality of Curepipe has granted a building permit to ADB Dental Lab to set up a dental cabinet, while its trade license is being registered as dental mechanic. It is to be noted that one of the conditions of the building permit is, I quote –

“The permit is being granted on condition that there should be no major modification to alter the residential character of the place and the primary use of the building should remain residential”.

Moreover, Mr Deputy Speaker, Sir, the ABD Dental Lab has installed a generator of 90 decibels in front of its building, close to the street and to the entrance of other residence. The Dental Council has, through a letter, pointed the unethical aspect...

The Deputy Speaker: Could you kindly round off.

Mrs Labelle: They have pointed out the unethical aspect of such a situation: a dental mechanic cannot carry out the activities of a dental surgeon. I am tabling a copy of the letter. Officers from the Ministry of Health, as well as those from the Ministry of Environment have effected site visits, but the problem is, it seems to be difficult to situate the responsibility as to who should initiate actions to safeguard the rights of the persons to live in a safe environment. So, I am appealing to the three Ministers and I don't know whether this matter has been brought to their attention: letters have been sent to them, so, maybe, they could initiate action so that they can alleviate the physiological as well as psychological sufferings of the inhabitants of Forest Lane and its surroundings in Floreal.

The Minister of Health and Quality of Life (Mr L. Bundhoo): Mr Deputy Speaker, Sir, I have received the complaint by the way and I have already sent my Health Inspectors for a site visit there. I guess I would take on the proposals of the hon. Member. I would liaise with my colleague Minister, hon. Virahsawmy. The Ministry of Health and Quality of Life, the Ministry of Environment and Sustainable Development and the Ministry of Local Government and Outer Islands, especially those people at the Municipality of Curepipe will set up a team to conduct an inquiry and find out what is happening there, and take appropriate action as necessary.

The Minister of Environment and Sustainable Development (Mr D. Virahsawmy): Mr Deputy Speaker, Sir, we also have to understand that certain chemical products are hazardous wastes and not under the responsibility of my Ministry.

(7.10 p.m.)

CITÉ CHEBEL - MILLIPEDES

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Mr Deputy Speaker, Sir, I would like to raise an issue concerning the Minister of Agro-Industry and Food Security, with whom I have discussed during the week, with regard to *mille-pattes* at Cité Chebel.

This issue has been raised by my colleague, hon. Quirin, I think on one or two occasions, and the problem lies with the Medine Sugar Estate. The hon. Minister is aware of the problem. The Entomology Division has carried out site visits. Can I appeal to the hon. Minister to ask Medine to put a boundary wall, and also to take care of their sugarcane fields? I think there is some negligence on the part of Medine. I would also request the Minister of Health and Quality of Life, his colleague, to, at least, send responsible officers to initiate action, so as to avoid recurrence. This is happening too often and is causing havoc in the housing estates, especially that it is a nuisance for the children.

Thank you.

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Deputy Speaker, Sir, indeed hon. Bhagwan had raised this issue with me on Friday last, following which I instructed the Entomology Division of my Ministry to effect a site visit at Chebel where there is a resurgence of millipedes. This has been happening since the year 2011. It is going on for three years now. On the same day, that is, Friday 22 when it was reported, they took control measures, and apparently they again visited the site on Saturday 23. Again, this morning, they visited the site, and found out that the control measures that have been taken are very effective.

I am also thinking - I discussed earlier on with hon. Bhagwan - to maybe put up an enlarged committee comprising officers of my Ministry, and to invite Medine Sugar Estate as well as the *Forces Vives* of Chebel to join in, to find out how we can cope with the matter and find the proper solution.

(7.13 p.m.)

MUNICIPALITY OF CUREPIPE - JOB FAIR

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, mes propos concernent le ministre des Collectivités locales et le Premier ministre, et concernent donc une grave dérive dans la conduite des affaires publiques à la mairie de Curepipe. Voilà les faits que je vais exposer. Fin février, début mars, Madame Jagatsingh, qui est si je crois comprendre le numéro deux du MMSD, fait une déclaration dans le journal *'Le Défi'* à l'effet que son parti organise un *job fair* à Curepipe.

Quelques jours après, le Maire de Curepipe propose que la mairie de Curepipe fasse la même chose ; donc, un *job fair*. Quelques jours plus tard, apparaissent partout à Curepipe - jusqu'aujourd'hui - des affiches du MMSD annonçant l'initiative municipale. Même pas une affiche du Parti travailliste/PMSD ; seulement du MMSD. Et, à la mi-mars, il y a donc un *job fair* qui est organisé à la Mairie de Curepipe.

Lorsque l'Opposition proteste, le Maire déclare que ce qui s'est passé est tout à fait normal. Au contraire, il faut remercier le MMSD pour avoir fait la communication de la mairie, et invite les autres partis à la tête des autres mairies à faire pareil.

M. le président, c'est une dangereuse dérive; cet amalgame entre partis et administration municipale, entre gouvernement municipal et l'État - la mairie, c'est l'État. Et les Curepiens se sont demandés ce *job fair* est à l'intention de qui? Des activistes du MMSD, organisé par la mairie ? Par exemple, si à l'ouverture de l'hôpital Civil, on avait des affiches du Parti travailliste, ou demain à la réouverture du Plaza des affiches du MMM, ce n'est pas correct, et il y a un réel danger.

M. le président, je vais terminer dessus. Le MMSD vient d'annoncer que c'est lui qui va prendre l'initiative de la rénovation de l'Hôtel de Ville de Curepipe. Vous avez entendu parler du dérapage au Cimetière Bigara il y a quelques jours de cela, et je n'en dirai pas plus.

The Deputy Speaker: Hon. Obeegadoo, kindly round off.

Mr Obeegadoo: Donc, je lance un appel pressant au Premier ministre et au ministre des Collectivités locales d'intervenir pour rectifier le tir, et pour réaffirmer les principes fondamentaux de la

démocratie parlementaire dans notre pays. Je souhaiterais que, ou le Premier ministre ou le ministre des Collectivités locales fasse une déclaration à l'Assemblée mardi prochain à ce sujet.

Merci.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): I shall convey the concern of the hon. Member to the Minister of Local Government and Outer Islands.

(7.15 p.m.)

RAOUL RIVET GOVERNMENT SCHOOL - TEACHER

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, I would like to address a remark to the hon. Minister of Education and Human Resources. It relates to a teacher of Raoul Rivet Government School. I am happy to communicate the name of this lady to the hon. Minister, but I am sure that he already knows the case. This lady was teaching Standard IV last year, and this year she was supposed to do Standard V. Instead of that, she was given Standard III, and another teacher was given Standard V. She protested, the parents of the pupils protested, and the matter was referred to the hon. Minister of Labour, Industrial Relations and Employment, hon. Mohamed, who stated in several press that this is an obvious case of discrimination and an injustice, and he referred the matter to the hon. Minister of Education and Human Resources to rectify this injustice. Unfortunately, we are coming to the end of the first term, and this injustice has not been corrected.

I will make an appeal to the hon. Minister of Education and Human Resources to look into the matter and correct this injustice.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, the matter is being looked into at the level of my Ministry.

(7.20 p.m.)

HARBOUR BRIDGE PROJECT, PORT LOUIS

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, my request will concern the Minister of Housing and Lands, the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping, and probably the Minister of Finance and Economic Development. It is in regard to the Harbour Bridge Project in Port Louis.

