



**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**SECOND SESSION**

**TUESDAY 28 MAY 2013**

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Members

Members

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

|  |  |
|--|--|
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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              |

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| <i>Deputy Speaker</i>                   | Peetumber, Hon. Maneswar                     |
| <i>Deputy Chairperson of Committees</i> | Deerpalsing, Hon. Ms Kumaree Rajeshree       |
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**MAURITIUS**

**Fifth National Assembly**

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**SECOND SESSION**

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**Debate No. 09 of 2013**

**Sitting of 28 May 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)*

**PAPERS LAID**

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

**A. Prime Minister's Office –**

Certificate of Urgency in respect of the following –

- (a) The Sugar Industry Efficiency (Amendment) Bill (No. IX of 2013); and
- (b) The Mauritius Fire and Rescue Service Bill (No. X of 2013).

**B. Ministry of Energy and Public Utilities –**

The Central Water Authority (Census of Water Rights) Regulations 2013 (Government Notice No. 106 of 2013).

**C. Ministry of Finance and Economic Development –**

- (a) The Double Taxation Avoidance Convention (Principality of Monaco) Regulations 2013 (Government Notice No. 105 of 2013).
- (b) The Finance and Audit (Social Housing Development Scheme) Regulations 2013 (Government Notice No. 107 of 2013).
- (c) The Banking (Processing and Licence Fees) (Amendment) Regulations 2013 (Government Notice No. 108 of 2013).

**D. Ministry of Industry and Commerce and Consumer Protection –**

- (a) The Consumer Protection (Control of Imports) (Amendment No. 2) Regulations 2013 (Government Notice No. 103 of 2013).
- (b) The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) (Amendment No. 3) Regulations 2013 (Government Notice No. 104 of 2013).

**ORAL ANSWERS TO QUESTIONS****ARNAUD – DIVERSION DAM & CANAL - TENDER**

**The Leader of the Opposition (Mr A. Ganoo)** (*by Private Notice*) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Diversion Dam and Canal at Arnaud, he will, for the benefit of the House, obtain from the Water Resources Unit, information as to –

- (a) the date tender was launched therefor, indicating the –
  - (i) closing date for submission of bids, and
  - (ii) names of the bidders, indicating the respective value of the bids and the name of the successful bidder;
- (b) the date of payments, if any, to the Contractor, indicating the respective quantum thereof;
- (c) the contractual start and completion dates thereof, indicating if there has been any delay and, if so, the reasons therefor and the sanctions taken, if any, and
- (d) if any due diligence exercise was carried out in relation to the Contractor, prior to the award, and, if not, why not.

**The Deputy Prime Minister:** Mr Speaker, Sir, to improve the yield from the Mare aux Vacoas Reservoir, my Ministry examined the various options to supplement water resources in the Upper Mare aux Vacoas system. In this context, a project to transfer water from Mare Longue to La Marie Treatment Plant was successfully implemented in October 2011, providing an additional daily water supply of 20,000-25,000 m<sup>3</sup> per day.

A second option was also examined to divert flood flows from Rivière du Poste into the Mare aux Vacoas Reservoir, downstream of the main Tatamaka feeder canal.

A feasibility study was completed by Consultant Luxconsult/PD Naidoo Associates of South Africa in December 2009, followed by the detailed designs and preparation of bid documents in August 2011.

As to part (a)(i), bids were invited by the Central Procurement Board on 29 November 2011 and the closing date for the submission of bids was 17 January 2012, subsequently extended by the Central Procurement Board to 06 February 2012.

Part (a)(ii), the bidders and their respective bid amounts were as follows –

| <b>Sn.</b> | <b>Name of Bidder</b>                  | <b>Bid Amount (VAT inclusive)<br/>(Rs Million)</b> |
|------------|--|--|
| 1.         | Joint Venture Sotravic Ltd/Gamma Civic | 585.1  |
| 2.         | SINO HYDRO Corporation Ltd             | 240.9  |
| 3.         | Rehm Grinaker Construction Company Ltd | 694.3  |
|            |  | Alternative Offer: 548.6                           |
| 4.         | PAD & Co. Ltd                          | 501.0  |
| 5.         | General Construction Company Ltd       | 427.6  |

On 13 April 2012, CPB approved the award of the contract to SINO HYDRO Corporation Ltd in the corrected sum of the Rs240.5 m., inclusive of VAT. There was no challenge from other bidders. The contract was awarded by my Ministry on 11 May 2012.

As to part (b), payments for a total amount of Rs75.3 m. have been made to the Contractor as follows -

| <b>DATE</b> | <b>TOTAL AMOUNT(VAT INCLUSIVE)<br/>(Rs Million)</b> |
|-------------|---|
| Oct 2012    | 22.3  |
| Nov 2012    | 22.1  |
| Nov 2012    | 15.2  |
| Dec 2012    | 4.8   |
| Jan 2013    | 6.9   |
| May 2013    | 4.0   |

As to part (c), the works started on 16 July 2012, with the expected completion date of 12 April 2013.

The works at Arnaud comprise -

- (1) the construction of an earthfill embankment dam of height 18 m;
- (2) the construction of a 30 m wide canal of length 1 km, and
- (3) the construction of a spillway and a bridge.

For the construction of the earthfilled dam, the contractor had the responsibility to provide suitable earthfill materials. The contractor, however, faced difficulties to identify earth borrow areas, and it was only after various unsuccessful attempts, a suitable borrow area was identified in April 2013.

With regard to the drilling and grouting works, the contractor had difficulty to understand standard test requirements and cement as specified in the bid document. Moreover, the key personnel of the Contractor mobilised on site were not fluent in English. After repeated requests for the replacement by the Water Resources Unit, interpreters, having technical knowledge and key personnel including the Project Manager, the Quarry Manager, the Soil/Material Manager and the Grouting Team were replaced by the contractor.

In October 2012, it became apparent that the contractor would have serious difficulties to maintain the contractual completion date. The Consultant had several meetings with the contractor. According to the Consultant, the lack of experience and competence of the contractor's key personnel had since the start of the contract been a major cause for the accumulated delays in the project which have been compounded by an acute problem of communication. Remedial measures were taken as follows:

- (i) replacement of the contractor's management team;
- (ii) outsourcing of grouting works, and
- (iii) outsourcing the operation of the site laboratory.

The Water Resources Unit of my Ministry issued a letter to the Consultant expressing serious concern on the state of progress with regard to the key tasks which would improve the progress of works.

However, the implementation of the above measures did not have the expected impact on the actual progress of works, as by that time, the rainy period which had started, was impeding progress of works.

In December 2012, the Contractor Luxconsult/Naidoo Associates advised that consideration be given to either, termination of the contract or acceptance of the contractor's revised proposal to complete the works. The Water Resources Unit did not opt to terminate the contract, though contractually it could

have done so, as procedures for the nomination of another contractor to complete the works would be lengthy, complex and more costly. On the other hand, the contractor could have resorted to arbitration.

The revised proposal comprised the re-alignment of the dam axis, which has been found to be technically feasible. This proposal will have no impact on the annual additional volume of 10 mm<sup>3</sup> at a lesser cost.

According to the revised programme, the completion of works has been set for 21 November 2013 at no additional cost.

My Ministry is seeking legal advice from the State Law Office on the contractual implications with regard to the revised proposal of the contractor.

Upon completion of the works, my Ministry will submit a report to the Procurement Policy Office and the Central Procurement Board on the performance of the contractor and the Consultant on this specific contract.

Following my visit to the site last Wednesday, I have requested Water Resources Unit to report the performance of this contractor to the Procurement Policy Office and the Central Procurement Board.

**Part (d)**

The award of the contract was approved by the Central Procurement Board, and I understand that in the context of any bid evaluation exercise, a due diligence is undertaken with regard to any bidder's capability to execute the works.

In view of the shortcomings noted so far, I assure the House that my Ministry is closely monitoring the progress of works so as to ensure that the revised completion date is strictly maintained by the contractor. Moreover, liquidated damages would be assessed and applied in accordance with the provisions of the contract. The Procurement Policy Office and the Central Procurement Board will also be informed of the performance of the Contractor for any action deemed appropriate.

Thank you.

**Mr Ganoo:** Mr Speaker, Sir, according to the hon. Deputy Prime Minister, therefore, the completion date of this contract should have been in April of this year. Is that correct?

**The Deputy Prime Minister:** April/May, yes.

**Mr Ganoo:** We are now already one month after the scheduled completion date. Can the hon. Deputy Prime Minister tell us the percentage of the works, which had been completed at the completion date?

**The Deputy Prime Minister:** I will submit a list of the report, unless the hon. Leader of the Opposition wants me to read it. Shall I read it?

*(Interruptions)*

Yes, but I have got a list here -

- the site and establishment is 100% completed;
- the site laboratory is 100% completed;
- mobilisation of personnel and equipment 85%;
- survey and setting out 88%;
- access road construction 86%;
- river diversion works 10%;
- canal constructions 65%;
- dam construction 35%;
- dam instrumentation yet to be started;
- spillway 40%;
- pump station construction 0%, and
- Tatamaka upgrade, that's another issue.

**Mr Ganoo:** Can the hon. Deputy Prime Minister also agree that the scheduled time was nine months only, 270 days in the bid documents?

**The Deputy Prime Minister:** Mr Speaker, Sir, I'll go further than that. I have been seriously concerned with the progress of this work and I would say on a nine months scheduled completion, the contractor is six months late. And this is the issue and for the question of how much work has been done, 30% so far.

**Mr Ganoo:** 30% of the work has been done by the completion date and the scheduled time for completion was nine months. Can the hon. Deputy Prime Minister inform the House also whether in the bid documents, the contractor's attention was clearly drawn in the tender to the importance of the time factor in completing the various stages of the river diversion due to the seasonal nature of the river flows? That was clearly explained in the...

**The Deputy Prime Minister:** Yes, it was.

**Mr Ganoo:** It was so. Now, can the hon. Deputy Prime Minister therefore - and this is the point of this question - the completion date is over more than a month ago, and if I understand the Deputy

Prime Minister properly, the performance security in the amount of 10% of the contract amount which was deposited has not been called, has not been forfeited?

**The Deputy Prime Minister:** I will make sure that this is done, but, as I was saying, we were in a tight corner about deciding whether we stop the work - and this is the key to the question and answer - and start all over again at increased costs and longer delays or we improve on the situation and make sure that the termination date with all the liquidated damages and the associated implications are taken care of.

**Mr Ganoo:** Can the hon. Deputy Prime Minister also indicate to the House and confirm to the House that in addition to this performance security of 10% of the contract price, which was never forfeited although the completion date is over, according to the contract, a penalty of *R 200,000 par jour* for delay in construction had also to be paid by the contractor in case of default?

**The Deputy Prime Minister:** As I have said, the liquidated damages will be done. Now, to the last question, the performance security has been renewed until completion of the contract.

**Mr Ganoo:** It has been renewed for the reasons you have explained, but can the hon. Deputy Prime Minister confirm in addition to the performance security, the penalty of *R 200,000 par jour* was in the contract, in the bid documents and with a cap of 5% of the final contract price? Is that so?

**The Deputy Prime Minister:** We have sought legal advice on this matter and it will be implemented as per legal advice.

**Mr Ganoo:** So, the condition of having to pay *R 200,000 par jour* was in the bid document?

**The Deputy Prime Minister:** I am not sure, but since this is being mentioned, I would check and see whether this is being respected.

**Mr Ganoo:** Well, I have a bid document with me, Mr Speaker, Sir. Bid Data Sheet which indicates delay damages. I can table it in the House. Rs200,000 for delay damages and the maximum amount of delay damages shall be 5% of the contract price.

**Mr Speaker:** Hon. Leader of the Opposition, you have the information; I don't understand the purpose of your question.

*(Interruptions)*

Please, this is my ruling! You want to challenge my ruling!

**Mr Ganoo:** No. The question, Mr Speaker, Sir, was: why this penalty was not applied?

**The Deputy Prime Minister:** Mr Speaker, Sir, only Rs75 m. out of Rs240 m. had been paid so far and the penalty of Rs200,000 per day will be applied

**Mr Ganoo:** Yes, a sum of Rs75 m. has been paid to the contractor, but if we calculate the performance security and also the damages to be paid per day, now that the contractor has defaulted, the amount he has to pay when we make a calculation is only Rs36 m., even if we forfeit his security bond, even if we make him pay Rs200,000 per day for non completion. He has already pocketed Rs75 m. and the performance security plus the delay amount to Rs36,000!

**The Deputy Prime Minister:** Mr Speaker, Sir, all these issues are being and will be addressed as we go along. I repeat again, the question was: do we stop and start all over again with other delays and costs or do we continue with an improved and better management by the contractor?

**Mr Ganoo:** The hon. Deputy Prime Minister has explained the difficult situation in which the Ministry or the WRU finds itself now of putting an end to the contract and so on. Was the Central Tender Board made aware of the option of extension of time to this contractor and was the Central Tender Board and the PPO roped in, consulted? Was approval sought before this decision to grant the contractor an extension was taken?

**The Deputy Prime Minister:** The question here is extension of time without extra costs to the client, but with additional measures to be taken against the contractor. I contacted the Central Procurement Board and they assured me that if there is no problem about costs, then extension of time can be granted within the limits.

**Mr Ganoo:** Can the hon. Deputy Prime Minister, therefore, tell us why the contract has not been completed within the scheduled time, no penalties have been applied and a new extension of time has been granted now for another one year? Why no new penalties and no new increase performance bond have not been required from the contractor?

**The Deputy Prime Minister:** The consultant is monitoring the works and according to what he says, we will go accordingly. I can't substitute myself to the consultant appointed to the project. I assure the House once again and I repeat it - the question is being repeated and the answer is being repeated as well - we are looking at all the issues and making sure that we do not lose.

*(Interruptions)*

**Mr Ganoo:** In view of the situation that all the other contractors immediately after the preferred bidder had a substantial price difference to the preferred bidder, does not that mean that this contractor was, in fact, trapping - *piéger* - the Ministry, because this is what we call '*bon marché coûte cher*'? This is what has happened today and this is why this project has been delayed for such a long time and the Ministry is now unable to apply penalty fees, to call in the performance bond, to make them pay for the

performance bond. Penalties have not been applied. Isn't that a case where the Ministry or the authorities...

*(Interruptions)*

**Mr Speaker:** I am sorry, I don't want any interruption, please.

**Mr Ganoo:** ...have failed in choosing the right contractor?

**Mr Speaker:** Silence! Hon. Baloomoody!

**The Deputy Prime Minister:** Mr Speaker, Sir, I repeat again. We have an institution called the Central Procurement Board and they are there to award contracts and due diligence is made. If there is intervention - they will call it interference - so we do not mix ourselves with contract award. It is up to the Central Procurement Board to do so.

**Mr Ganoo:** I am asking this question to the Deputy Prime Minister who is number two in this Government and in charge of this Ministry. Is the hon. Deputy Prime Minister aware that this contractor is notoriously known for being a poor performer locally and internationally and, after having been awarded the Arnaud project, he has been awarded another project in Riche Terre where he is again defaulting, performing with the result of having an important public road closed for weeks? He has left the *chantier* and the more so, from the information I have, he will be awarded a contract in the Constituency of the Prime Minister. I am submitting for the information of the Prime Minister and the Deputy Prime Minister that this same contractor will be awarded a Design & Build contract for a new international multisport complex at Triolet in the few days to come. Shouldn't the Deputy Prime Minister have, together with the PPO and CPB, made a real due diligence and queried about the past performance of this contractor especially - Mr Speaker, Sir, I will end here - in view of the fact that, in Botswana, he had been ejected from doing business...

**Mr Speaker:** I am sorry to interrupt the hon. Leader of the Opposition. My first observation is that the PNQ deals with the Diversion Dam and Canal at Arnaud. So, therefore, the hon. Leader of the Opposition should limit himself to this issue only. Secondly, his question is too long. Don't make statements!

**Mr Ganoo:** Mr Speaker, Sir, the point I wish to make and the question I am asking the Deputy Prime Minister is that before awarding this contract to this contractor, proper due diligence should have been made and if this had been done, the authorities would have been made aware of the dismally poor performance of this contractor locally and internationally where he has been banned in about four to five countries including Malaysia, Lesotho, Botswana, Namibia.

**The Deputy Prime Minister:** Mr Speaker, Sir, I am going to state the facts as they are. The SINO HYDRO Corporation Ltd is not blacklisted from the World Bank as a reference neither so far till today does it appear in the Procurement Policy Office list of debarred contractors. But with what has been said in this House, we will analyse it, we will see what could be done and it will be done.

**Mr Ganoo:** Can I ask the Deputy Prime Minister, therefore, if he can check on all this information I have given him and I will submit to him all the *frasques de ce contracteur* in all these countries I have mentioned and, therefore, can I ask him, Mr Speaker Sir...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Ganoo:** ...especially in the case of Malaysia, the United Press International...

**Mr Speaker:** No, I am sorry, I will not allow this question.

**Mr Ganoo:**...especially of his *frasques*...

**Mr Speaker:** I am not going to allow this question.

**Mr Ganoo:** Yes, okay.

**Mr Speaker:** Stick to your PNQ, hon. Leader of the Opposition!

**Mr Ganoo:** ...especially in Malaysia and the question I will put to the Deputy Prime Minister where a dam was being constructed...

**Mr Speaker:** I am sorry, I say I will not allow this question.

**Mr Ganoo:** ...and therefore...

**Mr Speaker:** Let us refer to your PNQ!

**Mr Ganoo:** ...therefore, in view of the abysmally poor performance of this contractor which has entailed waste of public funds, will the Deputy Prime Minister consider urgently to initiate procedures to debar, suspend or disqualify this contractor as Government is allowed to do by the regulations made under the Public Procurement Act, empowering the Public Procurement Office to impose such types of sanctions in line with the Act?

**The Deputy Prime Minister:** Mr Speaker, Sir, the hon. Leader of the Opposition is asking me to repeat what I said. I have said that we are going to take the steps according to what had been said.