As you are aware, Mr Deputy Speaker, Sir, in implementing the project, the Government has to compulsorily acquire one side of Reserves Street in Cassis. In so doing, on the side where there will be compulsory acquisition - the left side facing *Les Salines* - there are residential owners of land, commercial owners. But, most importantly, I am raising the issue for the residential tenants. Some are residential and some are commercial. As per the law, you compensate only the owners. So, I am appealing to the hon. Ministers and Government in general. I had the opportunity to discuss this with two colleagues. I am appealing to the Government in general to set up a committee, probably to look into the issues of tenants because the owners are very happy to be compensated and take their money. But what happens to those people who are occupying those premises, both residential and commercial tenants? So, I shall appeal to Government to pay a special attention to those people.

Thank you, Mr Deputy Speaker, Sir.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, representations were made by representatives of Constituency No. 1, and we will look into the possibility of having a committee comprising of my Ministry, the Ministry of Finance and Economic Development and the Ministry of Housing and Lands, in order to see how we can try to support those people.

CITÉ LA CURE - TRAFFIC CENTRE – GIRLS - HARASSMENT

Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue): Mr Deputy Speaker, Sir, the issue I am going to raise is addressed to the hon. Prime Minister, and concerns a very urgent situation of law and order in the region of Cité La Cure, more precisely around the traffic centre of Cité La Cure. For the past few weeks, young girls in that region are regularly subjected to harassment, including sexual harassment, and cases have been reported to the Abercrombie Police Station, and until now no action has been taken.

I would request the hon. Prime Minister to urgently look into the matter, so as to reassure the inhabitants of that region that there will be regular Police patrol in the region. As the hon. Prime Minister is not here, I would also request the Minister who is going to convey my request to the hon. Prime Minister to ask him to urgently look into the matter.

Thank you.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, I will convey the hon. Member's concern to the hon. Prime Minister.

AIMÉ CÉSAIRE PRIMARY SCHOOL, CAMP LEVIEUX - HANDRAILS

Mrs L. Ribot (Third Member for Stanley & Rose Hill): Mr Deputy Speaker, Sir, the issue which I would like to raise concerns the hon. Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping.

Mr Deputy Speaker, Sir, the Primary School Aimé Césaire at Camp Levieux has been built in such a way that the school gate gives directly onto the main road. The school children leaving the school premises are straightaway on the street. La Concorde Street is not only a very busy one, but is one of the main roads because it leads to NHDC flats, to Mont Roches and there is the main supermarket of the region on that road.

The school children, of course, Mr Deputy Speaker, Sir, are exposed to the danger of being run down by passing vehicles. Before an accident happens, I would ask the hon. Vice-Prime Minister to see to it that handrails be placed in front of the gate and along the walls, on each side, in such a way as to protect those school children. Thank you.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I will look into the matter personally.

(07.21 p.m.)

ROBINSON LANE, PHOENIX - CAMERAS

Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) : Mr Deputy Speaker, Sir, my brief request is to the attention of the hon. Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. It concerns the new cameras that are being placed here and there. I accept and agree the way the hon. Vice-Prime Minister is doing it. But, the only problem is that cameras are being placed at Robinson Lane, Royal Road, Phoenix near Sir Abdool Razack Mohamed Hall.

Mr Deputy Speaker, Sir, to my great surprise, these cameras are not in function yet, but they have been damaged already - one of the poles. This is because the cameras are placed in the curve of the Robinson Lane joining the Royal Road of Phoenix and they have already been replaced in the same place.

Infrastructure is science; if you have one problem at the first go, don't replace it at the same place. I am asking the hon. Vice-Prime Minister to see to it that they don't put cameras with the poles in

the curve where an accident may occur. People may suffer from accidents, not just poles; people may get crushed between cars and the poles. Thank you.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, in fact, those places have already been located and the list has been submitted to us by the Traffic Branch of the Police Section. It is not our doing, but there are 100 spots which are considered to be very dangerous and that particular place is one of them. I will convey the hon. Member's apprehension to the TRMSU and also to the Police Division.

MUNICIPALITY OF QUATRES BORNES - MALPRACTICE

Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes): Le sujet que je vais soulever concerne l'honorable ministre des Collectivités locales. Je suis contente que l'honorable Obeegadoo ait parlé de *malpractice* à la Municipalité de Curepipe, car il se trouve que l'administration MMM/MSM n'est pas à l'abri de *malpractice* à Quatres Bornes.

M. le président, il se trouve que le lundi 18 mars le *welfare committee* a décidé de faire une fête culturelle au pied levé - six jours après - pour le samedi qui vient de passer, qui a coûté R 183,000 aux contribuables de ce pays, et qui a réuni seulement une trentaine de personnes à la cour de la Municipalité de Quatre Bornes.

(Interruptions)

M. le président, d'habitude il y a un *tender* pour les *suppliers*. D'habitude on fait cela à la fin de l'année. Il se trouve qu'il n'y a pas eu de *tender* pour les participants dans cette fête culturelle. Qui a décidé de prendre - au petit bonheur - les groupes qui vont *perform*? C'est la maîtresse de la Municipalité de Quatre Bornes !

M. le président, la cerise sur le gâteau - et je me demande si l'ICAC ne devrait pas faire une enquête - c'est que parmi ceux qui ont *performed* se trouve le fils d'une conseillère municipale. Il est un des animateurs de ce soi-disant fête culturelle où il n'y a pas eu de *tender*. Ce sont les conseillers qui ont *hand-picked* ceux qu'ils voulaient venir - pour trente personnes ! L'honorable Obeegadoo a dit que ce sont peut-être les partisans, mais il n'y avait même pas trente personnes. Je me demande si le MMM/MSM ne peut pas avoir plus de trente personnes dans un concert.

Je demande à l'honorable ministre des Collectivités locales - qui n'est pas là - de faire une enquête pour voir s'il n'y a pas eu de *tenders*. Je me demande si l'ICAC aussi ne devrait pas faire une enquête.

(Interruptions)

The Deputy Speaker: The hon. Member has made her point, I think.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, this is shocking. I will transmit the hon. Member's observation to the hon. Minister of Local Government.

(Interruptions)

The Deputy Speaker: Hon. Ameer Meea! Hon. Bhagwan, we are running short of time.

(07.26 p.m.)

AGALEGA - SEPTIC TANK

Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East): Mr Deputy Speaker, Sir, my problem, today, concerns the hon. Deputy Prime Minister, Minister of Energy and Public Utilities. This is in relation to Agalega.

As we all know, Agalega is in Constituency No. 3. There is a problem of the septic tank being nearly full. The problem is that in Agalega there is no reservoir and they use boreholes. The danger is that the septic tank can mix up with water that runs underneath the soil. So, it is a real danger for the environment and a direct health to people of Agalega.

I would urgently ask the hon. Deputy Prime Minister to perform a study on this issue so as to remedy the situation. Thank you.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, I have noted the item.

(07.27 p.m.)

VANDERMEERSCH STREET – ROAD CLEARANCE, DRAINAGE

Mr K. Li Kwong Wing (Second Member Member for Beau Bassin & Petite Rivière): My request is addressed to the hon. Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. Works have been carried out along Vandermeersch Street for road clearance and drainage.

So, the request is to extend these works from the roundabout of Beau Bassin along the Royal Road towards the Beau Bassin market and the Adventist Church.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): This request was already made by hon. Bhagwan and we are looking into it.

(Interruptions)

The Deputy Speaker: The 16th one on the list is hon. Barbier. I don't think there is time for both of you; I am sorry. I am bound by the time allotted, half an hour.

(07.28 p.m.)