**Mr Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Mr Speaker, Sir, if we move around the country, we will see everywhere SINO HYDRO Corporation Ltd. We are not laymen, but we can assess with the little experience we have, the type of work this contractor is doing all around Mauritius. Can I ask the Deputy Prime Minister if it is not time, at least, in these difficult days, at least, to give the chance to local Mauritian entrepreneurs and big contractors, competent local Mauritian contractors, to do the job instead of going and have these crooks here?

**The Deputy Prime Minister:** I would like to remind the hon. Member that the Mauritian enterprises have got a 15% reference.

**Mr Jugnauth:** Will the hon. Deputy Prime Minister say why, when his Ministry noted that in October 2012, the contractor was facing serious difficulties, when the Water Resources Unit noted that they had very serious concerns and knew that the contractor would not be able to perform according to its obligation and even the Consultant Luxconsult had, at one time, recommended the termination of the contract, his Ministry continued to pay millions of rupees from Government funds to this contractor?

**The Deputy Prime Minister:** Mr Speaker, Sir, I would like to point out, obviously, the hon. Member has a copy of the Luxconsult report. He should read paragraph 2.4 on what the consultant says. He says -

“One option was to terminate, but in view of the implications of this termination, let’s continue”.

This is in paragraph 2.4. So, I leave it to the hon. Member.

*(Interruptions)*

**Mr Lesjongard:** Mr Speaker, Sir, since the Deputy Prime Minister has stated that his Ministry was kept informed by the consultant of the delay concerning this project, may we know from the Deputy Prime Minister when this was first done, that is, when was his Ministry first informed of the delay, because when we see the payment, we see that by the end of 2012, payments were reduced to only Rs4 m.? May we know whether it was during that period that his Ministry was informed of the problems being faced by the contractor or after that?

**The Deputy Prime Minister:** Mr Speaker, Sir, I do not want to enlarge on it. The delay has been due to several causes. We will forget the delay caused by rain, by weather and so on, that’s one. The next issue was to get appropriate soil and the contractor had difficulty in getting appropriate soil. I am given to understand that wherever he went he was turned down and at some stage when he did get soil, it was not appropriate, but I am not going to comment on this technical problem whatsoever. The third problem was the quality of the shaft which was addressed and remedied.

**Mr Uteem:** Mr Speaker, Sir, I heard the hon. Deputy Prime Minister say that the consultant, in October 2012, said that the SINO HYDRO Corporation Ltd lacked experience. Did I hear that correctly? If this is the case, if he lacks experience, what guarantee do we have that he will be able to complete it this year?

**The Deputy Prime Minister:** You see it is communication experience. You see there was difficulty about communication.

*(Interruptions)*

**Mr Speaker:** Hon. Dr. Sorefan!

**Dr. Sorefan:** Mr Speaker, Sir, ...

*(Interruptions)*

**Mr Speaker:** Silence!

**Dr. Sorefan:** Mr Speaker, Sir, when I asked a question on Colville Deverell, the contract was given and signed...

*(Interruptions)*

**Mr Speaker:** No reference to Colville Deverell! Just put your question!

**Dr. Sorefan:** One year ago, I mentioned this company as a monument of corruption. I mentioned all the lists that the hon. Leader of the Opposition mentioned at that same time and the Deputy Prime Minister asked me whether I can give a written statement to consider about...

*(Interruptions)*

**Mr Speaker:** Hon. Sorefan, I am not prepared to listen to your discourse. You are here to put a question. I allow you a question. Therefore, put your question, if you have any.

**Dr. Sorefan:** Yes. May I ask the Deputy Prime Minister why consideration was not taken when I raised the issue that this company is a monument of corruption and they went and gave the contract to a corrective SINO HYDRO Corporation Ltd?

**The Deputy Prime Minister:** I remember advising the hon. Member to go to ICAC. I hope he did.

*(Interruptions)*

**Mr Speaker:** Hon. Leader of the Opposition!

*(Interruptions)*

Silence!

**Mr Ganoo:** Mr Speaker, Sir, to the question of hon. Lesjongard, the hon. Deputy Prime Minister tried to explain as to why in spite of the fact that halfway, when the WRU and the client Ministry became aware of the laxism and inefficiency of defaulting contractor and his failure to complete the works became clear, the Deputy Prime Minister tried to offer certain explanations. But can I put to him that in the Bid Data Sheet which I have with me, all the detailed stages of the works in this document were made aware to all the prospective bidders, all that they had to perform at, the different stages, e.g. the dam wall structure, the spillway apron, the pipe works, the roads excavation, all these were made clear to them. They had to go stage by stage! This is why I put it to the hon. Deputy Prime Minister that he should not try to bail out this defaulting contractor. I put it to him that the sum of Rs75 m. which had been paid to him is, in fact, in excess of his poor performance and this sum should be retrieved from that defaulting contractor.

**The Deputy Prime Minister:** Mr Speaker, Sir, I take strong exception that I am trying to bail out. I think my answer was strong and clear enough that we will not tolerate this.

*(Interruptions)*

**Mr Speaker:** Silence!

**The Deputy Prime Minister:** I also emphasise...

*(Interruptions)*

**Mr Speaker:** I say no interruption!

**The Deputy Prime Minister:** ... by the time the consultant drew attention, there was a decision to be taken. No question of bailing out!

**Mr Speaker:** Last question to the hon. Leader of the Opposition! Does he have any further question?

**Mr Ganoo:** Yes, a last question. Therefore, can the Deputy Prime Minister take a pledge and undertake to this House, *prendre un engagement*, that in the weeks to come, he will come in this very House, make a statement about what the different authorities, the State Law Office, the PPO, the CTB have decided with regard to this extremely poor performer and with regard to the sanctions that should be imposed mercilessly against him for his poor performance?

**The Deputy Prime Minister:** Mr Speaker, Sir, for the information of the hon. Leader of the Opposition, I have already started this procedure last week after my visit to the site.

**Mr Speaker:** Time is over! Questions addressed to Dr. the hon. Prime Minister! The Table has been advised that Parliamentary Question No. B/372 addressed to Dr. the hon. Prime Minister will now be replied by Dr. the hon. Minister of Tertiary Education, Science, Research and Technology. PQ Nos. B/399 and B/408 addressed to the hon. Vice-Prime Minister, Minister of Public Infrastructure, Land Transport and Shipping will now be replied by Dr. the hon. Prime Minister. In keeping with practice, Parliamentary Question No. B/372 will be replied at the end of questions addressed to other hon. Members, time permitting. Parliamentary Question Nos. B/399 and B/408 will be replied at the end of Prime Minister's Question Time, time permitting. Questions addressed to Dr. the hon. Prime Minister!

### **BEL OMBRE – TOURISTS – SAFETY & SECURITY**

**(No. B/366) Mrs J. Radegonde-Haines (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 larceny, he, will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof committed against the tourists in hotels or other sites, situated in Bel Ombre, over the past three years, indicating in each case, the -

- (a) name of the hotel/site of the commission thereof;
- (b) value of property stolen;
- (c) number of arrest, if any, effected in connection therewith, and
- (d) additional measures taken to improve the safety and security of the tourists.

**The Prime Minister:** Let me say at the very outset, Mr Speaker, Sir, that Mauritius remains a safe place for tourists.

However, we should not be complacent as we need to continue to endeavour to take measures to ensure that Mauritius stays a prized tourist destination.

Mr Speaker, Sir, we are not totally immune from cases of larceny committed against tourists, although these cases are relatively few. Also, often some tourists fail to take, I must say, basic routine precautions. Sometimes, they leave their stuff on the beach. Very often, the doors are left open; their money is left on the table and all those things. These are things that we keep telling them that they should take precautions. These are basic precautions that one should take.

However, Mr Speaker, Sir, the figures for the last three years are as follows -

- (i) 2011: 16 cases at hotel sites and two at other sites;
- (ii) 2012: 22 cases at hotel sites and none at other sites, and

(iii) Up to 23 May this year: 19 cases at hotel sites and two at other sites.

I am sure the hon. Member and the House will appreciate, Mr Speaker, Sir, that it would not be appropriate to name these hotels.

In regard to part (b), I am informed that no official valuation of the stolen property is available. In regard to part (c) of the question, so far, 14 people have been arrested.

Mr Speaker, Sir, in regard to part (d) of the question, I must re-emphasise that security within the precincts of a particular hotel rests with the Management of the hotel.

In this context, since May 2012, the following security and safety measures in hotels are being imposed by the Ministry of Tourism and Leisure -

- (i) monitoring surveillance system manned by qualified security staff on a 24/7 basis;
- (ii) closed circuit surveillance cameras within infrared;
- (iii) the number of security personnel and the required security norms for a particular hotel to be determined by a security consultant;
- (iv) the system for access control to be equipped with appropriate electronic locking system and linked to the monitoring control room;
- (v) provision of a digital safe in each room;
- (vi) a certificate of morality/character as pre-requisite for employees, and
- (vii) a leaflet containing basic precautions to be taken by tourists to be available in each room.

The Ministry of Tourism and Leisure has informed all hotels which have not yet submitted their Security Plan. They have been asked to prepare a Security Plan and those who do not submit the Security Plan by the end of June this year, their licences which do not comply with this requirement will not be renewed.

Mr Speaker, Sir, the measures taken by the Police on their part to improve the safety and security of tourists are as follows -

- (i) To ensure better coordination and response the "*Police du Tourisme*" has been placed under the control of the Emergency Response Service (ERS) with a strength of some 89 Officers. The "*Police du Tourisme*" keeps vigilance on coastal roads and adjoining areas including hotels, boarding houses, bungalows, restaurants, tourist residents and sea-goers. They also work in close collaboration with the Ministry of Tourism and Leisure with a view to ensuring that tourists enjoy a safe and secure stay in our country.

- (ii) At divisional level, targeted and coordinated mobile and foot patrols are being maintained by the Emergency Response Service, *Police du Tourisme*, Divisional Support Unit, National Coast Guard and the local Police. Also discreet patrols are also carried out by the local CID and the ADSU.
- (iii) The hotels have been made aware of the special hot line number '8910' for tourists. This is manned by the Tourism Authority during office hours, and after which the calls are diverted to the Emergency Response Service Operations Room for early actions and necessary assistance to tourists.
- (iv) The Police are conducting sensitisation campaign with management and security officers of hotels and other tourist resorts with a view to disseminating information pertaining to personal safety.
- (v) A fast track mechanism is in place at the level of the Police to initiate proceedings in a timely manner before the Court in cases involving tourists.

Mr Speaker, Sir, perhaps I should add that we are currently looking into the advisability of amending the law for making use of statements of tourists who have already left the country to be available and used in the Courts.

**Mrs Radegonde-Haines:** Mr Speaker, Sir, in relation to the *Police du Tourisme*, the Tourism Police assigned to Bel Ombre has to cover a huge catchment area and usually arrives on the site after a crime has been committed. Can the hon. Prime Minister tell us if he would consider to increase the Police presence on land in Bel Ombre, including regular bike patrols and to complement this measure by increasing the skeleton number of Police Officers working in this region?

**The Prime Minister:** Mr Speaker, Sir, as far as I remember, there are 21 male Police Officers working in that Station and 5 women Police Constables. But, if the hon. Member feels so, I will certainly take up the matter with the Commissioner of Police - perhaps it is a large area. Apart from the Sergeants - I think there are two Sergeants and one Inspector already there, but we will look at that, certainly.

**Mr Ganoo:** Mr Speaker, Sir, the hon. Prime Minister has not given us the details of the different larcenies, but is he aware that many of these suspects or the people who commit the offences of larceny on these tourists are people working in the hotels? I know that from my personal experience as a Barrister who used to practise in that region. Can the hon. Prime Minister see to it that in the plan...

*(Interruptions)*

... where I offer my services free of charge...

*(Interruptions)*

**Mr Speaker:** I say no interruption!

*(Interruptions)*

Yes, proceed!

*(Interruptions)*

**Mr Ganoo:** Can the hon. Prime Minister see to it that in ...

*(Interruptions)*

this plan...

*(Interruptions)*

**Mr Speaker:** Hon. Minister!

**Mr Ganoo:** ...that in this plan which the owners of the hotels are required to submit to the Minister of Tourism, special emphasis be laid on the need to educate and sensitise the employees themselves so that they do not fall prey easily or succumb to temptations to steal in the hotel rooms and commit petty larcenies.

**The Prime Minister:** I totally agree with the hon. Leader of the Opposition. In fact, I have stressed this. Very often - in cases recently - I do not want to mention names as you see - there are cases where people have no moral certificate, this *certificat de moralité* – they are sacked from another hotel and they go and take employment without checking. This will have to stop and that is why I have told the Minister of Tourism that if they do not comply, their license will not be renewed. Too bad!

*(Interruptions)*

**Mr Speaker:** Silence!

**Mrs Hanoomanjee:** In 2008 the hon. Prime Minister in reply to a Parliamentary Question stated that the language barrier was a hindrance for Police Officers to interact with tourists. Can the Prime Minister say what has been done in that regard?

**The Prime Minister:** I have encouraged them to learn as many languages as they can.

**Mr Bodha:** Mr Speaker, Sir, there are 14 cases where there have been arrests, may I ask the hon. Prime Minister how many cases have gone to Court and whether anybody has been, in fact, convicted?

**The Prime Minister:** I can give the hon. Member the details. In the case of larceny committed at hotels, in 2001 two persons had been convicted by the Court and in 2012 there was one, 13 are still being enquired and in 2013 there is one conviction and 18 are being enquired.

As for the other sites, two of them are pending enquiries, one has been disposed of and two of them are pending enquiries.

**Mr Speaker:** Last question, hon. Mrs Radegonde-Haines!

**Mrs Radegonde-Haines:** Mr Speaker, Sir, in regard to crime against tourists effected on other sites than the hotels, the thieves are operating in gangs in this region. Can the hon. Prime Minister tell us whether consideration will be given to carry out a study to explore the feasibility of installing cameras in certain crime prone areas in Bel Ombre?

**The Prime Minister:** This is being done and it is an ongoing process. We are putting up cameras wherever we think we should put the cameras.

*(Interruptions)*

**Mr Speaker:** Next question, hon. Jhugroo!

#### **MBC - INFORMATION TECHNOLOGY MANAGER - POST**

(No. B/367) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the post of Information Technology Manager at the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the –

- (a) date on which the post was advertised, indicating the –
  - (i) eligibility criteria therefor, and
  - (ii) mode of recruitment thereof, and
- (b) name of the incumbent, indicating his –
  - (i) qualifications, and
  - (ii) terms and conditions of employment.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that the post of Information Technology Manager was created in the PRB Report 2003.

However, the post was not filled and following an internal advertisement, the post was filled in a temporary capacity in November 2007. The temporary appointment of the holder of the post was terminated on 14 March 2011, following the findings of a Disciplinary Committee. Since then the post has not been filled.

I am further informed that the post is listed for abolition in accordance with the recommendation of the PRB Report 2013 as well as the Errors, Omissions and Anomalies Committee Report 2013.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House who is managing the IT Department of the MBC and can we have the name of that person?

**The Prime Minister:** This is operational as somebody has just said, but the Board has approved the services of a consultant who is there to implement an integrated IT system at MBC to provide guidance and how to use IT to improve operational processes and to advise on the designing of software, hardware and network requirements. His name is Mr Dulthumun.

**Mr Jhugroo:** Can the hon. Prime Minister confirm to the House whether one Mr V. D. who is the brother of Mr S. D., the President of the Hindu Sanatan Dharma Temples Federation, has been recruited on a contract basis with a salary of Rs40,000 monthly?

**The Prime Minister:** I just gave the name of the person, I do not go into relation, but I gave the name - I do not know whether the hon. Member heard it. No, he is not being paid that amount, he is being paid Rs31,000 and this was done, not just picked up, it was a whole procedure, with a proper procedure, it seems, when he was appointed. As I said, the post itself has not been filled substantially and it will be stopped because the PRB Report says that we do not need the post.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House what qualification is needed to occupy this post of consultant and whether the person recruited has got the minimum required qualification?

**The Prime Minister:** I know that he has a Bachelor of Engineering. He also has working experience of eight years as Head of Maintenance Department at Jacey Computer Systems and he has technical experience in Software applications.

**Mr Seeruttun:** Will the hon. Prime Minister confirm to the House whether at the time that the person was recruited, he had the BSc qualification that he just mentioned?

**The Prime Minister:** From what I see, he has the qualification. Now, when he got the qualification, whether it was yesterday or the day after yesterday, I do not know.

**Mr Jugnauth:** Can the hon. Prime Minister inform the House whether there has been any public advertising by the MBC to recruit this consultant?

**The Prime Minister:** From what I understand, the Board did advertise. It was advertised.

**Mr Speaker:** Last question, hon. Jhugroo!

**Mr Jhugroo:** Can the hon. Prime Minister confirm to the House whether this post, which is being occupied by the consultant, Mr V. D., had been advertised? Secondly, how many ...

*(Interruptions)*

I have said consultant, not IT Manager. Has it been advertised?

**The Prime Minister:** I just answered the question. Hon. Jugnauth just asked the question and I have answered.

**Mr Speaker:** One last question!

**Mr Jhugroo:** Can the hon. Prime Minister inform the House how many projects have been implemented by that person since he took office in the IT Department?

**The Prime Minister:** It would be difficult for me to say how many projects, Mr Speaker, Sir. If the hon. Member comes with a substantive question, I will certainly answer.

**Mr Speaker:** Next question, hon. Fakeemeeah!

#### **QUATRE BORNES – ATTORNEY GENERAL - ROAD ACCIDENT**

**(No. B/368) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the recent road accident which occurred in Quatre Bornes involving car AG 1123, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto, indicating if the Honourable the Attorney General was involved therein.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, on Saturday 04 May 2013, at around 07 30 hrs, Police Officers of Sodnac Police Station attended to a case of road accident at the junction of Rosiers and Trianon 2 Avenue, Sodnac, in which Government-owned Vehicle AG 1123, and Private Car No. 490 ZW 07, were involved.

Government-owned Vehicle AG 1123 was driven by the hon. Attorney General, whilst Private Car No. 490 ZW 07, was driven by Mr J.F.J.J.

Both vehicles sustained damages in the accident.

Police have initiated an inquiry into the matter.

In this connection, the hon. Attorney General has given two written statements-in-defence in the presence of his Counsels, and Mr J.F.J.J. has given a written statement-in-defence in the presence of his Counsel. Statements have also been recorded from ten other persons at the Sodnac Police Station.

Upon completion of the Police enquiry, the case file will be referred to the Director of Public Prosecutions for advice.

**Mr Fakeemeeah:** Mr Speaker, Sir, as in all accident cases, has an alcohol test been carried out on both drivers involved in this case?

**The Prime Minister:** The answer is yes, Mr Speaker, Sir, and both were negative.

**Mr Fakeemeeah:** Mr Speaker, Sir, what has happened in this case is most shocking ...

**Mr Speaker:** Question, please!

**Mr Fakeemeeah:** Will the hon. Prime Minister agree with me ...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Fakeemeeah:** ... that this case ...

*(Interruptions)*

**Mr Speaker:** Silence! I do not want any interruption. Let the hon. Member put his question peacefully!

*(Interruptions)*

Hon. Member! Hon. Mohamed! I am not going to give warning. Be careful!

**Mr Fakeemeeah:** Will the hon. Prime Minister agree that this case has affected our integrity locally and internationally? I will ask the hon. Prime Minister whether he can ask the hon. Attorney General to step down, pending the completion of the enquiry.

**Mr Speaker:** Is the hon. Member's question directed to the hon. Prime Minister or to the hon. Attorney General?

**Mr Fakeemeeah:** I am asking the hon. Prime Minister.

**Mr Speaker:** My question is: is your question directed to the hon. Attorney General or to the hon. Prime Minister?

**Mr Fakeemeeah:** To the hon. Prime Minister.

**Mr Speaker:** Therefore, rephrase your question.

**Mr Fakeemeeah:** Will the hon. Prime Minister ask the hon. Attorney General to step down, pending the Police enquiry?

**The Prime Minister:** Mr Speaker, Sir, I have always been consistent in many cases before. I have a track record on this. If ever there is a *prima facie* case, as I have done in all cases, then we will take action. But, at the moment, I need to let the enquiry terminate. One of the problems that is happening with this enquiry is that new witnesses are coming. It was eight two days ago and it is ten today. So, we will have to let the Police do the enquiry; I hope that it will not take too long, then it will be sent to the DPP and we will see from there.

*(Interruptions)*

**Mr Speaker:** Please!

**Mr Fakeemeeah:** Look at what the hon. Minister is saying!

*(Interruptions)*

*Ferme to la bouche!*

**Mr Speaker:** Well, hon. Member, withdraw the words that you have just uttered!

**Mr Fakeemeeah:** I withdraw.

*(Interruptions)*

**Mr Speaker:** I do not want any interruption.

*(Interruptions)*

Hon. Obeegadoo, if you give the example by keeping quiet, we will proceed with the work. Put your question!

*(Interruptions)*

Hon. Aimée! Look, I have said that I am not going to warn. If you open your mouth again, I will order you to withdraw. So, be careful! Yes, put your question!

**Mr Fakeemeeah:** Thank you, Mr Speaker, Sir. Will the hon. Prime Minister see to it – because everyone will have to share his responsibility before history – that members of socio-cultural organisations stop pressurising and harassing the family of the young driver involved?

**The Prime Minister:** I am not aware that this is the case. I think some journalists asked me the question. There should be no fear to go and report those cases. I think that is one of the reasons why we are seeing more witnesses coming up.

**Mr Baloomoody:** Can I ask the hon. Prime Minister whether the enquiry which was originated at Sodnac Police Station has been transferred to the Central CID following a request by the hon. Attorney General?

**The Prime Minister:** Not following the request of the hon. Attorney General, but what has happened is that certain facts and allegations cropped up during the case of the investigation. The Commissioner of Police felt that it would be appropriate, in order to avoid any doubt, to refer the case to the Central CCID, which he does from time to time, depending on the case.

**Mr Obeegadoo:** Mr Speaker, Sir, the hon. Prime Minister referred to his line of conduct and to various cases before. Will he not agree, being given that this particular case concerns the hon. Attorney General, who has a very critical and sensitive role under our Constitution and in terms of general practice, given that the Police enquiry may last for months, will he not agree that this particular case would call for the hon. Attorney General, at the request of the hon. Prime Minister, to step down temporarily until we have a clear picture coming out of the Police enquiry or a Court case?

**The Prime Minister:** The danger with this, Mr Speaker, Sir, and I say that to anyone - I do not know who has aspirations to become Prime Minister in the next century, but let's say it - they have to...

*(Interruptions)*

They have to look at cases. If they do that, do you know what can happen? If you do that, then every Attorney General can be open to that kind of attacks. I want to see whether there is *prima facie* case or not. That is my line of conduct and that is what I have adopted in the past.

**Mr Uteem:** Being a practising Barrister, we all know that whenever there is an allegation of assault with effusion of blood, the Police arrests the person. Was this done in this case?

**The Prime Minister:** From what I see, there is a case of assault and a road traffic accident. Now, the Police enquiry is going on, let us see whether this comes out. But, let me reassure the hon. Member that everything is being done according to law.

**Mr Jugnauth:** Est-ce que l'honorable Premier ministre peut nous dire pourquoi il y a eu la nécessité de venir faire une déclaration publique, pour dire qu'il n'y aura pas de représailles contre les personnes qui vont témoigner dans cette affaire?

**The Prime Minister:** I have said this because a journalist asked me not once, not twice, but, I think, three times. But, people are saying that they are being put under pressure and that is why I have answered the question, that there should be no fear to go and be a witness if one wants to.

**Mr Ganoo:** Did I understand the hon. Prime Minister to have said that, once the DPP advises prosecution against the hon. Attorney General, he will then ask the hon. Attorney General to step down, pending the disposal of the case?

**The Prime Minister:** No, that is not what I said. I said the files will be sent to the DPP and I will see from there whether there is *prima facie* case or not. If the DPP decides so, then we will see.

**Mr Speaker:** Last question, hon. Baloomoody!

**Mr Bhagwan:** Can we ask the hon. Prime Minister to see to it that clear directives are given to the Commissioner of Police by him so that there is no interference at the level of the Police, especially the Central CID? With past experience we have had interference at the level of the Central CID, especially in political cases.

**The Prime Minister:** I give general policy directions to the Commissioner of Police and that kind of direction I have given him already.

**Mr Speaker:** A last question now to hon. Fakeemeeah!

**Mr Fakeemeeah:** Thank you, Mr Speaker, Sir. I would like to know from the hon. Prime Minister why this perception of *deux poids deux mesures* and *justice à deux vitesses*. What would have happened if it were to be me, Cehl Meeah, involved in this case?

**Mr Speaker:** Well, I don't see how can the hon. Prime Minister be responsible for any perception at all. Question not allowed! We move to the next question! Hon. Fakeemeeah!

## FACT-FINDING COMMITTEES/COMMISSIONS OF INQUIRIES

### – PROTECTION & IMMUNITY

(No. B/369) **Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the persons appearing before Fact-Finding Committees and Commission

of Inquiries, he will state if measures will be taken to ensure that they are not liable to any form of prosecution, with a view to ensuring transparency.

**The Prime Minister:** Mr Speaker, Sir, a Fact-Finding Committee is set up for administrative purposes. It has no statutory basis and it does not confer, on any witness deponing before it, the protection and immunity enjoyed by a witness deponing before a Commission of Inquiry.

Witnesses deponing before a Commission of Inquiry enjoy immunity from prosecution in respect of evidence they give before the Commission although there are exceptions to that as well.

Therefore, under section 12(4) of the Commission of Inquiry Act, even a witness deponing before a Commission of Inquiry is liable to be prosecuted for giving false evidence, one example I am taking.

In my opinion, Mr Speaker, Sir, it would be unwise to provide for immunity from prosecution to witnesses deponing before a Fact-Finding Committee. Because given the informal nature of a Fact-Finding Committee and the extension of immunity from prosecuting witnesses, if they depone, this may tempt – I say may tempt - witnesses to give false evidence under the cloak of immunity from prosecution. Truthful witnesses, I think, should not fear the risk of prosecution. Also, I can say perhaps that the Director of Public Prosecutions and the Courts are safeguards against unjustified prosecutions.

**Mr Fakeemeeah:** Thank you. Will the hon. Prime Minister agree that whistle-blowers need to be protected in our democratic set-up and this is why I appeal personally that the hon. Prime Minister puts an end to the harassment of Mrs Bodet and Sudha Singh and also the Unionist Hemandar Madhow following the MITD case.

**Mr Speaker:** I have said it several times: name of a person should not be mentioned in the House. The hon. Member has put a question. The second part, I don't know whether to call it a statement or a question. The first part is a question; I'll allow it, the second part, he has to withdraw.

**Mr Fakeemeeah:** Okay. This is creating a wrong perception for those willing to come forward ...

**Mr Speaker:** I say no comment! The hon. Member should put his question!

**Mr Fakeemeeah:** Okay.

**The Prime Minister:** I have lost track of the question now!

**Mr Fakeemeeah:** I'll repeat it. Will the hon. Prime Minister agree that whistle-blowers need to be protected in our democratic set-up?

**Mr Speaker:** That's correct!

**The Prime Minister:** Yes and no is my answer because there are so many whistle blowers who instead of watching their own tail they are watching other's tails. So, we must be careful. Some people fabricate things; they say rumours, rumour-mongering and all this. So, we have to be very careful to what extent...

*(Interruptions)*

... we can do that. I agree people should be able to go and say if something is wrong, otherwise we will never find things, but, at the same time, we need to make sure that we are not encouraging people to go and make false allegations every day. That is why I said yes and no.

**Mr Baloomoody:** Mr Speaker, Sir, the hon. Prime Minister just mentioned that the Fact-Finding Committee is an administrative set-up, but not only are the witnesses liable to prosecution; even the President of a Fact-Finding Committee can be prosecuted.

**The Prime Minister:** Yes.

**Mr Baloomoody:** So, in that case, may I ask the hon. Prime Minister to see to it with the Chief Justice that sitting Magistrates and Judges do not chair Fact-Finding Committees because they may themselves be liable for prosecution before a Court of Law?

**The Prime Minister:** In fact, this is so, but I must tell the hon. Member that in the past, there was – I think there was more than a Magistrate at the time that he felt, and we immediately gave him immunity. But I think you are right, if you could avoid having the sitting but the problem is then, if you choose somebody else, the Opposition themselves will say: this guy knows the Prime Minister...

*(Interruptions)*

This is how they will choose. The best thing is to let the people...

*(Interruptions)*

That is the reason. Why? Because you will be immediately saying this; you will be charging, but then who would you suggest that we find?

**Mr Baloomoody:** Former Judges, Senior Magistrates, Senior Counsels and Senior Attorneys.

**The Prime Minister:** Yes, but sometimes I must tell you that former Judges do not always accept. They want not to have to do more things, but we can look at this, whether they agree or not. That is the reason.

**Mr Speaker:** I'll allow two more questions: one hon. Uteem and another one to hon. Leader of the Opposition.

**Mr Uteem:** Thank you, Mr Speaker, Sir. Being given all these talks about Fact-Finding Committees, would the hon. Prime Minister consider bringing forth legislation to actually formalise the institution of the Fact-Finding Committee, their powers, their role and whether their report would be made public or not?

**The Prime Minister:** The hon. Member should understand that we have two things here; we have the Commission of Inquiry which is formalised and then we have this informal. The reason why it is informal is we want to get the facts quickly and we want it to be done properly, but there is an urgency for it. The Commission of Inquiry has been going on for ages. That is why we have left it as it is and I don't propose to change it.

**Mr Ganoo:** I am surprised by the contents of the answer of the Prime Minister today. Is the hon. Prime Minister aware of the fact that in the Government Programme of 2010, mention is made that Government will introduce special measures for the protection of witnesses and vulnerable persons, including the elaboration of a Witness Protection Programme and important amendments will be brought to the law so as to prevent intimidation of witnesses in drug-related cases and other serious cases? So, doesn't the Prime Minister think that Government should seriously think about offering some form of protection to witnesses not only in Courts, but also in Fact-Finding Committees?

**The Prime Minister:** No, we said that; that is why I said yes and no. But we must make sure that we don't do it to an extent that anybody can come and give false evidence in front of an inquiry. That is what we must ensure. What I say is if somebody is speaking the truth, he has nothing to fear. It is the person who is not speaking the truth who has something to fear.

**Mr Speaker:** Any question? I have to announce that the Table has been advised that PQ No. B/374 has been withdrawn. We are left with one minute.

#### **NIGHT CLUBS, CASINOS & GAMING HOUSES – SECURITY GUARDS**

**(No. B/370) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the bouncers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases of incidents in which they are involved, especially at night clubs, casinos and gaming houses, over the past two years, indicating the measures he proposes to take in relation thereto.

**The Prime Minister:** Mr Speaker, Sir, the term "bouncers" is not defined in our legislation, but I take it that the hon. Member is referring to Security Guards as defined in the Private Security Service Act.

Such Security Guards are issued with a certificate of registration for performing security duties by the Commissioner of Police.

I am informed by the Commissioner of Police that, over the past two years, the following cases involving Security Guards have been reported to the Police -

- 1 in a casino;
- 9 in night clubs, and
- 11 in gaming houses.

As preventive measures, the Police carry out regular checks at these night clubs, casinos and gaming houses to ensure compliance with the conditions of the licence which includes control over persons acting as Security Guards in order to ascertain whether they are duly registered as required by law and whether or not they are carrying any weapon.

In their patrol scheme, the Police ensure that these regions are covered also by Police Patrol and also particular attention is given at these places to prevent any illegal activities in their vicinities.

**Mr Fakeemeeah:** Mr Speaker, Sir, the hon. Prime Minister himself has promised to get rid of this problem of bouncers. Yet, recently in Central Flacq it was like in Far West. What concrete measures are being taken to tackle such situation in our country?

**The Prime Minister:** Yes, I did mention last week, Mr Speaker, Sir, that, for example, for gaming houses we have not given any licences because we are relooking at the whole issue, whether the Casinos should be all put in one place. I think there are practical difficulties for this although my wish would have been that we could put all of them in one place. So, we are looking at this and also we are looking at the cases of - I think the Opposition themselves asked a question of which I was aware that some bouncers they do something wrong and then they get licence. All this is being relooked at on a database.

**Mr Speaker:** Time is over! Last question!

**Mr Fakeemeeah:** I would like to know from the hon. Prime Minister how many bouncers have been arrested and questioned by the Police during the last three years, please?

**The Prime Minister:** I will have to get all the information for the last three years, but I will give you the information for the last three years. I will have to see how many actually have been, as you said, arrested. I don't have the figure of how many actually have been arrested, but I can give you the details.

**Mr Baloomoody:** The hon. Prime Minister just mentioned about the Casinos. Is he aware that in the last two weeks I think all the owners of the Casinos who work around the island, have received a letter telling them that they have to move in shopping malls. They have just received that they have to move in shopping malls. Is it proper to move the casinos in shopping malls now?

**The Prime Minister:** I think that was a measure that was announced in the Budget. There are some complaints that they should not be in certain areas.

**Mr Speaker:** Last question, hon. Roopun!

**Mr Roopun:** Mr Speaker, Sir, may I draw the attention of the hon. Prime Minister to a particular practice. Actually, Security Officers need to have a clean criminal record, but it would seem that there are instances where those persons who do not have a clean criminal record are being recruited, apparently, to do some other jobs, but in fact they are operating as bouncers and Security Officers and as such are trying to divert from legal provisions. What measures can be taken to ensure that all those who, in fact, are working as Security Officers are persons of good character?

**The Prime Minister:** We will have to take up the matter with the State Law Office and the Commissioner of Police. I see the point of the hon. Member is a valid point that maybe they are taking up. So, where they don't need a licence, they are still operating there. That will have to be looked into. I thank him for that.

**Mr Speaker:** Time is up! Questions addressed to hon. Ministers. Hon. Mrs Ribot!

#### **GOVERNMENT HIGH RANKING OFFICIALS - CODE OF CONDUCT**

**(No. B/ 374) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, following the recent alleged public incidents in which Ministers are allegedly involved, he will state if urgent consideration will be given for the implementation of a Code of Conduct for high ranking Government officials pertaining to, *inter alia*, standards of public behaviour, public business activities of close relatives and issues of conflict of interest?

*(Withdrawn)*

#### **PUBLIC BEACH - DECK CHAIR & UMBRELLA OPERATORS**

**(No. B/380) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the deck chair and umbrella operators, he will, for the benefit of the House, obtain from the Beach Authority, information as to -

(a) if the conditions attached to the licence thereof is being reviewed, and

(b) the number thereof allowed on the public beaches for which licences have been issued therefor.

**Mr Aimée:** Mr Speaker, Sir, for the purpose of issuing Beach Traders Licences for the renting of mattresses and umbrellas on public beaches as provided in the Beach Authority (Traders Licence) (Amendment) Regulations 2008, the Beach Authority follows a set of criteria and conditions which have been approved by its Board.

With regard to part (a) of the question, I am informed that the conditions attached to these licences are still valid and that the Board of the Beach Authority has not taken any decision to review same as there is no necessity to this effect.

As regards part (b) of the question, I am informed by the Beach Authority that 20 traders have been issued with Beach Traders Licences as at date for the renting of 572 mattresses and 275 umbrellas on various public beaches.

**Mrs Ribot:** Mr Speaker, Sir, I would like to know from the hon. Minister the percentage of the beach frontage that is supposed to be occupied by deck chairs, beach mats and umbrellas?

**Mr Aimée:** I don't have the exact percentage. But following one PQ - I think it was by the hon. Member here - I have reduced to 30% all the crowded beaches around the island.