CENTRE POLYVALENT – PAILLES

Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West): M. le président, merci pour votre indulgence. Mon intervention concerne l'honorable ministre des Administrations Régionales et cela concerne le Centre Polyvalent de Pailles. Ce centre a été construit, M. le président, à la demande des habitants au coût de R 12 millions. Or, depuis, tout a été fait pour que les habitants ne puissent y accéder.

Le centre avait d'abord été mis à la disposition de la *Mauritius Film Development Corporation* qui y avait installé ses équipements. Mes deux colistiers et moi-même, nous avons posé plusieurs questions à l'honorable ministre des Administrations Régionales sur les raisons pour lesquelles l'accès de ce centre est refusé aux habitants de la région.

M. le président, à chaque fois, l'honorable ministre avait répondu qu'il allait y remédier. Certains jeunes avaient pu avoir accès mais ils ont vite déchanté car le centre a été remis au ministère de la Santé qui a ouvert une clinique dentaire. Les habitants remuent ciel et terre, M. le président, pour pouvoir avoir accès à ce centre pour des activités saines.

Récemment, des jeunes, qui voulaient jouer au volleyball dans l'enceinte de la cour, se sont vus refuser l'accès avec menace de les trainer en justice.

The Deputy Speaker: Hon. Mrs Navarre-Marie, time is running out!

Mrs Navarre-Marie : Il paraît que la personne responsable de la sécurité de ce centre avait voulu faire appel à la Police pour empêcher ces jeunes d'y avoir accès. M. le président, quoique les habitants ne sont pas contre l'ouverture d'une clinique dentaire, ils réclament qu'une partie du moins de ce centre soit mis à la disposition des habitants. Les jeunes de la région doivent payer dix milles roupies par an au ministère de l'Education pour pouvoir utiliser les infrastructures appartenant à l'école. Ce n'est pas normal. C'est pourquoi je fais donc un appel pour que les habitants puissent avoir accès à ce centre. Merci.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Deputy Speaker, Sir, the request has been noted and will be passed on.

The Deputy Speaker: Hon. Barbier!

CITE VALLIJEE – ROAD CONGESTION

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir, I am going to be very brief.

The Deputy Speaker: Yes, please, because we are very short of time.

Mr Barbier: My plea is in favour of the inhabitants of Cité Vallijee and it concerns the Minister of Public Infrastructure as it is a road traffic problem at the corner of Wagner Street and the main road.

Mr Deputy Speaker, Sir, at peak time especially, the inhabitants of Cité Vallijee face many problems to catch the third lane when they try to go in the direction of Grand River North-West or Plaines Wilhems. There are three lanes on this road and to catch the third lane to be on the left side, it is very difficult because all the time there are vehicles coming from Grand River North-West to Port Louis and, at times, it depends on the courtesy of the people coming on the right side. What happens, very often, when the driver on the first lane stops to give way, the one overtaking on the second lane cannot see what is happening and frequently, there are accidents on this spot.

Maybe, the immediate action would be to have a Policeman there, but I would ask the hon. Minister to find a permanent solution to this problem so as to alleviate the situation.

Thank you, Mr Deputy Speaker, Sir.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I would invite the hon. Member next week. Let's conduct a site visit and see *de visu* what action can be taken.

At 7.42 p.m. the Assembly was, on its rising, adjourned to Tuesday 02 April 2013 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

SOUILLAC COURT – RENOVATION

(No. B/32) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Attorney General whether, in regard to the building housing the Souillac Court, he will state if he is aware of the derelict state thereof and if so, indicate the remedial actions that will be taken and the amount earmarked therefor, if any.

Reply: I am informed by the Deputy Master and Registrar of the Supreme Court as follows.

The courtroom of Savanne District Court was destroyed by fire on the night of 10-11 October 2011. In the meantime, a temporary courtroom has been set up in one of the remaining buildings within the precinct.

Bids were invited on 22 November 2012 for the renting of Court and office space to accommodate the District Court of Savanne, but the only bid received did not meet the bidding requirements.

Subsequently, six offers for renting of building for office space have been received. After site visits to all six buildings, one of them has been identified as it may satisfy the requirements for a District Court.

The rental assessment of the Valuation & Rental Estate Consultancy Services in respect of that building has been obtained.

Clearance is currently being sought from the Police, the Fire Services, the Traffic Management and Road Safety Unit, the Health and Safety Unit of the Ministry of Civil Service and Administrative Reforms, the Road Traffic and Safety Management Unit and the Ministry of Public Infrastructure before the signature of a lease agreement, and before a move to the building proposed can be contemplated.

UNIVERSITY OF MAURITIUS - DEGREES IN PHARMACY – RECOGNITION

(No. B/33) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to the recognition of Degrees in Pharmacy, he will, for the benefit of the House, obtain from the Pharmacy Board, information as to -

- (a) if consultations were held between the Board and the University of Mauritius, prior to the implementation of a course therefor at the said University;
- (b) the recommendations of the Board, if any, for the recognition thereof, prior to pharmaceutical internship, and
- (c) the number of requests therefor, if any, which have been turned down by the Board, over the past three years, indicating in each case, the reasons therefor.

(Withdrawn)

CHILDREN WITH DISABILITIES - SOCIAL AID - GRANT

(No. B/34) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the social aid granted to children with disabilities and who are under the age of fifteen, she will state the income brackets considered to allow families to be eligible therefor, indicating if the overtime earnings of the parents are taken into account in the exercise.

(Withdrawn)

MINISTRY OF EDUCATION AND HUMAN RESOURCES

- ARCHIVES OFFICER – POST

(No. B/35) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Education and Human Resources whether, in regard to the post of Archives Officer in his Ministry, he will state if same has been advertised and if so, indicate -

- (a) when;
- (b) the procedure followed for the selection of the candidate;
- (c) the qualifications requirement therefor, and
- (d) the salary scale thereof.

(Withdrawn)

**MINISTRY OF EDUCATION AND HUMAN RESOURCES - MRS S. B –
EMPLOYMENT**

(No. B/36) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Education and Human Resources whether, in regard to one Mrs S. B., he will state the capacity in which she is employed in his Ministry, indicating -

- (a) her qualifications;
- (b) her terms and conditions of employment, and
- (c) the duties assigned thereto.

(Withdrawn)

**MAURITIUS TOURISM PROMOTION AUTHORITY (MPTA)– MR R. D. – TERMINATION
OF CONTRACT**

(No. B/38) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Tourism and Leisure whether, in regard to Mr R. D., he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to -

- (a) the reasons for the termination of his appointment as the Chairperson thereof, and
- (b) during his term of office, the -
 - (i) number of overseas missions he has undertaken, and
 - (ii) total amount of money paid out to him, as salary, *per diem* and gratifications.

(Withdrawn)

MAURITIUS TOURISM PROMOTION AUTHORITY (MPTA) - RECRUITMENT

(No. B/39) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Tourism and Leisure whether, in regard to the Tourism Authority, he will, for the benefit of the House, obtain from the Authority, information as to the number of workers recruited thereat, since 2011 to date, indicating in each case, the –

- (a) post held;
- (b) scheme of duties, and
- (c) personal address thereof.

(Withdrawn)

MAURITIUS TELECOMS – TELECOMMUNICATION SERVICES - DISRUPTION

(No. B/40) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Information and Communication Technology whether, in regard to the disruption in telecommunication services offered by the Mauritius Telecoms in February 2013, he will, for the benefit of the House, obtain from the Information and Communication Technologies Authority, information as to if it has carried out an inquiry into the causes thereof and if so, indicate the outcome thereof and the sanctions taken, if any.

Reply: Following the disruptions experienced in the telecommunication services on 13 February 2013, I had, on the next day, requested the ICT Authority to conduct an inquiry into the causes of the breakdown.

I am informed by the ICT Authority that the conclusions of the inquiry were as follows -

- (a) Telecommunication services from only one mobile operator, namely Cellplus Mobile Communication Ltd, were disrupted between 9:15 hrs and 13:00 hrs on 13 February 2013.
- (b) The cause of the outage was a sudden network saturation in the Port Louis area, where the Main Switching Centre of Cellplus is located, resulting in an abnormal surge of call attempts from subscribers. This coincided with the time that radios diffused that those who were already on their site of work or on their way to work could return home.
- (c) The total number of calls attempts during that period was about 5 times over and above the normal call rates expected, which is up to 2.5 times of overload.

No sanction was taken by the ICT Authority against the licensee because of the following -

Clause 24 of the licence issued to Cellplus provides for the Licensee to be excused from performance only to the extent, and for so long as, such performance is substantially hindered or prevented by war, civil disturbances, strikes, natural disasters, fire, explosion, other public emergencies, or any other occurrence beyond the reasonable control of the Licensee.

VALLÉE PITOT - LANDSLIDE

(No. B/41) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Housing and Lands whether, in regard to the recent landslide which occurred in the region of Vallée Pitot, in Port Louis, he will state if a survey has been carried out to identify the houses which are at risk, indicating the measures taken, if any, to re-house the residents thereof.

Reply: Following the reported landslide at Vallée Pitot, a site visit was undertaken in the presence of all stakeholders on 27 February 2013. It has been noted that one building has been substantially damaged following heavy rainfall. My Ministry has identified an alternative site along Military Road for the relocation of the owners of the building affected.

It was also decided that a survey be conducted by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping in collaboration with the Japanese International Cooperation Agency (JICA) to assess the degree and extent, if any, of the landslide and damage, if any,

caused to any other building in the vicinity. I am informed that the survey is ongoing and the JICA Expert Team is closely monitoring ground movement in the area. On receipt of the survey report, appropriate action will be taken on the basis of recommendations made.

MITD – TRADE UNIONIST - SUSPENSION

(No. B/42) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Minister of Education and Human Resources whether, in regard to Mr H. M., Trade Unionist at the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the said institute, information as to the reasons for the suspension thereof, indicating if an inquiry has been carried out in relation thereto and if so, the outcome thereof.

Reply: I am informed by the Mauritius Institute of Training and Development (MITD) that on 20 November 2012 at around 0830hrs, Mr H. M., Assistant Manager at the MITD made serious and unfounded allegations against the MITD on a private radio.

This matter was viewed with much concern by the MITD Management which decided to initiate the following actions -

- (i) To report the matter to the Independent Broadcasting Authority (IBA). A letter of complaint was issued by the MITD to the IBA on 21 November 2012.
- (ii) To report the matter to the ICAC, Commissioner of Police and Ministry of Gender Equality, Child Development and Family Welfare. Letters were issued on 21 November 2012.
- (iii) To make a complaint at the Phoenix Police Station on 21 November 2012.
- (iv) To seek explanations from Mr H. M. on the above allegations.

The matter was also brought to the attention of the MITD Board and it was unanimously agreed that disciplinary action be initiated against Mr H. M. after seeking legal advice.

Mr H. M. was requested to submit his explanations on the allegations by 29 November 2012. On 29 November 2012, Mr H. M. submitted his explanations, which were found to be unsatisfactory by the MITD.

The advice of the Attorney-General's Office was sought subsequently. In line with legal advice obtained, the MITD Board took the decision to suspend Mr H. M. from his functions. This suspension took effect as from 21 January 2013. Six charges were leveled against Mr H. M. for breach of Sections 1.6.9 and 6.1.2 of the IVTB HR Manual 2007.

A Disciplinary Committee was accordingly set up by the MITD Board to hear the charges leveled against Mr H. M. The Disciplinary Committee is chaired by Mr Hervé Lassemillante, Barrister-at-Law and comprises two other members namely, Mr A. Chiniah (HR) and Mr A. Jaunbocus (Industrial Relations). The Committee has already met on three occasions. The Disciplinary Committee is pursuing its work and has not yet submitted its report.

I am informed by the MITD that the Police (CCID) is also pursuing its enquiry. The IBA had hearings with the MITD and the private radio concerned.

I wish to highlight the fact that it is not the first time that Mr H. M. is adversely reported upon. In June 2006, he used foul and vulgar language against the then Ag. Deputy Director Corporate of the ex-IVTB. Mr H. M. was severely reprimanded following the recommendation of a Disciplinary Committee and approval of the then Industrial and Vocational Training Council.

ORGAN AND TISSUE TRANSPLANT BOARD - CONSTITUTION

(No. B/44) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Health and Quality of Life whether, in regard to the Organ and Tissue Transplant Board, he will state when same will be constituted.

Reply: In accordance with provisions of section 16 of the Human Tissue (Removal, Preservation and Transplant) Act 2006, the Organ and Tissue Transplant Board was constituted in September 2008. As stated in my reply to PQ B/743 of 18 December 2012, I wish to inform the House that my Ministry is presently finalizing amendments to be brought to the Human Tissue (Removal, Preservation and Transplant) Act and Regulations for Renal Transplantation. In this context, as the Board will be called upon to assume wider responsibilities, action is being taken for its reconstitution

ST GÉRAN HOTEL – EMPLOYEES – LAYING OFF

(No. B/45) Mr P. Roopun (Third Member for Flacq and Bon Accueil) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the laying off of some 18 employees of the St Géran Hotel, in January 2013, he will state if he has held any meeting with the management of the said hotel to inquire into the reasons thereof and explore the possibility of their reintegration or the payment of adequate compensation and if so, give details thereof.

Reply: Following the termination of employment of 18 workers by the One & Only Le Saint Geran Ltd on 28 January (9 workers) and 07 February 2013 (9 workers), I had a meeting with the workers and the General Manager of the Hotel in presence of its Legal Advisors on 29 January 2013. I pointed

out to Management that instead of resorting to termination of employment, other avenues could have been explored. I thereafter made an earnest appeal to management to re-instate all the 18 workers in their employment.

Subsequently, officers of my Ministry have five meetings on 12, 19 and 25 February; 01 and 06 March, 2013 with Management and the workers with a view to finding a solution. The *Fédération des Travailleurs Unis*, which represented the 18 workers, insisted that all workers be reinstated or in the alternative –

- (a) payment of severance allowance at the rate of 2.5 months' wages per year of service;
- (b) refund of all annual leave outstanding;
- (c) refund of overseas leave not taken;
- (d) payment of special bonus which is due in the month of February each year, and
- (e) End of Year Gratuity 2013 on a pro-rata basis.

The Management did not accept to reinstate the workers but stated that it –

- (a) was unable to better its offer of 15 days' wages per year of service for each worker made redundant;
- (b) was ready and willing to refund leaves that were outstanding on a pro-rata basis for the year 2013;
- (c) was ready and willing to refund any overseas leave not taken;
- (d) denied that any special bonus was payable to the redundant workers.

Given that there has not been any settlement between the workers and Management, I had a meeting with the two parties today to explore once again avenues for settlement. However no settlement could be reached.

SECONDARY SCHOOLS – PC TABLET - TENDER

(No. B/46) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Education and Human Resources whether, in regard to the proposed budgetary measure for the provision of a PC tablet to each student of Form IV in secondary schools, he will state if the tender therefor has been launched and if so, indicate the number of PC tablets to be supplied.