**Mrs Ribot:** Mr Speaker, Sir, in reference to the same PQ that the hon. Minister is talking about, when the question of Péreybère Beach was raised, the hon. Minister said that the licensee there - at Péreybère Beach - would be required to occupy not more than 15% of the beach frontage for that purpose. I would like to know which is which?

**Mr Aimée:** I am not so sure. I must check what the hon. Member said. I don't put any doubt on what she has in her file, but I said that to that particular question, I am going to reduce the number of occupations there by 30%.

**Mrs Ribot:** Mr Speaker, Sir, must I understand that the hon. Minister is doubting what is written in the Hansard? I have the reply here and he is saying that he is doubting whether what I am saying is true or not.

**Mr Aimée:** I said I don't doubt what she said. I must check that. But I mentioned in reply to a PQ put to me two or three months ago that I am going to reduce by 30% the number of occupations on the beach.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I am a little bit surprised by what the hon. Minister has just replied because in reply to a PQ last year, the hon. Minister said that a Committee was being set up to

review the criteria. Now, he just comes and says that the criteria remains the same and that nothing is changed. Can I ask the hon. Minister why he said that there was a Committee which was being set up?

**Mr Aimée:** Mr Speaker, Sir, there are various criteria pertaining to the Beach Authority. Which criteria the hon. Member is making mention of?

**Mr Speaker:** Last question!

**Mrs Ribot:** Mr Speaker, Sir, on 04 April 2011, the hon. Minister admitted that four of the complaints received at the Beach Authority regarding the beach mats and umbrellas being too invasive, related to the public beach of Péreybère. I would like to know from him whether these complaints have been addressed and the outcome thereof?

**Mr Aimée:** Yes, Mr Speaker, Sir, the Beach Authority has addressed these complaints. And, I have, myself, informed the Commissioner of Police about what is going on there.

**Mr Speaker:** Next question! Hon. Dr. Sorefan!

#### **VERDUN TERRE-ROUGE LINK ROAD PROJECT – VARIATIONS COST**

**(No. B/381) 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 Verdun Terre-Rouge Link Road Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to -

- (a) the reasons for the delay in the handing over thereof;
- (b) variations cost paid, as at to date, and
- (c) amount of fees paid to Mr P., Geotechnical Expert of the Authority for his report in relation thereto, indicating if copy thereof will be tabled.

**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 the contractor started works on the Terre Rouge-Verdun Link Road Project on 18 February 2010 and the contractual completion date was 17 October 2012.

However, the project has been delayed due to the following -

- (a) long delays in giving possession of site to the contractor due to refusal of four ex-land owners to vacate the site;
- (b) bad weather and exceptional rain;

- (c) unforeseen landslides in the mountainous area;
- (d) additional works given to the contractor including -
  - I. four additional underpasses to provide access to small planters (the original project made provision for only one underpass between Bois Pignolet and Valton);
  - II. dualling of road from Khoyratty to Calebasses;
  - III. reinstatement of accesses, and
  - IV. reinstatement of track roads.

The contractor has been, therefore, granted an extension of time and the revised completion date of the project is 17 July 2013.

As regards part (b) of the question, I am informed that, as date, additional works as referred to above, will amount to Rs58,624,868. Out of this an amount of Rs18,864,629 has been paid so far.

**Dr. Sorefan:** Mr Speaker, Sir, I don't think I have heard the hon. Minister talking about the geotechnical expert.

**Mr Bachoo:** I am sorry, Sir. In regard to part (c) of the question, I am informed that the Road Development Authority has not appointed Mr P. personally. Geotechnical expertise forms part of the services to be provided under the consultancy contract for the project. In this context, the Consultant, Egis International, mobilised Mr P. on two occasions as a short-term expert and an amount of Euros 12,200 has been paid to the firm as per the rates in the contract.

Reports of the geotechnical expert which are of a purely technical nature cannot be made public at this stage.

**Mrs Hanoomanjee:** Mr Speaker, Sir, I heard the hon. Minister just saying that one of the reasons for the delay in carrying out the work was the question of landslides and question of planters giving authority. Usually, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping ask that a feasibility study be done for each and every project. Can I ask him whether for this special project the feasibility study was done and, if it was done, why the question of landslides and authority by planters was not mentioned?

**Mr Bachoo:** Mr Speaker, Sir, yes, in fact, a consultant was appointed and that was BCEOM. An intensive survey was carried out. Despite all these, the topographical situation had been such that in the past also, on many occasions, I have been answering questions in the House that this is the most difficult area. All types of remedial measures were taken, but despite it the landslide has continued as a result of

which again the consultants have also mobilised experts from France to come and have a look at the project. This is one of the reasons. Second, I have just mentioned that there were four ex-land owners, they had refused to vacate the site and one had gone to the extent of taking out a gun after my Engineers and that created hell of a problem, the Commissioner of Police had to intervene and that dragged us for many months before the contractor could get possession of the site.

**Mr Lesjongard:** Mr Speaker, Sir, after the PNQ of the hon. Leader of the Opposition this morning, does the hon. Vice Prime Minister find it normal that for a contract where the implementation is almost two years, we have given extension time for 10 months?

**Mr Bachoo:** Mr Speaker, Sir, I have just mentioned that this is a mega project; the first of its kind in the history of this country.

*(Interruptions)*

Don't laugh! Secondly, when the road will be ready, you will use it.

*(Interruptions)*

**Mr Speaker:** No interruption!

**Mr Bachoo:** If you want me to answer, I am going to answer! Secondly, we should not forget that we are constructing a road in between two mountains and we are cutting it and again I have been informed - I am not an expert neither an engineer nor a geotechnical expert...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Bachoo:** Mr Speaker, Sir, either they listen to me. I have been informed that a very, very serious landslide has been taking place and in order to make assurance doubly sure so that there should not be any problem in the future, all precautionary measures are being taken.

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Bachoo:** I have just mentioned that we have plenty of rain in that region and when there is heavy rainfall, we have got wet areas in many parts. We have to wait for that area to dry up to do the work. In addition to this, I have mentioned that we have got a group of Engineers. I have already put them there full-time and on top of it we have got the experts from France, including the BCEOM.

**Mr Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** As we are talking of a mega highway, can the hon. Vice Prime Minister inform the House, the country and the nation, the public following what has happened in March where 21 of our poor citizens lost their life through negligence; what additional measures are being taken with regard to the commissioning of this road to avoid future case of catastrophe, just to add up on the list which is on the head of the hon. Vice-Prime Minister?

**Mr Bachoo:** Mr Speaker, Sir, I take strong exception to the statement made by the hon. Member. This is not a joke! Secondly, they want me to rush, but I cannot rush.

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Bachoo:** We have to take precautionary measures.

*(Interruptions)*

I won't answer because they don't want to listen!

**Mr Speaker:** Exactly! There should be no interruption. You put a question; you have to allow time...

*(Interruptions)*

Hon. Bhagwan, I am saying either you want your question to be answered or not! Yes, proceed!

**Mr Bachoo:** Mr Speaker, Sir, because these are all very serious issues. I have just mentioned...

**Mr Speaker:** Silence! Silence! Hon. Bhagwan!

Yes, proceed!

**Mr Bachoo:** Because between 2000 and 2005 nothing was done as far as drains were concerned.

*(Interruptions)*

Though I was there, money was not voted. Not a single cent was made available!

*(Interruptions)*

**Mr Speaker:** I say silence! Look! I have said if you want the hon. Vice-Prime Minister to answer, please keep quiet!

**Mr Bachoo:** Mr Speaker, Sir, I have just mentioned...

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan!

**Mr Bachoo:** *Li pé nek cozé, cozé!* Mr Speaker, Sir, I have just mentioned that we have to take extra care and that is the reason why to make assurance doubly sure, we are taking all precautionary measures. The road will be ready in a few months but, at the same time, we have to address the issue of landslide. This is a very, very serious issue. We, at the Ministry as well as the RDA, have mobilised properly to see to it that no harm will occur to anybody as this is a real mega project. This is a highway from one end to the other.

**Mr Speaker:** Hon. Dr. Sorefan! This is his question, he should be given time...

**Dr. Sorefan:** Thank you, Mr Speaker, Sir. Can the hon. Vice-Prime Minister confirm that many problems that we are facing are inherent to the initial design of this – like the hon. Vice-Prime Minister said – mega project done by RDA which is incapable to undertake such a mega project?

**Mr Bachoo:** Mr Speaker, Sir, it is not RDA. RDA has commissioned the work. We have got Consultants. I have just mentioned that there are certain things which are within 30-40 feet below. Nobody will be in a position to know. As we proceed, it is only then that we come to know. I again mention, we are not geotechnical experts. RDA has taken over the work but, in fact, the work is being done by the specialised firms. I, again, would like to assure the House that we want to see to it that nothing should be left just like that. Everything should be done properly.

**Mr Speaker:** Yes, Dr. Sorefan!

**Dr. Sorefan:** Mr Speaker, Sir, the hon. Vice-Prime Minister said that the completion of the extension time is 17 July 2013, but this is coming within a few months. May I know from the hon. Vice-Prime Minister if this company does not hand over by July - which they are saying publicly that they won't be able to - what will he do?

**Mr Bachoo:** Mr Speaker, Sir, it all depends. As I have just said, I am not controlling the project. We have got Consultants in that project. A few months back, in this very House, the hon. Member was saying that they are claiming Rs704 m. I still remember all those things which were being spread, the rumours which were being spread but, today, it is neat and clear that we, as a Government, want to go ahead with the project properly despite all types of rumours which have been spread against us.

*(Interruptions)*

**Mr Speaker:** Hon. Jugnauth!

**Mr Jugnauth:** I have just heard the hon. Vice-Prime Minister replying that with regard to the variation cost that has been paid; it amounts to Rs58 m. How does the hon. Vice-Prime Minister explain that replying to a PQ No. B/208 of 05 June 2012, he said the following –

“With regard to the variation costs that have been requested by the company, the consultant and the engineers of his Ministry have recommended only Rs3 m.”?

**Mr Bachoo:** I have mentioned at that initial stage, but I have just mentioned that there are additional works which were being done, for example, underpass, we had to provide four additional ones as well as lighting facilities. And then as Khoyratty to Terre Rouge was a single lane, we had to dual the lane as we know the difficulties that people are going to encounter in the months or years to come. These are the additional works done. The Opposition Members themselves, in fact, have made the calculation that the contractor is asking Rs704 m. I had mentioned that they were claiming about Rs490 m. but, in fact, there were negotiations which were undertaken with them and we have already arrived at a conclusion that the sum will not exceed an agreed amount.

**Mr Speaker:** This question has been sufficiently aired and debated. So, this is a proper time to break.

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

*On resuming at 2.35 p.m. with Mr Speaker in the Chair.*

**Mr Speaker:** Next question, hon. Mrs Radegonde-Haines!

### **VILLAGE DES BOUGAINVILLIERS PROJECT –**

#### **LE PONT DE TAMARINIER**

**(No. B/382) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the project proposal entitled *Village des Bougainvilliers* submitted by *Le Pont de Tamarinier* to house the 38 households who were occupying a plot of land at Camp Carré-D’As, at La Preneuse, he will, for the benefit of the House, obtain information as to if same has now been approved, and if so, when and, if not, why not.

**Mr Dayal:** Mr Speaker Sir, with your permission, I will seek the indulgence of the House because this same question has been put previously and I would wish to refer the hon. Member to the reply made to PQ No. B/475 of 12 July 2012.

In my rather elaborate reply to the House, I did explain the scope of the project and the constraints of the National Empowerment Foundation (NEF) to consider the project as proposed by the

NGO concerned. Indeed, I mentioned six constraints as to why the project could not be implemented in its initial form.

Mr Speaker Sir, it is not my intention to go back to the details of the reply but, however, I want to stress one fundamental point that concerns the mandate of my Ministry, that is, Social Housing.

As part of the Poverty Alleviation Programme, the National Empowerment Foundation, which is the executive arm of my Ministry, is undertaking the construction of three types of housing units for vulnerable families whose monthly household income does not exceed Rs6,200, excluding social aids, namely -

- (i) CIS (Corrugated iron sheets);
- (ii) CCIS (Concrete corrugated iron sheets), and
- (iii) Integrated Housing Scheme.

Mr Speaker, Sir, unfortunately, there seems to be a misunderstanding between the mandates of my Ministry and that of the Ministry of Housing and Lands. My Ministry only provides a start-up. The beneficiary has the possibility of extending the housing unit subsequently, depending on his means.

Mr Speaker, Sir, the project submitted by *Le Pont de Tamarinier* for the proposed relocation of 38 families who have been occupying land at Camp Carré D'As, at La Preneuse, and belonging to Mont Calme Ltd represented by De Ravel falls clearly outside the ambit of the NEF and CSR guidelines for the reasons I enumerated in my reply for PQ No. B/475 to this House.

Furthermore, the project proposed does not make any distinction between the beneficiaries of NEF proper and those who are above the approved income threshold of Rs6,200. It is to be noted that the project proposal submitted by *Le Pont du Tamarinier* refers to the construction of 38 apartments, whereas the NEF undertakes the construction of individual and stand alone housing unit, that is, start-up.

My Ministry is not insensitive to providing a decent accommodation to those vulnerable families.

This is why, Mr Speaker, Sir, with a view to assisting the NGO concerned, a meeting was organised at the seat of NEF in November last year, and a proposal was made for the parceling of the land identified for the project into two distinct lots -

- (i) To be reserved exclusively for the beneficiaries of NEF, that is, those families earning less than Rs6,200 monthly.
- (ii) A second plot for those earning an income exceeding Rs6,200.

I am informed by NEF that there has been no response as of now from the NGO concerned nor the owner of the land. Therefore, the matter is still pending.

**Mrs Radegonde-Haines:** Mr Speaker, Sir, we heard the hon. Minister saying that only some families of Carré-D'As out of the 38 families are eligible under his Ministry. Doesn't the hon. Minister consider that he should have referred the other 21 cases, not falling under the ambit of his Ministry to his colleague from the Ministry of Housing and Lands so as to support the inclusion of these 38 families of Carré-D'As, at La Preneuse?

**Mr Dayal:** Mr Speaker, Sir, of course, my Ministry is ready to act as a facilitator. Let me inform the House that a meeting was conducted by the Ministry of Finance, Foundations and companies having a CSR Fund to work to the effect that regulations have been worked out and it has been gazetted on 18 May this year.

**Mrs Radegonde-Haines:** Mr Speaker, Sir, please allow me to insist. This project has long been awaited to be approved. Shouldn't the hon. Minister agree that *Le Pont de Tamarinier* has a track record in working towards the inclusion of the poorest in Rivière Noire? As the Minister of Social Integration, he will encourage the participation of this NGO to develop their projects in line with Government scheme under the Housing Development Trust to obtain approval and accreditation thereof.

**Mr Dayal:** Mr Speaker, Sir, I am informed that on Wednesday last the Chairman of the National Empowerment Foundation personally spoke to Mrs Grivil of the NGO to enquire about the status of the project since he did not have any response from the NGO after the meeting of November 2012. He was informed by Mrs Grivil that nothing has happened since then and they are expecting some feedback from the Ministry of Finance.

As I mentioned, there have been consultations by the Ministry of Finance, the Foundations and companies having a CSR Fund. According to the regulations that have been gazetted on 18 May, the families earning above Rs6,200 can be taken care of by the National Housing Development Corporation (NHDC).

**Mr Speaker:** Yes, hon. Leader of the Opposition!

**Mr Ganoo:** Do I understand the hon. Minister to have said that, as a result of the meeting which took place in November last year, there was a proposal for the parceling of the land and, therefore, the project could have started for those who earn less than Rs6,200, that is, for these 21 families who qualify under the NEF Programme?

**Mr Dayal:** The reply is in the positive, Mr Speaker, Sir.

**Mr Ganoo:** I did not get your reply.

**Mr Dayal:** Yes, the reply is in the positive.

**Mr Ganoo:** So, why did not the NEF therefore start to initiate the programme for these families, pending finding another solution for the other families who do not qualify?

**Mr Dayal:** Mr speaker, Sir, at the meeting that took place at the seat of the NEF, it was proposed to the NGO that the plot of land be parceled into two distinct parts and once the part which the NEF requires be granted in due form, that is, the title deeds and everything finalised, we would definitely start the construction.

**Mr Ganoo:** Is it possible for the land, which is available, to cater for the whole of the 38 families?

**Mr Dayal:** It does not appear so.

**Mr Ganoo:** Can we also know what is the problem with the NEF and why does it make a difference between apartments and houses, villas or by whatever name you would call them, be it individual houses? Where is the problem? If the land which is available can cater for the 38 families on an apartment basis, where is the wrong?

**Mr Dayal:** This is as per the CSR guidelines and the philosophy of the Ministry of Social Integration is to empower the beneficiaries and not to perpetuate what we call *assistanat*. We provide a start-up project, whereby the beneficiaries will have to extend on that. We just give a start-up. Here we should not make the confusion between the Ministry of Housing and Lands and the Ministry of Social Integration.

**Mr Ganoo:** Each project has to be looked at according to its own merit. Although I understand the point of the hon. Minister, where is the wrong of building 38 unfinished apartments and leaving the apartment to be finished by the families? The finishing can be done by the 38 families!!

**Mr Dayal:** Mr Speaker, Sir, as I said, it does not fall within the ambit of my Ministry and the CSR guidelines.

**Mr Ganoo:** Change the guidelines then!

#### MITD – MR N. C. – APPOINTMENT

(No. B/383) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Education and Human Resources whether, in regard to Mr N. C., he will, for the benefit of the House, obtain from the Mauritius Institute of Training and Development, information as to –

- (a) his date of appointment thereat;
- (b) post held;

- (c) qualifications possessed at the time of recruitment, and
- (d) if he is presently under interdiction, and if so, indicate if his re-integration is being envisaged.

**Dr. Bunwaree:** Mr Speaker, Sir, with regard to parts (a) and (b) of the question, I am informed by the MITD that the services of Mr N.C. were enlisted as Supply Instructor B (Physical Education) at the MITD on 16 July 2010 on a month to month basis for an initial period of three months, which was subsequently extended on the same terms and conditions. He was offered employment on a month to month basis as Instructor (Physical Education) again from 09 May 2012 to December 2012, but he resigned on 20 November 2012.

As regards part (c) of the question, I am informed that Mr N.C. held the following qualifications at the time of recruitment -

- (i) Cambridge School Certificate;
- (ii) Cambridge GCE 'O' Level - 5 subjects, and
- (iii) Cambridge GCE 'A' Level – 2 subjects.

He also possesses a Certificate from the Mauritius Police Force for having completed the Basic Police Duties Course in 2002 and a Certificate for having passed an examination in Essentials of First Aid from the St. John Ambulance Mauritius.

Mr Speaker, Sir, with regard to part (d) of the question, Mr N.C. resigned on the 20 November 2012 and is therefore no longer an employee of the MITD as from that date.

**Mr Jhugroo:** Can the hon. Minister inform the House whether the vacant post occupied by Mr N.C. had been advertised, if not, why not and, if so, when and how was the selection done for his recruitment?

**Mr Speaker:** This is a problem; you put too many questions at the same time.

**Dr. Bunwaree:** There has been no post advertised because the MITD is in the process of going forward with a whole scheme of service reviewed and the unions have already agreed on the conditions of various posts. The first thing we are going to do is to advertise for the post of Director and once this is done all the other vacant posts will be advertised. In the meantime, there are internal arrangements which are made for all posts that are vacant to be taken up by qualified people to do the job in the various centres.

**Mr Jhugroo:** Can the hon. Minister inform the House whether Mr N.C. had the required qualification for the post which he occupied at the MITD when he was recruited?

**Dr. Bunwaree:** I am told yes by the MITD. I have put the question many times because I know the question has been put and, in fact, the answer is yes.

**Mr Speaker:** Hon. Dr. S. Boolell!

**Dr. S. Boolell:** Mr Speaker, Sir, I would like to ask the hon. Minister what subjects he was actually teaching at the MITD and whether he was qualified for these subjects because what I hear the from Minister is that he has only 5 'O' Level and 2 'A' Level.

**Dr. Bunwaree:** Yes. These are the minimum requirements that are asked. He had that and he was teaching physical education. I think he was enlisted for the NTC Foundation Course only, which is a basic course meant for pupils being prepared for vocational courses.

**Mr Speaker:** Hon. Dr. S. Boolell!

**Dr. S. Boolell:** Was there any other subject than PE being taught by this gentleman?

**Dr. Bunwaree:** No, Sir.

**Mr Jhugroo:** Would the hon. Minister inform the House whether Mr N.C. had followed any course on physical education at the MIE, and, if so, can he confirm whether he had the minimum required qualification to be admitted in that course?

**Dr. Bunwaree:** I need notice of this question because it is a question for the MIE to reply not for the MITD, but offhand I cannot reply to that.

**Mrs Ribot:** Mr Speaker, Sir, I would like the hon. Minister to confirm whether Mr N.C. was teaching PE together with life skills or not?

**Dr. Bunwaree:** Life skills are taken up in many other subjects so when you teach PE, there could be life skills. This is for all other teachers as well.

**Mr Jugnauth:** Can the hon. Minister state upon whose recommendation did he ensure that Mr N.C. gets a basic salary of Rs18,400 although he ought to have started like so many others with a basic salary of Rs13,000?

**Dr. Bunwaree:** This question is a difficult question I must say because it is a post on contract and, in some cases, even for the psychologist it was the same thing. A terrible case of industrial relations has been created there because the salary of one person, taken on contract, is higher than the salary of the others, but I am told that what has been done is acceptable and according to the procedures.

**Mr Speaker:** I'll allow only two more questions.

**Mrs Ribot:** Mr Speaker, Sir, I would like the hon. Minister to tell us whether the recruitment requirements at the MITD are different from all other secondary schools where any teacher to teach any subject must have 'A' level together with the Teacher's Diploma?

**Dr. Bunwaree:** I don't think they are the same. There are cases where the requirements are not the same. In fact, for physical instruction, the post for which Mr N.C. was enlisted, if I go according to what the criteria are for Government Supply Teachers - because he was enlisted as Supply Teacher in the first instance - I see the conditions are still more flexible because here for Government Service they ask for two subjects at Higher School Certificate or Advanced Level and they say the candidates should have, on top of that, a good physique; produce a written evidence from a recognised organisation regarding experience either as an athlete or an official in sports competition or an *animateur* coach. That is all. They do not ask for any other diploma - I am quoting from the official communiqué for employment for Supply Teachers Health and Physical Education in Government primary schools. These are children who end up with CPE and who go to Pre-Voc, as we know. I believe for the MITD, it was still better than this one.

**Mr Speaker:** Hon. Jugnauth!

**Mr Jugnauth:** The hon. Minister has just said that the post was not advertised so therefore may I know who has recommended Mr N.C. for that particular post?

**Dr. Bunwaree:** I don't know who has recommended, but I can say that the post was not advertised and it is not the first time. It is often like this at the MITD. In fact, I said that we have to look into this and this has ongoing for years, 10 years, 12 years. I am not happy with the way they enlist people, but it has been like that. In fact, I've tried to stop it, but it is continuing because they are in the process of transitional period whereby this will have to change at any time.

**Mr Jhugroo:** Is the hon. Minister aware that there is a Dancing Clip of Mr N. C. with students of the MITD? Would the hon. Minister consider introducing these in the curriculum of activities of all the students throughout the island?

**Mr Speaker:** No!

**Mr Jhugroo:** If not, why not, because we have seen one...

**Mr Speaker:** No! This question is not allowed!

**Mr Jhugroo:**... music teacher?

*(Interruptions)*

**Mr Speaker:** Silence!

*(Interruptions)*

No! Wait a minute!

*(Interruptions)*

Wait! Silence! Look, according to Standing Orders, you have no right to challenge.

*(Interruptions)*

Please, withdraw!

*(Interruptions)*

Silence! I am speaking to hon. Jhugroo. You withdraw!

**Mr Jhugroo:** Would the hon. Minister withdraw what he said first?

**Mr Speaker:** You can raise a point of order.

**Mr Jhugroo:** Yes, on a point of order! Would the hon. Minister...

**Mr Speaker:** You withdraw the word 'challenge'! You withdraw it!

**Mr Jhugroo:** First the Minister withdraws, then I withdraw.

**Mr Speaker:** Look, I am speaking to you! You withdraw your word and I will talk to the hon. Minister.

**Mr Jhugroo:** Okay, I withdraw.

**Mr Speaker:** Now, what is your point of order?

**Mr Jhugroo:** My point of order is what he said about me, tell him to withdraw.

*(Interruptions)*

**Mr Speaker:** Silence! I am the Speaker! What is the problem now? I have not...

*(Interruptions)*

**Mr Jhugroo:** He imputed motives to my character. Mr Speaker, you should tell him to withdraw.

*(Interruptions)*

**Mr Speaker:** You withdraw the words!

**Dr. Bunwaree:** What did I say?

**Mr Speaker:** I do not know.

**Mr Jhugroo:** He said: 'li paret, pou moi aussi li conné.' Abe, montrer si to enn bon zom!

*(Interruptions)*

**Dr. Bunwaree:** I do not know what the hon. Member is saying.

*(Interruptions)*

**Mr Speaker:** Silence!

**Dr. Bunwaree:** But to make him happy, I will do as if I said nothing. I withdraw.

*(Interruptions)*

**Mr Speaker:** All right! Now, let us proceed to the next question. Hon. Quirin!

**Mr Quirin:** PQ No. B/384, please!

**Mr Speaker:** Yes.

*(Interruptions)*

Hon. Aimée, who has authorised you to speak?

*(Interruptions)*

I am putting a question to you: who has authorised you to speak? You stand up and apologise!

**Mr Aimée:** I apologise, Mr Speaker, Sir.

#### **BEAU BASSIN - ORANGE MOBILE NETWORK - COVERAGE**

**(No. B/384) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Information and Communication Technology whether, in regard to the Orange Mobile Network, he will, for the benefit of the House, obtain from the Information and Communication Technology Authority, information as to if the coverage thereof in Beau Bassin, mainly in Chebel, Maingard, Barkly and Mont Roches, is defective and, if so, indicate if remedial actions will be taken in relation thereto and, if so, when.

**Mr Pillay Chedumbrum:** Mr Speaker, Sir, I am informed by the ICT Authority that representations have been made by the mobile operators, namely Cellplus, MTML and Emtel to the effect that interference problems were being encountered in some regions of Beau Bassin.

The ICT Authority conducted a spectrum surveillance exercise in the frequency band 880 – 915 MHz (GSM Uplink) between 22 May 2013 at 11.00 a.m. and 23 May 2013 at 10.00 a.m. at an Orange site

situated in Beau Bassin which has revealed the presence of a broadband interfering signal from the Central Prison. A similar exercise was repeated on an Emtel site and a MTML site in the same region and the conclusion was the same, i.e. the interference was emanating from the Prison. The three operators have been informed of the results of the test. The Prisons authorities will have to take remedial action now.

As regards the other localities in Beau Bassin, I am informed that there is generally a problem of coverage due to the limited number of stations. There is a need to have more stations to ensure a better coverage and a higher quality of service. The three operators are more than willing to invest in the deployment of additional stations in the course of this year, subject to obtaining the required permits which, *inter alia*, comprise the Building and Land Use Permits from the relevant authorities. I am informed that numerous applications filed with the local authorities are still pending.

**Mr Quirin:** M. le président, je dois aussi attirer l'attention de l'honorable ministre que ce problème de perturbation au niveau du réseau Mobile Orange ne concerne pas uniquement le Centre de Beau Bassin, mais, comme je l'ai mentionné dans ma question, le problème est beaucoup plus aigu effectivement dans les régions telles que Mont Roches, Barkly, Mare Gravier et aussi Maingard où j'habite. Est-ce que nous pouvons avoir l'assurance, l'engagement du ministre sur le fait qu'il veillera personnellement à ce que ce problème soit résolu dans les plus brefs délais ?

**Mr Pillay Chedumbrum:** *M. le président, je suis tout à fait d'accord avec l'honorable membre qu'il faut faire quelque chose en ce sens.* But there is one thing which you have to take into account; we cannot blow hot and cold at the same time. At the same time, when people want to have better frequency, better service, we have to install those antennas in dark spots. Mr Speaker, Sir, the most unfortunate thing about it is that when people see those antennas, they believe that this is a serious threat to their health. In fact, Mr Speaker, Sir, I have gone through the record of WHO. According to the latest fact sheet issued by WHO, the balance of evidence, today, worldwide on the subject of telecommunication antenna, does not suggest in conclusive terms that emission from the base station connected to an antenna pose a health risk. Furthermore, there has been no established case of health hazard related incidents reported worldwide, so far, arising directly from the transmission of electromagnetic radiation coming from an antenna. Therefore, Mr Speaker, Sir, if the local authorities grant the permits which have been applied for by those operators, there will be no problem about it. We can look into it and we will have better service insofar as connectivity is concerned.

**Mr Uteem:** Mr Speaker, Sir, in France, as the hon. Minister knows these towers are prohibited in residential areas. May I know from the hon. Minister, being given all the objections to erecting the antennas in residential areas, whether his Ministry is identifying sites/location where all three operators will put their antennas so that there is no multiplicity of station all over residential areas?

**Mr Pillay Chedumbrum:** I have to inform the hon. Member that only for the regions which have been mentioned in the question put for today...

**Mr Speaker:** Address the Chair!

**Mr Pillay Chedumbrum:** ...we need more than 30 stations so as to be able to give a very good service to those people. Mr Speaker, Sir, as I mentioned, the frequency which is used usually on those antennas range between 880 to 915 MHz. When you look at your mobile, the frequency used is 800 MHz. Therefore, as you can see, your mobile is more dangerous than the antenna. Now, when we want to move toward 4G, you need around 1,800 MHz and when we talk about LTE, best formula again, it is around 2,600 MHz. So, from these, we can deduct that those antennas are not a serious threat to the health of our citizens, because WHO itself said it. What is most important, Mr Speaker, Sir, I would like to inform the hon. Member that ITU even made a representation that the power which is allowed for transmission, the maximum permissible safe limit is 250 MHz. What ITU recommends is that power that is allowed for transmission is 10 times lower than the permissible safe limits. Therefore, as you can see, 10 times lower. There is no problem insofar as health is concerned if we are going to install these antennas.

If I can make a statement at this stage, Mr Speaker, Sir, is that if the local authorities grant the permission to install those antennas, there will be no problem. In fact, it is the antenna itself that can cause problem; because of cyclone it can come to ground and this can cause problem. But insofar as the technology is concerned, Mr Speaker, Sir, it is ten times lower than what is allowed.

**Mr Bhagwan:** I take it from what the hon. Minister has just stated about asking the local authorities, I think it is the duty also of the Mauritius Telecom. The Minister is explaining here in the House - the Minister or the Mauritius Telecom – that they spend millions in other activities, at least, they can do some PR activities with the consumers and the people and explain to them about the problem of antennas. One of the problems arising in that area...

*(Interruptions)*

**Mr Speaker:** Hon. Member, you see, I have allowed you and I have been lenient to you, you are making a speech!

*(Interruptions)*

You are making a speech. Put the same words in the form of a question!

**Mr Pillay Chedumbrum:** Mr Speaker, Sir, can I answer the question?

**Mr Bhagwan:** One second, the hon. Minister may reply both together. One of the problems in these areas, Sir, is there is an apparatus, from what I have heard, which has been installed for security

reasons in the Mauritius Prisons in Beau Bassin. Can the hon. Minister, at least, inform the House whether he intends to discuss with the Secretary for Home Affairs, at the Prime Minister's Office to see to it whatever modern equipment can be put in the prisons so as to alleviate the people of the region of Mont Roches, Barkly and others, to use the phones in cases of emergency?

*(Interruptions)*

**Mr Speaker:** Yes, that is a question!

**Mr Pillay Chedumbrum:** Mr Speaker, Sir, insofar as the first part of the question is concerned, in fact, what we did is that we organised...

*(Interruptions)*

**Mr Speaker:** Please, answer the question and not the statement made by the hon. Member.

**Mr Pillay Chedumbrum:** No, I am answering the question, Mr Speaker, Sir.

*(Interruptions)*

**Mr Speaker:** Yes.

**Mr Pillay Chedumbrum:** In fact, the hon. Member wants to know whether we have informed the public accordingly, insofar as those dangers are concerned. We organised a workshop wherein we invited a consultant from abroad to come to explain to all parties present there, that is, the stakeholders, *la société civile* and the press about whether those antennas are a threat to our health. This, we have already done and we will continue to do such type of exercises.

Insofar as prison is concerned, Mr Speaker, Sir, on the last occasion the hon. Member made a statement concerning those problems that we are having in those regions. I have contacted Mauritius Telecom to inform them about the situation. Now, Mr Speaker, Sir, for the prison, when we have already made the enquiry by the ICTA, the regulator, the prison authorities have to be made aware of the situation. We have already informed the operators about the problems emanating from prison, as the hon. Member has just mentioned. The operator will have to notify the prison authorities accordingly. The operator is going to take the matter up with prison. The hon. Member can rest assured that I am going to follow it closely.

*(Interruptions)*

**Mr Speaker:** Good. I think you have a question, hon. Jugnauth?

**Mr Jugnauth:** May I know whether the service providers are required to apply for an EIA licence with regard to the antennas, wherever they are going to install those antennas?

**Mr Pillay Chedumbrum:** Mr Speaker, Sir, insofar as those antennas are concerned, I am informed that, in fact, it is the ICT Authority that emits a Type Approval Certificate and this, after concluding that the technology which is used is in conformity with what is asked for by WHO and the ITU.

*(Interruptions)*

**Mr Speaker:** Yes, last question!

**Mrs Radegonde-Haines:** Mr Speaker, Sir, given that Orange network has a huge problem of coverage in the specific regions mentioned and in other localities, can the hon. Minister tell us as to whether Orange has a cancellation policy for problems with poor coverage, if not, why not, and if so, how this information is being made accessible to customers?

**Mr Pillay Chedumbrum:** Mr Speaker, Sir, maybe if the hon. Member comes with a substantive question, I can look into it. But this question is limited only to those regions which have been asked for.

*(Interruptions)*

**Mr Speaker:** Yes. Next question, hon. Quirin!

**ASSOCIATION MAURICIENNE DE BOXE AMATEUR – NATIONAL TECHNICAL  
DIRECTOR – CONTRACT**

**(No. B/385) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to Mr J. C. N., he will state if the renewal of the contract thereof as *Directeur Technique National* of the *Association Mauricienne de Boxe Amateur* is being envisaged.

**Mr Ritoo:** Mr Speaker Sir, in principle, National Technical Directors for different sports are employed by my Ministry on request and upon recommendations of the respective Sports Federations.

Mr J.C.N. was employed as National Technical Director in boxing in September 2008 and his contract has been renewed successively on an annual basis. His present term of contract will expire on 31 May 2013.

In a letter dated 01 May 2013, the Federation has informed my Ministry that following decision taken at its Management Meeting held on 12 April 2013, the Federation was not agreeable to the renewal of the contract of Mr J.C.N.

Mr Speaker, Sir, in view of the stand of the Federation which I have just explained and in view of the wide experience and track record of Mr J.C.N., I am proposing to enlist his services as Adviser Coach

to assist in the implementation of the “Sports for Life Programme”, a new project which will be launched by my Ministry soon.

**Mr Quirin:** M. le président, j’aimerais que le ministre nous dise si lui aussi, personnellement ou au niveau de son ministère, il partage l’avis de la Fédération de Boxe de ne pas renouveler le contrat de Monsieur J.C.N. en tant que DTN?