(Vide reply to PQ No. B/18)

TERTIARY INSTITUTIONS - FOUNDATION COURSES

(No. B/47) 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 tertiary institutions, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to the number thereof which are dispensing foundation courses, indicating if same have been accredited by the relevant institutions.

(Withdrawn)

GOLF COURSE PROJECTS - LAND CONVERSION TAX

(No. B/48) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the exemption of Land Conversion Tax for 18-holes golf course projects, as announced in the 2013 Budget Speech, he will state the –

- (a) number of applications therefor received as at to date;
- (b) names of the promoters of the projects, giving details thereof, and
- (c) estimated amount of taxes that would be foregone.

Reply: The exemption of land conversion tax for construction of golf courses announced in the 2013 Budget Speech and implemented through the Finance (Miscellaneous Provisions) Act 2012 is not a new measure.

In fact, the hon. Member himself, when he was the Minister of Agriculture, Food Technology & Natural Resources, introduced in the National Assembly the Sugar Industry Efficiency Bill in 2001 which contained a land conversion tax exemption provision for agricultural land to be used for “the construction of hotels or the setting up of touristic facilities or installations as approved by the relevant Ministry”. Golf courses forming part of a touristic facility were therefore eligible to the exemption.

Subsequently, in 2004, the hon. Member, then Deputy Prime Minister, Minister of Finance and Economic Development amended the provision in the Sugar Industry Efficiency Act by way of the Finance Act 2004 to clarify that such exemption covers any golf course, that is even if it did not form part of a touristic facility.

During the period from 2005 to date, I am informed that land conversion tax exemption have been granted in connection with 2 golf courses in IRS projects under that section. On 28 September 2005, exemption of land conversion tax was granted to Beau Champ in connection with creation of a 18-hole golf course by Deep River Beau Champ Co. Ltd. Similarly, agricultural land at Wolmar used by the Medine SE Co. Ltd for a golf course was exempted from land conversion tax on 09 April 2007.

In the Economic and Financial Measures (Miscellaneous Provisions) Act enacted in July 2011, the Land Conversion Tax exemption provisions relating to construction of industrial estates, business

parks, shopping malls, information technology parks, hotels or other touristic facilities as well as for golf courses were repealed.

I am informed that no land conversion permit has been granted for the conversion of agricultural land for the setting up of a golf course from 16 July 2011 (that is, from the date the exemption was removed) to-date. This clearly illustrates the fact that it is not financially viable to set up a golf course on agricultural land, without an exemption from land conversion tax.

The land conversion tax exemption provision in respect of investment in golf course was re-introduced in December 2012, as well as in manufacturing, technical and vocational education and training and power station using renewable energy. These are in addition to existing exemptions in the Sugar Industry Efficiency Act in relation to economic and social investment projects in the following sectors -

- Social housing;
- Agro-Industry & Biotechnology;
- Small and medium enterprises;
- Pre-primary, primary, secondary and tertiary education;
- Health, and
- Electricity generated by power stations using bagasse

The rationale behind the reintroduction of the exemption for golf course is as follows -

First, to give an additional stimulus to the construction sector, which is expected to contract for the third successive year in 2013. In fact, growth rate of the sector was negative 2% in 2011, negative 3% in 2012 and is forecast at negative 7% this year.

Second, to continue diversification of our tourism product and cement our growing reputation as a golf destination, we need a few more golf courses of international standards,

Third, an 18-hole golf course requires a large area of land implying that such a project is not viable without exemption from land conversion tax, and

Fourth, only marginal agricultural land is allowed to be converted for a golf course.

I would also wish to highlight the fact that the exemption formed part of a package of measures to boost the construction industry. Another related measure involving tax incentives is the raising of the minimum selling price of a housing unit from Rs2.5 m. to Rs4 m., under the incentive scheme to promote construction of housing estates.

I am informed by the Board of Investment that following the re-introduction of the exemption from land conversion tax for 18-hole golf courses, 2 applications have been received. Firstly, a registration certificate has been issued by the BOI on 12 February 2013 to Arthur & Morgane Ltd for an inland 18-hole championship golf course annexed to a residential project at Bois Sec.

Apart from the golf course, the master plan of the project consists of the following components -

- A club house of 2000 m² with all amenities;
- 274 high class residential lots ranging from 1,800 m² to 8,000 m²;
- 3 specific areas for separate residential estates under the RES Scheme.

Total project value is expected to reach Rs7 billion.

A letter of approval has also been issued to Mont Choisy Property Development Ltd, a fully owned subsidiary of Compagnie Sucriere de Mont Choisy Ltee, on 22 February 2010 for the implementation of a project under the Integrated Resort Scheme. The development will comprise an 18-hole golf course, 218 villas, 132 townhouses, 184 apartments and commercial and leisure amenities on 164 hectares of freehold land at Mont Choisy. Total investment in the project is estimated at Rs15 billion.

I am further informed by the Ministry of Agro Industry and Food Security that on 18 December 2012, Arthur and Morgane Ltd has applied for the conversion of 486 arpents of land for both the golf and residential components and that the application is currently being examined. The land conversion tax payable in respect of the residential component would amount to around Rs312 m. in case the conversion is approved.

As regards the other golf course, according to information received by the Board of Investment, the promoter is currently finalising its application for a land conversion permit which is scheduled to be submitted to the Ministry of Agro-industry and Food Security next month.

As regards part (c) of the question, I have already explained that there is no revenue foregone for Government as it is unlikely that any project involving an 18-hole golf course would have materialised if a prohibitive amount of land conversion tax was payable, especially since -

- payment of substantial amount of land conversion tax , Rs 312 million in the case of the project at Bois Sec, is already applicable for the residential component, and
- in addition, the promoter would also be liable to pay to Government other taxes in connection with the project, for instance, land transfer tax, VAT and income tax.

That is why, conversion of agricultural land into golf courses, whereby large extent of land is kept under green, has been exempted from land conversion tax in the past and remains.

I have to stress for the benefit of the house that the Land Conversion Tax is NOT a revenue generating tax instrument. It is a prohibitive tax meant to keep land principally under sugar cane and deter its conversion for non-approved uses. In deciding on exemption policy, the agricultural benefits have to be weighed against the benefits to be accrued from materialization of major investment projects, in terms not only of government revenues but also from FDI, economic growth and employment-generation.

In the case of the 2 projects under consideration by BOI, the benefits to Government and the country would be the following:

- (a) Foreign Direct Investment: Rs15 billion
- (b) Revenue and taxes accruing to Government Rs4 billion of which -
 Land Transfer Tax & Registration Duty: Rs1.3 billion
 Land conversion tax on residential: Rs0.5 billion
- (c) Employment creation 2,500, of which -

During construction	2,000
After construction	550

The benefits from the projects over the immediate, medium and long-term are clear.

JIN FEI PROJECT – LEASE AGREEMENT

(No. B/49) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the Minister of Housing and Lands whether, in regard to the Jin Fei Project in Riche Terre, he will state if –

- (a) the lease agreement has been altered to allow the construction of residential units, including village apartments, mixed use housing/apartments for sale or rent to foreigners and to Mauritians;
- (b) any of the promoters is directly linked with CT Power Ltd, and
- (c) any coal-powered power plant project has been submitted to Government for implementation thereat.

Reply: The Lease Agreement between the State of Mauritius and the Mauritius Jin Fei Economic Trade and Cooperation Zone Co. Ltd. in respect of the development of an Economic Trade and Cooperation Zone over 500A00 of State land at Riche Terre already provides in Article 6 for the rent or sale of the buildings and installations standing on the land leased. Therefore, the question of amending the Lease Agreement to allow the construction of residential units for sale or rent to foreigners and Mauritians does not arise. However, the provisions of the Non-Citizens (Property Restriction) Act will apply in the case of foreigners.

As regards part (b) of the question, I am not aware, Mr Speaker, Sir, of any link between the shareholders of the Mauritius Jin Fei Economic Trade and Cooperation Zone Co. Ltd and those of The (Mauritius) C.T. Power Ltd.

In regard to part (c), as at date, my Ministry has not received, Mr Speaker, Sir, any application from the lessee for the development of a coal power plant on the site leased. However, I am informed that a Chinese company namely, China Kingho Energy Group Co. Ltd (CKEG) has submitted a proposal to

the Board of Investment to develop, invest, construct and operate a coal-fired power plant in Mauritius and that the Jin Fei park has been identified as one of the possible locations. I understand that the proposal is still being examined and no decision has been taken as yet.

MUNICIPAL COUNCIL OF PORT LOUIS - EXPENSES INCURRED

(No. B/50) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Council of Port Louis, he will, for the benefit of the House, obtain from the Council, information as to the total expenses incurred, since 01 January to 15 March 2013, indicating the nature thereof, in each case.

Reply: I am informed by the Municipal City Council of Port Louis that the total expenses incurred by it during the period 01 January to 15 March 2013 are Rs5 m. for Capital Expenditure and Rs124 m. for recurrent expenses. Details regarding the nature of these expenses are mentioned in the list which is being placed in the Library.

LOCAL AUTHORITIES - CAPITAL GRANT

(No. B/51) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Local Government and Outer Islands whether, in regard to the 10 million rupees of capital grant allocated to each constituency through the local authorities, he will state if all the local authorities have submitted their proposals and, if not, will he, for the benefit of the House, obtain from each local authority, the reasons therefor.

Reply: I am informed that in regard to the Rs10 m. of capital grant allocated to each constituency, each local authority has submitted its proposals.

These proposals have already been approved and the tendering processes are on by Local Authorities to allocate the various contracts.

HONDURAS & AFRICA - CHARTER CITIES

(No. A/5) 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 project of using Mauritius to create charter cities in Honduras and Africa, he will, for the benefit of the House, obtain from the Board of Investment, information as to where matters stand, indicating the expenses incurred as at to date on consultancies, travels and conferences by the Board and by the other agencies concerned therewith.

Reply: I am informed by the Board of Investment that the concept of charter cities was initially developed by Prof Paul Romer, Professor of Economics at the New York University, as a possible model of economic development.

Professor Romer was a member of an advisory commission appointed by the President of Honduras to advise him on the development of a reform zone. In this context, Professor Romer approached the Government of Mauritius on the possibility of helping Honduras develop its charter city. In line with the Government willingness to share knowledge and experiences with African and other similar countries, the proposal was accepted. The Honduran side, through Prof. Romer, was requested to submit a formal proposal in that sense.

Subsequently, Prof Romer ceased his involvement in the Honduras charter city project. Since then the Government has had no further discussions with the Government of Honduras and no official request has been received. No costs have been incurred by the Government of Mauritius on the charter city project in Honduras.

With regard to Africa, I am informed by the Board of Investment that Mauritius is engaged in discussions for the setting up of a special economic zone with the Republic of Congo only.

Mr Maurice Lam, Chairman of the Board of Investment, together with Prof. Paul Romer, visited Congo in September 2010 to meet the policy makers and discuss on the setting up of the special economic zone in Congo and future cooperation between the two countries.

During the visit to Mauritius the President of the Republic of Congo, H.E. Denis Sassou N'guesso in July 2011, an agreement on the development of the special economic zone was signed between the two countries.

Mr Paul Romer had to withdraw from the project due to his other professional commitments. Mr Maurice Lam is still engaged in this project.

I am further informed that as at March 2013, the Republic of Congo was preparing necessary legislation for the setting up of the Special Economic Zone. The expenses incurred regarding the visit effected by Mr Maurice Lam in Congo in September 2010 amounted to Rs222,350 and was met by the Board of Investment.

UNESCO – SEGA, BHOJPURI FOLK SONGS - INSCRIPTION

(No. A/6) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the finalisation of the Mauritian dossiers for the inscription of

the *sega typique*, the *sega tambour* of Rodrigues, the *sega* Chagos and the Bhojpuri folk song and folk dance on the UNESCO Representative List of Intangible Cultural Heritage for Humanity, he will state where matters stand.

Reply: The nomination dossiers for the listing of the *sega tipik* and the Bhojpuri Folk songs have been approved by Government last week and the two dossiers have been sent to UNESCO.

It is noteworthy that at the General Assembly of State Parties of the Convention for the Safeguarding of the Intangible Cultural Heritage in June 2012, it was recommended that, henceforth, a limited number of dossiers will be examined in view of the numerous dossiers which had been received for inscription. State Parties were, therefore, advised to submit a minimum number of dossiers and to state the order of priority in case more than one dossier was submitted.

Government has, therefore, approved the submission of the dossiers of *sega tipik* and Bhojpuri songs in order of priority. The nomination dossiers of *sega tambour* of Rodrigues and *sega* Chagos will be submitted at later stage.

SUNGELEE SSS – GYMNASIUM

(No. A/7) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Youth and Sports whether, in regard to the gymnasium of the Sungelee SSS, he will state if he has been informed that, since January 2013 to date, the public has been denied access thereto and, if so, indicate if remedial measures have been taken in relation thereto.

Reply: The Ministry of Youth and Sports signed a Memorandum of Understanding in September 2006 with the Ministry of Education & Human Resources with regards to access to and utilisation of sports infrastructure in 10 State Secondary Schools, including Sungelee SSS. The MoU applied only to the use of the sports facilities after school hours and during the weekends against payment of a prescribed fee by users, that is, both clubs and individuals. The MoU was implemented on a pilot basis and was to be extended to other schools eventually.

However, during the course of the years, Mauritius Sports Council which is responsible for the management of sports infrastructure, has reported a number of practical problems in the implementation of the MoU, such as difficulties in exercising control and supervision specially in the evening and during weekends, lack of accountability on the part of school caretakers and watchmen vis-à-vis staff of the MSC, difficulty to establish responsibility in case of damage to school premises by users.

The issue was discussed with the Ministry of Education and Human Resources in November 2012 and after taking into account the practical problems encountered by the MSC, it was agreed that the MOU

should be discontinued and that the Ministry would extend access facilities and manage the system in respect of all gymnasia under its aegis. Subsequently, as from January 2013, the MSC is no more responsible for allocation of sports facilities in SSSs.

It is understood that the Ministry of Education & Human Resources has already given instructions to its different Directorates to consider applications for use of school gymnasia on a case to case basis, and a standard terms and conditions to be applied to all schools is being finalised by that Ministry.

MONT ROCHES - VERGER BISSEMBAR – SEWERAGE

(No. A/8) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the implementation of the sewerage network at Verger Bissembar, in Mont Roches, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to where matters stand, indicating the –

- (a) cost thereof, and
- (b) expected date of completion thereof.

Reply: I am informed that a preliminary investigation was carried out in May 2011 to determine whether the region of Verger Bissambar could be connected to the sewer network.

It was found that the area can be connected to the existing main trunk sewer, which is located at a distance of 800 metres. However, the proposed line will pass through private lands and would require acquisition of way leaves from private owners.