**Mr Ritoo:** Well, given the very good track record of Mr J.C.N. and his wide experience in boxing, as I stated, we are proceeding to take him as Advisor Coach in my Ministry. Obviously, I was not happy when I heard that the Federation is going to stop his services.

**Mr Quirin:** M. le président, peut-on connaître les raisons avancées par la Fédération de Boxe pour ne pas renouveler le contrat du DTN?

**Mr Ritoo:** Well, in a letter sent by the Federation, they stated that they were not renewing the contract of Mr J. C. N. for the reasons that during the four years nothing has been done for training of coaches, no project for boxing in colleges, regional and boxing clubs, no site visits in *école de boxe* and regions during the last five years.

**Mr Quirin:** M. le président, j’aimerais rappeler à la Chambre et au ministre en particulier que dans un passé récent, dans un cas similaire concernant la natation, il avait tranché en faveur du renouvellement du contrat du DTN en question. J’aimerais qu’il nous dise cette fois-ci, dans le cas de la Fédération de Boxe, dans le cas du DTN J. C. N., pourquoi il n’a pas pris la décision comme ce fut le cas au niveau de la natation?

**Mr Ritoo:** Mr Speaker, Sir, boxing and swimming are very different. Boxing is a sport where we have got results and the only sport where we got our unique medal at the Olympic Games in Beijing in 2008. It is different. Anyway, I am insisting with the Federation that they should continue with Mr J. C. N. But, if the Federation does not intend to take him then it is different.

**Mr Quirin:** Une dernière question, s’il vous plaît?

*(Interruptions)*

**Mr Speaker:** Yes, allowed!

**Mr Quirin:** M. le président, est-ce que le ministre est au courant que le même problème se pose aussi au niveau du judo?

**Mr Ritoo:** Well, again the supposed autonomous federations deal themselves with their coaches. If they ask for National Technical Directors and make a request at the level of my Ministry, we assist

them. But, if they feel that they do not need any National Technical Director to coach their sports, we cannot do anything.

*(Interruptions)*

**Mr Speaker:** Next question, hon. Ramano!

**MTPA - TRADE AND SERVICE CONTRACT AGREEMENT –  
COMPLIMENTARY TICKETS**

**(No. B/386) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Tourism and Leisure whether, in regard to the Trade and Service Contract Agreement with Air Mauritius Ltd., Emirates Airlines and Corsair Airline, he will, for the benefit of the House, obtain information as to the number of complimentary tickets obtained in relation thereto, indicating the -

- (a) purposes for which these tickets have been used, since August 2011 to date, and
- (b) who have been the beneficiaries thereof.

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, I am informed by the MTPA that, under the Trade and Service Contract Agreements with Air Mauritius Ltd., Emirates Airline and Corsair Airline, complimentary air tickets are offered in the context of promotional campaigns to overseas Consultants, celebrities, journalists, tour operators and staff of the MTPA proceeding on official missions abroad.

As regards part (b) of the question, I am tabling the list of beneficiaries.

**Mr Ramano:** M. le président, est-ce que le ministre peut nous dire si c'est lui qui a le dernier mot quant aux bénéficiaires des *complimentary tickets*?

**Mr Yeung Sik Yuen:** Not at all, Mr Speaker, Sir. They go through the Board of the MTPA.

**Mr Bhagwan:** Can I know from the hon. Minister on what basis the negotiations with the air companies are being carried out to have such and such quantity of tickets and whether along with the MTPA the Ministry also takes part in these discussions?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, in fact, since two years ago, we have started negotiations with several airlines and three of them are -

- Air Mauritius;
- Corsair, and
- Emirates Airlines.

So, every year we sign the MoU for the year.

**Mr Bhagwan:** May I know from the hon. Minister whether the MTPA sends a regular report to the Ministry of Tourism as far as these tickets are issued and to whom? Is there any check at the level of the Ministry to see whether those tickets are being given in line to what has been discussed?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, in fact, my Permanent Secretary sits on the Board of the MTPA and normally she does report to me after each Board.

**Mr Bhagwan:** Is the hon. Minister aware or has he gone through the list that there is an abuse which had been made by the MTPA over the years concerning the issue of tickets and whether he intends to appoint an independent person or commission the Director of Audit to look into this aspect about those who are benefiting from these tickets? Are they people from the Tourism Industry or political agents who have been given these tickets for reasons which we all know? Is the hon. Minister agreeable to request the Director of Audit to carry out an independent survey?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, I do not think that it is appropriate to go in this direction. Normally, the audit goes through the report and, so far, there are no dark points on the MTPA.

**Mr Bhagwan:** Mr Speaker, Sir, I am not talking about the financial audit. We all know how the audit is being carried out. I am asking the hon. Minister whether the Ministry has nothing to hide in terms of transparency. Will he request the Director of Audit who is the official auditor of Government, who is well respected, to carry out a survey on this issue of air tickets? From my information, all the tickets which have been given are not in line with the negotiations and the agreements which have been signed between the MTPA and all the other companies where political agents have been given tickets. If the hon. Minister has nothing to hide to Government, will he request the Director of Audit to carry out a survey in that direction?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, I can reassure the hon. Member that I do not have anything to hide, I will look into it. If need be, I will go ahead with it.

**Mr Jhugroo:** Can the hon. Minister inform the House what criteria have been used for the selection of those who have got these complimentary tickets?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, in fact, we do organise a lot of press trip or farm trip and they go through the Board of the MTPA and, of course, they approve it and then we go ahead with the project.

**Mr Uteem:** May I know from the hon. Minister whether in addition to the complimentary tickets, these airlines also offer rebates, discounted tickets, and if so, is he prepared to lay on the Table of the Assembly, a list of all beneficiaries of these rebated tickets?

**Mr Yeung Sik Yuen:** Yes, Mr Speaker, Sir.

**Mr Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** Can I ask the hon. Minister, in terms of transparency, whether he can reassure us that, as Minister, he has never recommended anybody, who is not from the tourism sector, to benefit from such type of facilities given to the MTPA as far as tickets are concerned?

**Mr Yeung Sik Yuen:** No, Mr Speaker, Sir.

#### **MTPA - CULTURAL GROUPS - SPONSORSHIPS**

**(No. B/387) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Tourism and Leisure whether, in regard to the Mauritius Tourism Promotion Authority, he will, for the benefit of the House, obtain therefrom, a list of sponsorships obtained for cultural groups to perform overseas, indicating the -

(a) quantum thereof in each case, and

(b) policy of his Ministry in relation thereto.

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, I am informed by the MTPA that since 2011 to date, part sponsorships have been provided for air tickets to cultural groups to perform overseas. I am tabling the list.

As regards part (b) of the question, I am informed that the MTPA provides such facilities to Mauritian artists to perform overseas, in the context of specific events likely to increase the visibility of our destination.

**Mr Ramano:** M. le président, est-ce que je peux savoir du ministre, s'il est au courant que des troupes ont eu des *sponsorships* de la MTPA pour promouvoir la destination mauricienne, alors qu'en réalité ces mêmes troupes organisent des concerts payants en Australie et en Nouvelle Zélande?

**Mr Yeung Sik Yuen:** Well, I am not aware of this, Mr Speaker, Sir.

#### **NELSON MANDELA CENTRE FOR KREOL AND AFRICAN CENTRE –**

#### **DIRECTOR - POST**

**(No. B/388) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Arts and Culture whether, in regard to the Nelson Mandela Centre for Kreol and African Centre, he will state if the post of Director thereof is vacant, indicating if same will be filled and, if so, when.

**Mr Choonee:** Mr Speaker, Sir, the post of Director is indeed vacant. Steps are being taken to fill this vacancy in the coming months.

**Mrs Navarre-Marie:** Mr Speaker, Sir, will the hon. Minister confirm whether the post of Director of the Centre has been kept for one candidate of the last general election, who has not been elected?

**Mr Choonee:** No, Mr Speaker, Sir.

**Mr Speaker:** That is an allegation.

**Mr Baloomoody:** Can I ask the hon. Minister whether the post of Director will be advertised and what is the minimum qualification requirement for that post?

**Mr Choonee:** Mr Speaker, Sir, it is for the Board to decide on how to proceed with the vacant position and the qualification requirement is prior to PRB. Now that the PRB Report has been approved by Government, we are waiting for new development and the Board will take the decision.

**Mr Speaker:** Next question, hon. Mrs Dookun-Luchoomun!

#### **VOCATIONAL TRAINING INSTITUTE - OCCUPATIONAL SAFETY AND HEALTH DIPLOMA – ACCREDITATION**

**(No. B/389) 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 Education Commission, he will, for the benefit of the House, obtain therefrom, information as to if it has approved and recognised the diploma in Occupational Health and Safety offered by the Vocational Training Institute in collaboration with the National Safety Council of Australia and, if so, when.

**Dr. Jeetah:** Mr Speaker, Sir, I am informed by both the Tertiary Education Commission that -

- (i) by virtue of Section 4(f) of the Tertiary Education Commission Act, it is not required to approve programmes, but to accredit programmes offered by registered tertiary education institutions, and
- (ii) it has neither received an application from the Vocational Training Institute for the accreditation of the Diploma in Occupational Safety and Health of the National Safety Council of Australia nor accredited such a programme.

As regards recognition, the Tertiary Education Commission recognises qualifications which are already recognised by the competent authorities in the country of origin. After consultations with the

Australian Qualifications Authority, which recognises the Diploma in Occupational Health and Safety offered by the National Safety Council in July 2010, the Commission deemed the qualification from the National Safety Council of Australia to be recognised.

For the purpose of registration as Occupational Safety and Health Officer in accordance with the Occupational Safety and Health Act, the qualifications should be equivalent to that of the University of Mauritius.

The Tertiary Education Commission established that the qualifications from the National Safety Council of Australia was equivalent to the Diploma of the University of Technology, but was not equivalent to that of the University of Mauritius. The benchmark for equivalence is 80% of the core modules.

Mr Speaker Sir, this case has drawn our attention on the need to harmonise contents of courses leading to professional qualifications. The Tertiary Education Commission has already started a process in collaboration with 15 professional councils and has identified 27 programmes to be considered.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he is aware that the Vocational Training Institute has advertised for the post of Diploma in Occupational Health and Safety stating on the advertisement that the course has been approved and recognised by the Tertiary Education Commission and this has come on papers and on the website of the VTI?

**Dr. Jeetah:** Yes, Mr Speaker, Sir, we are well aware of this fact. I am also aware that the Tertiary Education Commission had taken appropriate action for the VTI to remove same.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister what action he intends to take *vis-à-vis* the students who joined the course, following this advertisement with the recognition of the Tertiary Education Commission as a criterion admission, what measures the hon. Minister intends to take *vis-à-vis* these students, taking into consideration that the Tertiary Education Commission has informed these students that their qualification is equivalent to the Diploma from the University of Technology and the Diploma of the University of Technology is considered to be equivalent to the Diploma from the University of Mauritius?

**Dr. Jeetah:** I think I did reply, Mr Speaker, Sir. I did say that there is a question of harmonisation that is required between our public institutions. We are going to take care of that, not only for this qualification but for the all 15 professional councils and 27 programmes that have been identified. But with respect to the specific point made by the hon. Member, I chaired a meeting with the University of Technology and the University of Mauritius and it now appears that the University of Mauritius is willing to accommodate the students. They will be given exemption for a number of modules, and I hope, in due

time, when they complete their diploma they will be able to work as professionals in Occupational Health and Safety, in accordance with the Occupational Health and Safety Act.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he is aware that the Chairperson for the Mauritius Qualification Authority is, in fact, the Director of VTI and that it is a case of direct conflict of interest to have someone who is dispensing the course to sit as Chairperson of the Mauritius Qualification Authority?

**Dr. Jeetah:** Two points, Mr Speaker, Sir. Firstly, I am aware that he used to be the Chairperson of the MQA. Secondly, I think that we have done the needful to ensure that the students actually do get their diploma in Occupational Health and Safety.

**Mrs Hanoomanjee:** It is not a question of needful has been done or not. The same person being the Manager of an institute and the same person being the Chairperson of the MQA, there is a direct conflict of interest. So, what does the hon. Minister propose to do?

**Dr. Jeetah:** Unfortunately, I can't satisfy the hon. Member. This institution is not under the purview of my Ministry.

**Mr Speaker:** A last question!

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he is aware that the students who had done this course received a letter from the Mauritius Qualification Authority, where it is stated that –

“The Authority has been informed by the Tertiary Education and Science Research and Technology Ministry that they will be able to take the course at the University of Mauritius”.

This again, after having completed their diploma and that this particular course will be funded by the VTI. Does he find this to be correct and proper?

**Dr. Jeetah:** I know that certain actions have been taken to make sure that VTI fund their studies. I can't help the hon. Member as I have nothing to do with this decision. I am only Minister of Tertiary Education. The hon. Member will have to ask this question to the substantive Minister.

**Mrs Dookun-Luchoomun:** Then, I have to ask the Minister of Tertiary Education, how come he has allowed the Tertiary Education Commission to allow a particular institution to advertise on papers and on its website that the course being dispensed is approved by the Tertiary Education Commission? I do agree that it is fine for the course to be given free of charge, but what about the three or two years of studies carried out by these students, and which has come to no avail at all. In vain!

**Dr. Jeetah:** I did mention, Mr Speaker, Sir, it is only when it came to the notice of the Tertiary Education Commission that action was initiated. There is no way that they could have prevented whatever or whoever is wanting or willing to do. As soon as it came to their attention, they took the necessary action to have the advertisement removed and the public was informed accordingly

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether any sanctions were taken against the institution, whether this institution still has a permit to operate?

**Dr. Jeetah:** I did mention, Mr Speaker, Sir, this institution has not made any application to my Ministry or to TEC...

*(Interruptions)*

Mr Speaker, Sir, I am taking the point of the hon. Member. I will definitely ask the Tertiary Education Commission to look into the matter further and to see what actions need to be taken.

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister to certainly look into the matter because this is not the first case? We've had the case of the Tertiary Education Commission approving the course delivered by the *Louis Pasteur Ecole de Médecine* and having the same problem at the end. At the end of the day, the students with their diploma had nowhere to go.

**Dr. Jeetah:** Well, there is a question related to the *Louis Pasteur Ecole de Médecine*. In fact, if the hon. Member wants to have all the details, I wish to inform her that it is in 2000 that her colleague from the other side of the House who accredited the course.

*(Interruptions)*

**Mr Jhugroo:** Can I ask the hon. Minister what has his Officers and himself done as a Minister responsible for Tertiary Education Commission in these cases?

**Dr. Jeetah:** I think I'll have to reply to the whole question again. I did chair a meeting at the level of my Ministry to find a solution for these students. We requested the public universities to see how they can assist the students and they have agreed to allow the students to have certain exemptions.

**Mr Soodhun:** Mr Speaker, Sir, I would like to know what has been done for the institution 'marron', and secondly, now that the hon. Minister has been made aware of the situation, is it not easy for him to take an action?

**Dr. Jeetah:** Mr Speaker, Sir, I did say that, apart from this professional body, we are now looking at the whole lot to make sure that no such case takes place again.

**FOYER NAMASTÉ - CHILDREN - COUNSELLING**

(No. B/390) **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 *Foyer Namasté*, she will state if three children who were attending thereto have not been granted permission to pursue their counselling at Open Mind and, if so, indicate the reasons therefor.

**Mrs Martin:** Mr Speaker, Sir, I am informed that *Foyer Namasté* made arrangements for three children to attend Open Mind Centre. When these three children were subsequently transferred to another shelter, my Ministry's priority was to facilitate their adjustment in their new environment and pending the overall evaluation of their situation, they were and are still being followed by a Psychologist of my Ministry.

As regards their attendance at Open Mind Centre, my Ministry was informed on 08 April 2013 that Open Mind Centre had some information as regards allegations of abuse on children who were residents of *Foyer Namasté* and on the following day, that is, on 09 April 2013, one Officer of my Ministry accompanied by a Police Officer called on the Director of Open Mind Centre who handed over a paper to them.

Mr Speaker, Sir, the contents of the document provide strong indications that professionals of the Open Mind Centre were in presence of crucial information since some time which they did not report to the Permanent Secretary of my Ministry, as provided for in Section 11 of the Child Protection Act. Consultations with a view to clarifying matters have accordingly been initiated and are still ongoing.

**Mrs Ribot:** Mr Speaker, Sir, Can the hon. Minister confirm that on 15 April 2013 Open Mind Centre sent an official request to the Permanent Secretary of her Ministry to inform that the psychological support of those children should not be discontinued and why, in spite of that, the therapeutic treatment has been discontinued?

**Mrs Martin:** Mr Speaker, Sir, I have already explained in my answer the reason why that was so.

**Mrs Dookun-Luchoomun:** The hon. Minister is stating that she thought that when the Open Mind Director had given her some information regarding what the students were saying, she decided that she would stop sending the students, on the basis that Open Mind did not inform the Permanent Secretary. But, I think, by the very fact that they informed through a letter the Ministry of Gender Equality and Child Protection that there are certain crucial information to be given, it goes in the direction that this is a margin of information which is being given to the Ministry for action, and secondly, it is quite clear that therapeutic sessions for children who have been traumatised by pedophiles should be allowed to be carried on for the benefit of the child. I find it very strange for the Minister for Child Protection to behave in such a manner!

**Mrs Martin:** Mr Speaker, Sir, if the hon. Member had listened carefully, I said in my answer that

...

*(Interruptions)*

But she has to listen, Mr Speaker, Sir! If she had listened carefully...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mrs Martin:** ...she would have known that the paper which was given to us by Open Mind referred to information which they knew for quite some time and did not reveal and they revealed it only when Officers of my Ministry paid a visit to Open Mind Center, which means we can assume that if the Officer of my Ministry, along with the Police Officer, had not paid a visit to ask questions at Open Mind Center these things could never have been revealed.

**Mrs Hanoomanjee:** Can the hon. Minister confirm whether the Ombudsperson for children has made a request to her Ministry to ask that these children should continue to have these therapeutic sessions at Open Mind and in spite of that she said they cannot?