Based on the preliminary survey report and cost estimate of the project, amounting to Rs110 m., a Project Request Form was submitted to the Project Plan Committee (PPC) for approval and inclusion in the Public Sector Investment Programme (PSIP) in September 2012. However, in accordance with the Investment Project Manual, the PPC requested that a feasibility study be submitted given that the project cost estimate exceeds Rs100 m.

The feasibility study is being carried out in-house by the WMA and is expected to be submitted by end of April 2013.

Upon completion of the feasibility study, the project will be submitted to the PPC for approval and inclusion in the PSIP.

ALBION VILLAGE - CITE MARCEL CABON – SEWERAGE

(No. A/9) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the implementation of the

sewerage network at Cité Marcel Cabon, in Albion Village, he will state where matters stand, indicating the short and long term proposals envisaged to alleviate the health and environmental hazards being caused to the inhabitants of the housing estates found thereat.

Reply: I am advised that, further to the site visit effected on 22 January 2013 by staff of Wastewater Management Authority in the presence of the hon. Member and a representative of the Albion *Force Vives*, the WMA carried out a survey on 23 January 2013.

The survey revealed that -

- all the concerned premises make use of cesspits for the disposal of their wastewater;
- in some cases houses have been extended on part of the cesspit, and
- there is a water course following some 75 m from the site.

During the site visit of 22 January 2013, a plot of land within the Cité Marcel Cabon was also shown to the WMA representatives for the provision of a common septic tank and subsurface disposal system, if need be. The WMA is currently working on a preliminary design proposal for the collection and disposal of wastewater in part of Cité Marcel Cabon at Albion on that plot of land shown during the site visit.

PORT LOUIS NORTH & MONTAGNE LONGUE - FLOOD PRONE AREAS

(No. A/10) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Constituency No. 4, he will state if a survey has been carried out to identify the flood prone areas, following the torrential rains of February 2013, indicating the measures taken to prevent the recurrence thereof.

Reply: The National Development Unit has already effected a survey in Constituency No. 4 to identify flood prone areas following the torrential rains of 13 February 2013.

The following regions have been identified and works have already started -

- (i) Clearing and dredging of Lataniers River and works are in progress;
- (ii) Construction of drain at Sophia Lane, Vallée des Prêtres. Works have been entrusted to the Road Development Authority;
- (iii) Dredging of river and reconstruction of Thomassin Bridge, Crève Coeur. Works are being undertaken by the Road Development Authority;
- (iv) Dredging of river and reconstruction of Tulsidas Bridge. The works are undertaken by the Road Development Authority;

- (v) Reconstruction of bridge at Labourdonnais, Crève Coeur. Survey for the project is in progress;
- (vi) Construction of retaining wall at Blackburn Bridge, Congomah. Appropriate survey for the project is underway by the Road Development Authority, and
- (vii) Widening and upgrading of rivulet at Spark Lane, Terre Rouge. The work has already been entrusted to the Road Development Authority.

GRAND RIVER NORTH WEST AND PORT LOUIS WEST –

NATIONAL EMPOWERMENT FUND

(No. A/11) **Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the organisations in Constituency No. 1, Grand River North West and Port Louis West, which have benefitted from the assistance/sponsorship of the National Empowerment Fund, he will, for the benefit of the House, obtain from the Fund, a list thereof, indicating the nature and value thereof in each case, over the past three years and the date same was granted.

Reply: As mentioned in the reply made to PQ No. B/135 of 05 April 2011, the National Empowerment Foundation collects and compiles data on a district wise/cum nationwide basis and not on a constituency-wise basis.

According to the National Empowerment Foundation, information regarding assistance/sponsorship provided to organisations in the year 2010 is available on a sectorwise basis and not on a region-wise basis.

The information for the years 2011 and 2012 with regard to beneficiaries in the Grand River North West and Port Louis West regions which cut across the districts of Port Louis, Black River and Moka, has been compiled by the Foundation and is being placed in the Library. Assistance/sponsorships to beneficiaries have been met from the Corporate Social Responsibility funds.

Information regarding the dates when such assistance was provided is not available at the level of the Foundation since the funding companies provide the funds directly to the beneficiaries.

FLACQ - BONNE MERE NHDC - SEWERAGE

(No. A/12) **Mr P. Roopun (Third Member for Flacq & Bon Accueil)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the NHDC complex of Bonne Mère, in Flacq, he will, for the benefit of the House, obtain from the Wastewater Management Authority, information as to if it is aware of the daily hardships encountered by the inhabitants thereof in relation to sewerage and if urgent remedial measures will be taken in relation thereto.

Reply: I am advised that the NHDC complex at Bonne Mère, Flacq is situated in an unsewered area and the site is still under the responsibility of the NHDC.

Notwithstanding the foregoing, the Wastewater Management Authority has, after investigation of the wastewater disposal system of the housing complex, submitted a report, including recommendations to the NHDC for remedial works to be carried out.

CITÉ MARTIAL - ALFRED GELLÉ STREET - SEWERAGE

(No. A/13) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the proposed sewerage network works to be carried out from house number 20 to 26, at the Alfred Gellé Street, in Cité Martial, in Port Louis, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to where matters stand.

Reply: I am informed that houses number 20 to 26 at Alfred Gellé Street form part of the Alfred Gellé Housing Estate which has been identified as one of the priority sites under the on-going project to rehabilitate the sewerage infrastructure on CHA and low cost housing estates.

The consultancy contract has been awarded to Luxconsult (Mtius) Ltd in association with P. D. Naidoo & Associates on 09 November 2012. The Consultant has already started with the survey works and the survey for the region of Alfred Gellé will start in April 2013. The Consultant is expected to submit a Detailed Design Report for all the sites, including the region of Alfred Gellé this year.

Pending the award of the works contract, the Wastewater Management Authority is attending promptly to complaints received on blockages and overflows.

ROUTE DES PAMPLEMOUSSES & MILITARY ROAD - DRAINS

(No. A/14) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the drains situated at the corner Route des Pamplemousses and the Military Road, in Port Louis, he will, for the benefit of the House, obtain from the Road Development Unit, information as to if they are obstructed, thereby causing accumulation of waste water on the road and emitting foul smells and, if so, indicate if urgent remedial measures will be taken.

Reply: During the heavy rainfall which hit the country in February 2013, there was exceptionally an accumulation of water onto the main road due to blockage of the drains. The drains have been subsequently cleaned and are maintained on a regular basis by the Road Development Authority.

In fact, the drains at junction of Route des Pamplemousses and Military Road were obstructed by wastes from *Cité Martial Market Fair*, used oil and foul water overflow which are being discharged into the drains uphill.

The issue relating to discharge of wastes into the roadside drains is being taken up with the City Council of Port Louis.

MUNICIPAL COUNCIL OF PORT LOUIS - VACANCIES

(No. A/15) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government and Outer Islands whether, in regard to the vacancies that presently exist at the Municipal Council of Port Louis, he will, for the benefit of the House, obtain from the Council, information as to the number thereof in each grade, indicating if same will be filled and if so, when.