**Mrs Martin:** Mr Speaker, Sir, I already explained in my answer the same thing; the procedure of the Ministry. We are working with regard to...

*(Interruptions)*

The question was put to me.

*(Interruptions)*

**Mr Speaker:** Don't interrupt the hon. Minister!

**Mrs Martin:** Mr Speaker, Sir, what I was saying was that we have called Open Mind recently to try and clarify the situation because we are not against sending children to Open Mind as such. This action should not be perceived as such. What we want to know, is to see in what way Open Mind is working and to explain to them that they should comply with Section 11 of the Child Protection Act and they should work in accordance with the parameters of confidentiality of our Ministry when dealing with children under Court Orders referred to by CDU, which for the moment they are not doing.

**Mrs Ribot:** Mr Speaker, Sir, I heard the hon. Minister saying that Open Mind was aware of the situation for quite some time. According to our information, those children from ex-Foyer *Namasté* only started disclosing to the therapist there the situation late March 2013 and they informed the Ministry on

08 April 2013. I would like to ask the hon. Minister whether this, according to her, means quite some time.

**Mrs Martin:** Mr Speaker, Sir, the content of the paper which Open Mind itself gave to our Ministry gives us indications that they knew about some allegations which could have helped our Ministry to work further towards securing the children since 2012.

**Mr Speaker:** Hon. Leader of the Opposition!

**Mr Ganoo:** Can the hon. Minister confirm that it is, in fact, as a result of a statement which Mrs Marylène François, the Director of Open Mind, made in the press that, according to her, *trois enfants d'Open Mind ont laissé entendre qu'il y aurait pu avoir des attouchements*, and it is as a result of that article which appeared in the press, the Ministry or the Minister prevented these children from going to Open Mind and in spite of the intervention of the Ombudsperson for Children?

**Mrs Martin:** That is absolutely not true, Mr Speaker, Sir. The hon. Leader of the Opposition has a way of seeing things which is not the right way for that in which we consider things at the Ministry. However, I might...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mrs Martin:** However, I might also say, Mr Speaker, Sir, that the fact that Open Mind discloses information which are confidential and pertain to children, to the press is also another proof that Open Mind is not acting in accordance with the provisions of the Child Protection Act and the parameters of confidentiality within which the Ministry works. This is one of the reasons why we asked Open Mind to come to our Ministry and we discussed with a view to finding a way to be able to work in accordance as the law stipulates and as our Ministry's parameters are, so that we can find a way to work together with them.

**Mr Speaker:** Hon. Mrs Ribot!

**Mrs Ribot:** Mr Speaker, Sir, I would like to ask the hon. Minister whether she finds it normal that on 23 May at 3.30 p.m. the Ministry sent an e-mail to Open Mind asking them to provide the background, qualifications and *Certificat de moralité* of the 16 members of staff by the next day, by Friday at latest? We all know that we cannot get a *Certificat de moralité* overnight.

*(Interruptions)*

**Mr Speaker:** Don't interrupt the hon. Member!

**Mrs Ribot:** I would like to ask the hon. Minister whether she finds this normal.

**Mrs Martin:** Mr Speaker, Sir, what we have done was to seek information from Open Mind with regard to their personnel as was requested in an earlier question by hon. Baloomoody who said that the Ministry should, in fact, enquire more into the operations of the institutions where we are sending children to. But, we did ask them to give us a list of their personnel and their qualifications as well.

**Mr Speaker:** Last question, hon. Mrs Ribot, if you have any!

**Mrs Ribot:** Mr Speaker, Sir, I would like to ask the hon. Minister whether she is aware that Open Mind has been contacted by the Ministry of Social Security, National Solidarity and Reform Institutions to ensure the psychological and therapeutic follow-up of 15 residents of *ex-Foyer Namasté relogés* under the responsibility of the Ministry.

**Mrs Martin:** Mr Speaker, Sir, I am sorry, I have already explained in an earlier PQ how children under Court Orders and under the jurisdiction of the CDU have to be treated within different parameters because of security matters and confidentiality of their dossiers. This is not the same as the children of the Social Security who have their parents who still take care of them or sometimes the Ministry already takes care of within other parametres. These are not children who are *per se* in situations of danger.

**Mr Ganoo:** It has been reported many times in the press, Mr Speaker, Sir, that it is the hon. Minister, herself, who has decided that these children should no longer go back to the Open Mind Centre. Now, can the hon. Minister explain to the House why she has never rebutted this statement made against her and also why no enquiry has been started by the Permanent Secretary? And yet, the Minister kept telling us that Open Mind should have written to the PS for the enquiry to be opened.

**Mrs Martin:** Mr Speaker, Sir, you know everything; I think, the hon. Leader of the Opposition is referring to what is in the press, but honestly, Mr Speaker, Sir, I don't have time to go and rebut whatever the press is saying all the time.

*(Interruptions)*

I do so only when I decide to do so and I am not like...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mrs Martin:** I do not act like Members of the Opposition who are everyday on the radio, Mr Speaker, Sir, everyday in the newspaper. They don't have anything else to do!

*(Interruptions)*

**Mr Speaker:** I said don't interrupt the hon. Minister! You put a question, let her answer. You may not be happy with her answer, but she has a right to answer.

*(Interruptions)*

**Mr Jugnauth:** I would like to know from the hon. Minister, with regard to *Foyer Namasté*, ...

*(Interruptions)*

**Mr Speaker:** Don't interrupt the hon. Member! He is putting a question.

**Mr Jugnauth:** ...whether she has caused an inquiry to be conducted into the allegation of sexual abuse. If yes, when, and what has been the outcome of that inquiry and whether that has any impact on the decision that Government took to close down the *Foyer Namasté*?

**Mrs Martin:** Sorry, Mr Speaker, Sir, does the hon. Member refer to the three children who are not going to Open Mind? Yes, allegation of sexual abuse against those children?

**Mr Jugnauth:** Yes.

**Mrs Martin:** An enquiry has started on Open Mind's activities as such.

**Mr Speaker:** Last question!

*(Interruptions)*

Silence! Yes. Hon. Mrs Ribot!

**Mrs Ribot:** Mr Speaker, Sir, I would like to reiterate the same question to the hon. Minister. There has been an allegation...

*(Interruptions)*

**Mr Speaker:** Please, don't interrupt the hon. Member!

**Mrs Ribot:** One of the three children disclosed to the Therapist there, that he had been a victim of sexual abuse and even gave the name of someone. I would like to ask the hon. Minister in a straightforward way whether an enquiry has been carried out and the outcome thereof? I think the question is very simple.

**Mrs Martin:** Mr Speaker, Sir, this is what I have been saying over and over, and over again to the hon. Members who have asked me questions. At Open Mind Centre, Mr Speaker, Sir, what we have been trying to do is to see in what way they are operating because, you know, what I find most astonishing on the fact is that everything that we learn from Open Mind Centre....

*(Interruptions)*

**Mr Speaker:** I am sorry! Silence! Either you allow the hon. Minister to answer or not!

*(Interruptions)*

Well, I want to make it clear: I have no control on the answer of Ministers. Allow the hon. Minister to answer! Why don't hon. Members listen to the answer!

*(Interruptions)*

Silence, please!

**Mrs Martin:** The Members of the Opposition don't want to listen. Whether they want to listen is another question.

*(Interruptions)*

**Mr Speaker:** Silence, now!

**Mrs Martin:** Mr Speaker, Sir, what I am saying is that I find most astonishing that the revelations of Open Mind are made in the press and not to the Permanent Secretary, as stipulated by law.

*(Interruptions)*

**Mr Speaker:** Silence! No more, please! Stop!

**Mrs Martin:** This, in fact, Mr Speaker, Sir, is worrisome to us at the Ministry because we would have liked all the information to come to the Ministry so that we could channel it to the proper authorities.

**Mr Speaker:** I will allow the hon. Leader of the Opposition to put a question.

**Mr Ganoo:** We have all been flabbergasted to hear the hon. Minister saying that the enquiry will be conducted against Open Mind and not on the sexual abuse of the children. Can I take it, therefore, that Mrs Marylène François, the Director, will suffer the same fate as Mrs Bodet and Mrs Sudha Singh?

*(Interruptions)*

**Mrs Martin:** No, Mr Speaker, Sir. Again, the hon. Leader of the Opposition is making confusion and trying to make politics out children' lives. Mr Speaker, Sir, what I am trying to say is that we need to find additional information on the functioning of Open Mind, then, the mechanism through which they revealed whatever they have learnt because, right now, up to the last letter which we had received, as I mentioned, Open Mind did not tell us that since 2012 there have been some situations and some causes for concern. They reported to other institutions, not to our Ministry.

*(Interruptions)*

**Mr Speaker:** Silence! I have given enough time for this issue to be debated and aired. However, I cannot deny a last question to the author of the question.

**Mrs Ribot:** Mr Speaker, Sir, I would like the hon. Minister to confirm that the matter of allegation of sexual abuse has been reported to the CDU on 08 April 2013?

**Mrs Martin:** Mr Speaker, Sir, I have said it in my answer. I might repeat it again. My Ministry was informed on 08 April that Open Mind Centre had information as regards allegations of abuse on children who were residents of *Foyer Namasté*. In fact, Mr Speaker, Sir, somebody told me personally that something was happening and that Open Mind Centre had information. That is the reason why, on the next day, I sent Officers and a Police Officer of the *Brigade des Mineurs* to Open Mind Centre in order to find out what they had to tell us, but they gave us a paper and in that paper, we were informed that since 2012 fishy things were going on and they were aware of something going on and we wanted to know why they had not revealed it to us beforehand.

**Mr Speaker:** Yes, next question, hon. Uteem!

#### **STC - PETROLEUM PRODUCTS - PRICE STRUCTURE**

**(No. B/391) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to petroleum products, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to if consideration will be given for a review of the price structure thereof.

**Mr Sayed-Hossen:** Mr Speaker, Sir, the price structure for the computation of the retail price of petroleum products is set out in the Schedule to the Consumer Protection (Control of Price of Petroleum Products) Regulations 2011.

These same Regulations have also instituted the mechanism to determine the retail price of petroleum products and the Petroleum Pricing Committee to monitor the global evolution of prices of petroleum products and manage this mechanism.

One of the key objectives of this mechanism is to mitigate the effects of world price fluctuations of petroleum products on the local market.

This new framework which was introduced in January 2011 has proved its worthiness. The Petroleum Pricing Committee meets practically on a monthly basis, actually 18 times since January 2011 and there have been only four changes in prices since then.

Consequently, I do not propose to review the price structure for petroleum products for the time being.

However, Mr Speaker, Sir, I wish to point out that the value/quantum attributed to the variable components within the price structure may be amended depending on the evolution of the situation.

It is, in this context, that on 02 March 2013, there was no figure imputed to the item hedging in the price structure.

The oil companies' operations expenses and wholesale margin were also increased to allow them to construct additional storage tanks to cater for the increased consumption of petroleum products, and thereby prevent shortage of these products.

The Petrol Retailers' Association has made representations to my Ministry regarding the retail margin of filling stations in the price structure. However, its demand has been coupled with a series of issues that are not directly related to the price of Mogas and Gas oil but rather to the management and operation of the business of filling stations, but a working group has been set up within my Ministry, between Officers of the Ministry and representatives of the Petrol Retailers Association to study the matter.

**Mr Uteem:** Mr Speaker, Sir, in answering to a PNQ earlier this year, the hon. Minister gave the figures and the amount which would be collected from excise VAT which would be around Rs6.7 billion, and this represents 40% of the price of Mogas. In the circumstances, may I ask the hon. Minister to consider reducing these percentages to alleviate the suffering of the general population?

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Sayed-Hossen:** If I can request the hon. Member to keep an open mind on this issue because actually the funds which are collected in excise, *MID* funds and other *prélèvements*, are not managed directly by my Ministry but are paid to either the *MID* or the Consolidated Fund. Therefore, these expenses do not really depend on my Ministry.

**Mr Uteem:** The hon. Minister would agree that it is the users of cars who are subsidizing, who are paying the price. For example, for *MID*, the hon. Minister stated that we are going to collect Rs131 m. We know that last year, none of these funds or very insignificant amount of that fund was, actually, utilised. Doesn't the hon. Minister consider that we should stop subsidizing *MID* from the price of petroleum products?

**Mr Sayed-Hossen:** Mr Speaker, Sir, *MID* does not fall under my responsibility. It would be presumptuous, actually, on my behalf to decide whether subsidies to *MID* should be discontinued. Actually, there is not only *MID*, there are other items which are present in the price structure. I would

wish - *quitte à ce que je me répète* – to specify that all these funds are actually being used by Government for different purposes.

**Mr Uteem:** The hon. Minister just mentioned meetings with the association of filling stations. It has been reported that a deadline of August of this year has been agreed between the hon. Minister and the representatives of this association. So, may I ask the hon. Minister what would be the quantum of the increase in the margin that will be given to these filling stations' operators and will that impact on the price of petroleum products?

*(Interruptions)*

**Mr Speaker:** Does the hon. Member mean margin of profit?

**Mr Uteem:** The margins that are given to the filling stations which is the component of the price structure?

**Mr Sayed-Hossen:** Mr Speaker, Sir, actually, the hon. Member will probably appreciate that if I knew, then we would not need to wait until end August. But, as I said in my main reply to the question, there are certain issues which have been raised by the Petroleum Retailers' Association and which have nothing to do specifically with the margin that is attributed to them by the STC. Insecurity has been one issue which has been raised, cost of dealing with banks is another issue which, of course, has a monetary consequence and cost of dealing with insurance is another issue, again of monetary consequence. Their dealings with the distribution companies, the big oil companies, is again another issue which has a monetary consequence, their own dealings with their customers, credit cards, credit, etc, again is another issue which has been raised and which has monetary consequences. Therefore, it does not rest totally with the margin that is awarded to them by the STC, but we have been sensitive to these questions, and we are looking at all these issues even if these do not relate directly to the commercial relations between the STC and the retailers via the wholesalers.

**Mr Li Kwong Wing:** Mr Speaker, Sir, in the price structure, there are levies and taxes which are being added to the price in order to fund Government revenue. Is not the STC acting as a quasi revenue agent for Government and why should consumers be made to pay for contributions to Government Budget when the STC is already making profit of more than Rs790 m. in the last two years?

**Mr Sayed-Hossen:** Mr Speaker, Sir, the surplus - not profit - that the STC is making is not on Mogas or Diesel for the domestic market. The surplus is made on products which are sold to the shipping companies, to ships, bunkering and jet fuels sold to airplanes which refuel in Mauritius. It may happen that on the price of Diesel and Mogas sold on the domestic market, there may be a difference due to the price of the product at that given time combined with the rate of exchange that STC makes a surplus.

It also can happen that STC makes a loss. For example, over the past two years, March 2011 to March 2013, the State Trading Corporation lost Rs222 m. on these two items: Mogas and Diesel for the domestic market. So, the surplus which the hon. Member is alluding to is not derived from selling Mogas and Diesel on the local market, but to foreign ships and airlines refueling in Mauritius.

**Mr Speaker:** Hon. Leader of the Opposition!

**Mr Ganoo:** The hon. Minister has told us that as Minister responsible for his portfolio, he has no control over the other components or levies or *prélèvement* - as he said - which do not concern strictly his Ministry like RDA and MID Fund and so on. But I am sure there is one element, one *prélèvement* over which he has control and I am referring to the price structure, to the element regarding the oil companies. In the case of Mogas there has been an increase in their favour to the tune of 24%, in the case of Diesel 18% and, in all, these representatives of the multinationals pocketed the sum of Rs115 m. after the recent increase. Now, in view of what my friend hon. Li Kwong Wing just said, the profits to be made by the STC, cannot these Ministries review the *prélèvement*, the levy with regard to this particular aspect, the oil companies, the windfall gains that they just got recently?

**Mr Sayed-Hossen:** Mr Speaker, Sir, the phrasing of the question of the hon. Leader of the Opposition may lead to a certain misunderstanding by stating 18% and 25% or something like that he said. It should not be understood that the margin of the oil companies is to the extent of 18% or 25%. It is the margin which has been increased by a certain amount and actually the average increase has been 28 cents per litre. As I explained again, ...

*(Interruptions)*

Let me continue. I am sure you will understand. The hon. Leader of the Opposition, I am sure will appreciate that. If we continue with the level of storage for petroleum products that we have today, by end 2014, we are going to have major problems, with the forecast that we have in the use of Mogas and Diesel. So, we badly need storage space, and the major part of the increase in margin which has been granted to the oil companies, has been calculated to finance over between 12 years and 15 years, the construction of 25,000 tonnes of storage space, which the country badly needs. This will be done totally by funds which are from the oil companies, and part from the increase that we have given them, which is actually - as I explained in my reply to the PNQ two months ago approximately - 18 cents per litre.

**Mr Speaker:** Yes, hon. Uteem!

**Mr Uteem:** Mr Speaker, Sir, the hon. Minister just mentioned this undertaking by the private sector to construct the stockage and it is exactly what he said in his PNQ. May I, therefore, ask the hon.

Minister to table a copy of the written undertaking taken by each of these barons of the petroleum cartels undertaking to construct at their own cost the stockage for the next 20 years?

**Mr Sayed-Hossen:** It is not a matter of 20 years actually, Mr Speaker, Sir. It is much less than that. They are starting with 7,000 or 8,000 tonnes and to end up with 25,000 tonnes. I don't have the document with me. I can certainly table the joint commitment that has been given by the four companies.

**Mr Speaker:** Next question, hon. Uteem!

### **FINANCIAL SERVICES – LICENCE**

**(No. B/392) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to financial services, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to the number of reported cases of provision thereof without a licence, since 2005 to date, indicating in each case, where matters stand as to the investigation carried out thereinto, giving details as to the (a) names and qualifications of the persons involved therein and (b) actions, if any, taken in relation thereto.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Speaker, Sir, I am informed by the Financial Services Commission that one domestic company, namely, Fast Leasing Co. Ltd was reported in 2008 to be carrying out leasing activities without a licence. A Freezing Order was issued on 20 March 2008 against the company on application by FSC to prevent and prohibit the company from operating. The case was referred by FSC to the Police. The matter is presently being tried in Court.