Reply: I am informed by the City Council of Port Louis that -

GRADE	NO. OF VACANCIES	REMARKS
Deputy Chief Executive	1	Temporary vacancy with effect from 03 December 2012. Incumbent has been assigned duties of Chief Executive at District Council of Pamplemousses
Head, Public Infrastructure Department	1	Vacancy reported to the LGSC on 05 September 2012
Civil Engineer	1	Scheme of service is being amended in line Government decision to include only the highest qualifications.
Draughtman	1	Scheme of service need to be amended
Assistant Inspector of Works	3	Scheme of service is being amended in line Government decision to include only the highest qualifications.
Procurement and Supply Officer/Senior Procurement and Supply Officer	1	Scheme of service is being amended in line with PRB 2013 recommendations (merging of posts)

Planning and Development Assistant	2	Scheme of service is being amended in line Government decision to include only the highest qualifications.
Theatre Administrator	1	Scheme of service need to be amended
Welfare Officer	1	Scheme of service is being amended in line Government decision to include only the highest qualifications.
Health Inspector	5	Scheme of service is being amended in line with PRB 2013 recommendations
Foreman	1	Vacancy occurred in February 2013. To be filled shortly.
Handy Worker (Special Class)	13	10 vacancies have been reported to LGSC on 10 September 2012. 3 vacancies which have occurred in January and February 2013 will be reported to the LGSC shortly
Nursery Matron	2	Vacancies already reported to the LGSC and candidates have been called for interview.
Swimming Pool Attendant	1	Post will be filled shortly
Driver(Scavenging Supervisor) (Roster)	10	New post created in estimates 2013. Posts will be reported to LGSC shortly.
Incinerator Operator	1	No suitable candidate was available in 2011. Vacancy will be reported again.
Burial Ground Attendant (Roster)	2	Vacancies reported to the LGSC on 10 September 2012
Refuse Collector (Roster)	3	Vacancies will be reported to the LGSC shortly.

Driver (HMU)	1	Temporary vacancy. Will be reported to the LGSC when vacancy will become permanent
Driver	12	Scheme of service need to be amended.
Overseer	1	Post became vacant in January 2013. Will be reported to LGSC in due course.
Tradesman(Mason) Tradesman (Plumber and Pipe Fitter)	2	Scheme of service need to be amended in line with PRB 2013 recommendations

For posts requiring amendments in the scheme of service, vacancies are expected to be filled within six months. Other vacancies would be filled as soon as these are reported by the Council.

SUPREME COURT - WEBSITE - CAUSE LISTS & COURT JUDGMENTS

(No. A/16) Mr A. K. Gungah (First Member for Grand' Baie & Poudre d'Or) asked the Attorney General whether, in regard to the website of the Supreme Court, he will state if he is aware that the cause lists and the court judgments are not regularly updated and, if so, will he, for the benefit of the House, obtain information as to the reasons therefor and if remedial measures will be taken.

Reply: I have been informed by the Deputy Master and Registrar of the Supreme Court that the current situation is as follows with regard to the updating of cause lists and court judgments -

- (a) with regard to the Supreme Court and Intermediate Court, both cause lists and judgments are regularly updated, and
- (b) with regard to District Courts, some District Courts are not in a position to update their cause lists and judgments due to the fact that they are currently equipped with slow and inadequate Internet connection.

I am pleased to inform the House that yet another testimony to the will of this Government to assist in improving the service that the Judiciary offers to the public is that ADSL internet connection is now being installed in District Courts. Therefore, in the near future, the cause lists and judgments of the Districts Courts will be posted and available for consultation on the Supreme Court website.

BAIE DU TOMBEAU - OURSINS STREET - STREET LIGHTING & ROAD TARRING

(No. A/17) **Mr A. K. Gungah (First Member for Grand' Baie & Poudre d'Or)** asked the Minister of Local Government and Outer Islands whether, in regard to the Oursins Street, in Tombeau Bay, he will, for the benefit of the House, obtain from the Pamplemousses/Rivière du Rempart District Council, information as to if it is in a bad state and that there is absence of adequate street lighting thereat and, if so, indicate if consideration will be given for the -

- (a) reinstatement and tarring thereof, and
- (b) installation of street lanterns thereat.

Reply: I am informed by the District Council of Pamplemousses that Oursin Road at Tombeau Bay starting from the main road up to the office of '*l'Express*' newspaper is a tarred road.

I am informed that although the road in question is not in a perfect condition, it is road worthy.

As regards part (b) of the question, I am informed that eight street lanterns already exist along Oursin Road and the Council does not intend to install additional ones thereat for the time being.

MOUNT ORY - LANDSLIDE

(No. A/18) **Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the recent landslide that occurred at Mount Ory, he will state the actions that have been taken in relation to the -

- (a) geological investigation concerning risks of further landslides;
- (b) consolidation works thereat and in the vicinity thereof;
- (c) access facilities and alternative transport arrangements for the inhabitants, and
- (d) improvement and enlargement of the road next to the site to ensure the security of the road users and of the inhabitants.

Reply: Regarding part (a), following the torrential rain of 13 February 2013 an inspection was carried out by the RDA engineers and the Consultant Luxconsult. The problem identified was, in fact, one of "severe soil erosion" due to a storm water drain blocked at the top of the mountain side. The soil was severely disturbed and the slope has failed along the eroded part. Furthermore, geotechnical investigations are being carried out to assess the exact soil characteristics to determine design parameters.

Regarding part (b), works consisting of design, restoration of the drainage and construction of retaining wall to restore the stability of the slope are in progress since 20 February 2013, both along the road and adjacent to the mountain side.

Regarding part (c), the affected stretch of Montagne Ory Road, over a length of 100 metres, has been completely blocked to traffic for safety reasons and a diversion scheme put in place with bus facilities, including a whole day free shuttle service (weekdays and weekend) from Marketing Board, via

Le Bocage Branch Road, Mt Ory, Trunk Road, Bagatelle, and back. The free service is being operated since 20 February 2013 by a 30-seater bus of the National Transport Corporation at intervals of 40 minutes between 06hrs15 and 18hrs30. Furthermore, since 22 February 2013, buses of route Nos. 12, 103 and 135 from Port Louis to Pellegrin, Nouvelle Découverte and Valetta respectively *via* Mt Ory reverse at junction Norbert Barbe Avenue/Impasse Maroussem before proceeding to their respective destinations via Trunk Road as per a defined time-table.

Regarding part (d), the road next to the site is being used as the diversion road for the duration of the construction and has been upgraded to the extent possible, including patching, reshaping of the surface, lopping of branches, localised enlargement and placing of appropriate traffic signs. This diversion road is constantly being maintained by the contractor.

LATANIERS RIVER - DREDGING WORKS & RETAINING WALLS

(No. A/19) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the dredging works being effected at the Lataniers River, in Port Louis, he will state -

- (a) the cost thereof;
- (b) the frequency thereof, and
- (c) if consideration will be given for the urgent construction of retaining walls on both sides of the river, from Sophia Lane to Karbala and from Karbala up to Route des Pamplemousses, in view of the erosion caused after the torrential rainfalls of 13 February 2013 and, if so, when and, if not, why not.

Reply: Further to the torrential rainfall of 13 February 2013, the National Development Unit has undertaken dredging works at Lataniers River in Port Louis.

Regarding part (a), cost of the dredging works is of the order of Rs4.7 m.;

Regarding part (b), there is no pre-determined time frame for dredging of a river; this is usually undertaken as and when required. Following the heavy rainfall dredging of River Lataniers has already started.

Regarding part (c), construction of retaining walls in terms of rock bunds on both sides of the river, from Sophia Lane to Karbala and from Karbala up to Route des Pamplemousses is included in the project. The overall cost of the project is of the order of Rs20 m. It must be pointed out that Lataniers River has been subject to flooding over the years and it is now necessary to contain the soil erosion by construction of rock bunds to act as retaining walls as mitigating measure.