I am also informed that, there have been occasions that companies, not incorporated in Mauritius have been found to be operating on the internet and wrongfully claiming to hold a licence from the FSC. The FSC has reported the matter to the International Organisation of Securities Commissions (IOSCO) for dissemination to regulators worldwide for investigation. FSC has also posted communiques on its websites. I am tabling the names of these companies. It is to be noted that the FSC has stepped up its surveillance on the internet since 2012.

Mr Speaker, Sir, with regard to the recent alleged financial scams, I have already dealt with this in my reply to the Private Notice Question of 23 April 2013.

**Mr Uteem:** May I know from the hon. Vice-Prime Minister how many people are there in the Enforcement Division of the Financial Services Commission which carries out these investigations?

**Mr Duval:** I would need notice of that question. But I must say, Mr Speaker, Sir, upon taking office, there were a number of posts, which were vacant at the FSC and I did impress upon the FSC to fill these posts including the post of Director of Surveillance which has now been filled and the subsidiary post.

**Mr Uteem:** Pursuing to the earlier PNQ, the hon. Vice-Prime Minister stated that the Financial Services Commission had been informed of illegal activities in relation to the Ponzi schemes. May I know from the hon. Vice-Prime Minister whether he has been able to ascertain the reasons why before any arrest was carried out by the Police in March, the FSC did not take any legal action against these enterprises?

**Mr Duval:** Mr Speaker, Sir, going by memory, I understand that the FSC first became aware of the scams; I think it was either late 2012 or early 2013. And that they started the investigations and, at the same time, FIU has started investigation, Bank of Mauritius has started investigations. It all came to a head and, in fact, it came to the press once the Police had been informed and had been asked also to start enquiries. So, as far as the FSC is concerned, what we have officially is that they acted reasonably quickly, but I would like to inform my hon. colleagues that we have asked the IMF to come for a specific mission and I understand that they are coming by the end of this month.

**Mr Uteem:** In the case of the financial scam, we note that Sunkai Co. Ltd. and Je T'aime Marketing, some of those suspects arrested in connection with these companies were related to the Labour Party. May I know whether...

**Mr Speaker:** No, no! Let's try to be objective. Rephrase your question.

**Mr Uteem:** Okay, people who were former Labour councillors and relative of an actual Minister. So, may I know from the hon. Vice-Prime Minister whether he has enquired to see whether any pressure has been exercised over the FSC in connection with this investigation?

**Mr Duval:** Mr Speaker, Sir, I am not going to take people in politics and who have been charged. The list - especially on the side of the Opposition - will be very long. So, I won't do that. This is a former councillor who was expelled when it was found that she has acted illegally or allegedly illegally. Mr Speaker, Sir, I can assure the House, there has been no messing around with the FSC, the FIU and the Bank of Mauritius with regard to these financial scams and that the Police are doing their work diligently and correctly in the interest of the country, the interest of Government. The objective of Government is to find these people, bring them to justice, not only that, Mr Speaker, Sir, the Asset Recovery Unit is engaged in trying to recover as much as these assets as possible so that these may be returned in some part, at least, to the victims of these scams.

**Mr Li Kwong Wing:** In his reply to a PNQ last time, the Minister of Finance stated, at that stage, that there were 18 companies, if I remember correctly, under investigation. The question is about investigation still being carried out and where matters stand. So, may I ask the hon. Vice Prime Minister, since the day when he replied to that PNQ until now, have there been any new cases of companies which have been operating or operated without licence that have been investigated by the FSC, especially in the context of a declaration of the FSC that it is impossible to investigate and identify companies which are providing this type of services, especially when their name is *Je T'aime Marketing Co. Ltd.*? They can't know how this type of companies can be involved in financial services with licence or without licence when they have names such as these, and we know who are these people behind *Je T'aime Marketing Co. Ltd.*

**Mr Duval:** Mr Speaker, Sir, it is not the place here to throw mud on people who cannot defend themselves in this Parliament; I think, this is not right. Secondly, Mr Speaker, Sir, I have asked the question to the FSC this morning and they have told me that they have not identified any new operators of financial scams. However, regarding the list of subsidiary companies for which funds may have been sent, I think, there is a total of 54 companies which are involved one way or the other, or thought to be involved one way or the other with the existing scams. As far as I am aware, no new scams have been found.

**Mr Bhagwan:** Can I ask the Vice-Prime Minister what action is taken to recover these millions of rupees which have been transferred abroad, especially in foreign currency, from what we have heard, whether it is true? Does the Ministry has an idea, can he inform the country how much had been transferred which had been discovered and whether an enquiry into that aspect of things is being done, and the outcome thereof?

**Mr Duval:** Mr Speaker, Sir, you must understand that this is not a specific question on any specific company and I cannot be expected to reply from memory. I would rather have notice of the question, Mr Speaker, Sir, to respond specifically to that. The Asset Recovery Unit, as I mentioned, is under the DPP. It is a law which is effective and it is the mandate of the Asset Recovery Unit to identify and see wherever these funds are to try and repatriate them if there have been funds sent overseas or if assets have been seized, to sell these assets and recover the proceeds and any other amount of money.

**Mr Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** In the same line of recovering the assets, can I ask the hon. Vice-Prime Minister whether there is collaboration with other institutions in foreign countries, especially in countries where we know money has been transferred?

**Mr Duval:** I cannot offhand answer for what the Asset Recovery Unit or the FIU or the FSC had been doing but, again, if I am asked, there has been mention that we would contact the Fraud Office and I know that the hon. Prime Minister did contact Mark Simons, Minister for Africa, if my memory serves me right, for his collaboration in that sense, but again, Mr Speaker, Sir, the question was general.

**Mr Jhugroo:** Can the hon. Vice-Prime Minister inform the House how much money had been seized up to now and whose custody it is?

**Mr Duval:** Mr Speaker, Sir, I don't have this information.

**Mr Speaker:** The Vice-Prime Minister has said that he should be asked a substantive question because presently he does not have the details.

**Mr Jugnauth:** The Vice-Prime Minister has said that there are probably about 54 companies that are actually or might be suspected of being involved in this scam. We know of some companies like *Je T'aime* Marketing Co. Ltd. and so on which have made the media, but about others which probably people are not aware, may we know what action has been taken in order that people would not trust those companies, would not be made to lose their money?

**Mr Duval:** I have been very clear. I didn't say there are 54 companies involved in scams. I said that the group of companies, where the money may have gone to, involves 54 companies, not the same as saying 54 companies are offering to take deposits or investment from the public. This is not at all what I said. I just said that obviously the money is going a bit like in a spider's web and the appropriate authorities are trying to find out. I think, Mr Speaker, Sir, the public are now very well aware of the precautions that need to be taken. The FSC had already started an information campaign in November. The Bank of Mauritius has, on a number of occasions, published notices in the press. Mr Speaker, Sir, I think, the names of these companies are public notice. I also note that all these companies have ceased their activities. They have been taken to task by the Police. They have been taken to task by the authorities and many of them are either behind bars or on bail.

**Mr Speaker:** Hon. Leader of the Opposition!

**Mr Ganoo:** There has been a suggestion recently, I think, by the Director of the FSC that the post of an Ombudsperson for Financial Services would be set up. Can the hon. Minister tell us when will this take place and whether this admission that we need now an Ombudsperson for Financial Services is not an indictment on the performance of the FSC?

**Mr Duval:** No, Mr Speaker, Sir, the job of the Ombudsman is different from that of the FSC. Firstly, we are talking about financial services which would include banking. In fact, the hon. Leader of

the Opposition may remember that in 2004 under that Government the law was passed and there was provision, I think, in the Bank of Mauritius Act or the Banking Act for an Ombudsman for Banks and that was changed because we thought it would be better to have an Ombudsman for Financial Services to see that customers in the financial services are getting a fair deal. That is not the same as the objectives of the Financial Services Commission, Mr Speaker, Sir. Perhaps, by the end of the year, we will have the law before Parliament.

### **PRIMARY & SECONDARY SCHOOLS – STUDENTS - *CARNET DE SANTÉ***

**(No. B/393) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Education and Human Resources whether, in regard to the proposed extension of the *carnet de santé* to the students of the primary and secondary schools, he will state where matters stand.

**Dr. Bunwaree:** Mr, Speaker, Sir, presently, pupils of the primary schools have a *carnet de santé* issued by the Ministry of Health and Quality of Life which is used to record medical information pertinent to them such as vision screening, medical check-ups, vaccinations. At the secondary level, as per the Secondary Health Programme, the students are provided with a school health card which is used when the Ministry of Health and Quality of Life carries out screening exercises at the levels of Form III and Lower IV.

It has been announced in the Government Programme 2012-2015 that, in the context of the introduction of the Student Health and Wellness Programme to promote health literacy, the ‘Child Health Passport’ will be updated with regular basic medical check-ups for all children attending public funded schools.

Mr Speaker, Sir, with regard to the extension of the Health Card, I am informed that the Ministry of Health and Quality of Life has set up a technical committee to prepare the ‘Child Health Passport’ which will be used from birth to school leaving age. Same will be pre-tested and used on a pilot basis in the first instance. Regular updates of this document will be encouraged in order to identify early enough any basic health issue. This will enable the shifting to a more preventive health culture within families, right from the start.

My Ministry will make the most of this Child Health Passport and bring in some adjustment or additions if the situation so requires. Moreover, some of the information available in the Child Health Passport will also be integrated in the *Dossier Scolaire* which my Ministry proposes to introduce as from next year. However, care will be taken not to include information of a confidential nature since this *Dossier Scolaire* will accompany the pupil throughout their school life and will thus be accessible to different staff.

Furthermore, in the context of the implementation of the student information system formerly initiated as the student tracking mechanism, an add-on section on student health recording is currently available for implementation in primary and secondary schools as from this year. This will allow the capture of all information available on the individual health cards of pupils and students which will then provide quick queries and reports on their health status.

I also wish to add, Mr Speaker, Sir, that following the recent Errors, Omissions and Anomalies Committee report, a dedicated Directorate which will be responsible for the coordination and implementation of health promotion programmes and health related issues in both primary and secondary sectors will be set up at the level of the Ministry of Education and Human Resources. It will be headed by a Director and supported by Health and Welfare along with other support staff. This will give a new impetus to the health and wellness programme.

**Ms Anquetil:** Est-ce que le ministre pourrait indiquer à la Chambre où seront conservés ces carnets de santé, qui sont ceux qui en auront accès et qui sont ceux qui procéderont à son actualisation ?

**Mr Speaker:** Three questions in one!

**Dr. Bunwaree:** En une seule réponse ! J'ai bien expliqué qu'il y a deux choses. Il y a le carnet de santé qui est distribué par le ministère de la Santé et puis il y a le carnet scolaire qui va commencer l'année prochaine - une nouveauté, qui n'existait pas jusqu'aujourd'hui. Ce carnet scolaire sera la responsabilité et la propriété de l'école dès que l'enfant rentre en primaire jusqu'à ce que l'enfant sorte en fin de secondaire.

A la fin du secondaire, le carnet scolaire sera remis à la famille. Donc, ce sera la propriété de l'école et cela va être informatisé le plus rapidement possible. Donc, ceux qui vont avoir accès seront les éducateurs en général, et la direction de l'école. Le problème de carnet de santé est pour l'instant la propriété de la famille.

Donc, c'est un carnet qui est distribué aux élèves à l'occasion des *check-ups* qu'on organise et puis cela reste sous la responsabilité de la famille.

**Mrs Ribot:** Mr Speaker, Sir, I would like to ask the hon. Minister whether students of both public and private schools are going to be concerned by the *carnet de santé*?

**Dr. Bunwaree:** The *carnet de santé* is for public schools only, but I am trying to see in what way that can be extended to others.

**(No. B/394) 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 Toll Road Project, he will state the proposed mode of tolls collection, indicating who will be responsible for the levy thereof.

**The Vice-Prime Minister and Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker Sir, I am informed that the proposed mode of toll collection will be by way of an electronic tolling system and the toll fees will be collected by the Private Party which will be appointed for the implementation of the PPP Road Decongestion Programme.

**Dr. Sorefan:** Mr Speaker, Sir, will the hon. Minister inform the House, in case the tollable number of traffic per day is below the expected amount, whether the Government will foot the Bill?

**Mr Bachoo:** He will have to take the responsibility, that is, the one who has been given the contract. Government has nothing to do with that.

**Dr. Sorefan:** Will the hon. Minister inform the House how some regions like Valentina, Petit Camp, Pellegrin near Shoprite and others will have access to non-tollable road, as they will be surrounded by tollable roads, as per the PNQ?

**Mr Bachoo:** Mr Speaker, Sir, if in case they are not utilising the tollable road, they won't have to pay anything, but we have to ensure that for any road which is under the toll, we'll have to provide people with alternatives. I don't have in mind what are the ways that those people will have to use. If people are not willing to take up the toll road, they must be provided access where they do not have to pay the tolls.

**Mr Bodha:** We learnt earlier that the Terre Rouge-Verdun road is going to be opened most probably in August. Is it going to be a toll road and in view of the fact that the PPB project has not yet been implemented, what is going to happen once the road is opened?

**Mr Bachoo:** Once the road is ready, Government will have to take a decision whether we'll have to open it to the public or whether we will have to wait for the PPP, but I get the feeling that Government will have to take a decision sooner or later on this issue.

**Dr. Sorefan:** The hon. Minister tabled two documents, namely the prequalification and the bidding document last week for the speed camera. For transparency sake, although we didn't ask for it, will the hon. Minister table the prequalification and the bidding document for the tollable road projects?

**Mr Bachoo:** Mr Speaker, Sir, the hon. Member has to come with a substantive question; I will have to look into it.

**Mr Speaker:** The question is about collections. Next Question!

**MAURITIUS CANE INDUSTRY AUTHORITY– FINANCIAL BUDGET 2013**

(No. B/395) **Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Agro-Industry and Food Security whether, in regard to the Mauritius Cane Industry Authority, he will, for the benefit of the House, obtain therefrom, information as to the approved financial budget thereof for 2013, indicating –

- (a) when was it approved, and
- (b) the quantum of money that will be funded out of the Cess.

**Mr Faugoo:** The financial budget 2013 of the Mauritius Cane Industry Authority (MCIA) is its first consolidated budget, following the merger of six SPIs which each had their independent budget before. The consolidated budget has one imperative of staying within the ceiling of 4% Cess, unlike the case previously.

The consolidation of Accounts exercise had to be carried out, keeping in mind the ongoing restructure exercise where each and every item of expenditure and revenue had to be revisited and policies designed to stay within the 4% Cess funding.

The challenge of the MCIA is to operate within this budgetary ceiling while maintaining and improving the services provided to the farming community.

These exercises have further been compounded with the PRB Report 2013 which entails an additional budgetary increase of some 12% on the overall budget. The 4% Cess has been reduced in absolute terms as the quantity of sugar exported and price have decreased.

I am informed that in view of these exceptional circumstances, the budget which is now completed will be submitted to the Board for approval this week.

As regards part (b) of the question, I am informed that an estimated amount of Rs276 m. will be made available from Cess on sugar proceeds for this year.

**Mr Seeruttun:** Mr Speaker, Sir, I take it from the reply of the hon. Minister that the budget has not been approved yet and we are already nearly six months in the year. Is it not illegal for an authority to operate whereas its budget has not been approved yet?

**Mr Faugoo:** I did not get the question.

**Mr Seeruttun:** The fact that the budget has not been approved as at to date, we are nearly six months into the year, is it not illegal for an authority to operate whereas its budget has not been approved as at to date?

**Mr Faugoo:** The operation itself is not illegal, but I think they are on the late side, not six months. I think it is a bit more, because they need to submit in September of the previous year, according to the law, and there is all the relevant legislation where they are supposed to submit in September of the previous year to be approved by the Minister, but they have not done so. I have explained the circumstances prevailing today at the MCIA, because of Cess reduction to 4%, they have to cut corners and see how they are going to manage, Mr Speaker, Sir.

**Mr Seeruttun:** Mr Speaker, Sir, you would agree with me that a financial budget is meant to be a control, a device; I mean, like you've said yourself, it is not ready yet. What are the measures being taken to ensure that, that authority is being worked within a prescribed amount of expenditure?

**Mr Faugoo:** As I said earlier, the budget is going to be approved by the Board. I am not aware of the contents of the budget yet, Mr Speaker, Sir, so, I won't be able to inform the House of the measures that are being taken in the budget.

**Mr Seeruttun:** Can we have an indication of how much that budget will be?

**Mr Faugoo:** For last year, when we were already operating with a 4% Cess, it came to around Rs642 m. So, I believe it would be in that region, maybe a little bit down or a little bit up, but it is going to be around Rs642 m. It must be compared to what it used to be before the merging of the six SPIs. It used to be Rs850 m., Mr Speaker, Sir.

**Mr Seeruttun:** In that case, Mr Speaker, Sir, the total budget will be much more than what is going to be perceived by the Cess money. Will the hon. Minister explain to the House how that amount which is going to be spent, which is well over and above the Cess which is going to be received, is going to be funded from?

**Mr Faugoo:** There are other incomes, Mr Speaker, Sir; income from the hire of tractors with the SPMPC. It is about Rs140 m. There is also levy which is being imposed on the import of sugar for local consumption, it is around Rs98 m. But, of course, this money goes directly to pay the pension of ex-dockers. There is also rent which is collected by the MCIA now collectively for all the institutions which comes over Rs50 m. and from the estimate that they have provided today, I understand that there was a shortfall of about Rs50 m. This is where the crux of the matter is. There is a deficit from the estimates of Rs50 m.

**Mr Speaker:** Time is up! The Table has been advised that Parliamentary Question Nos. B/401, B/405, B/406 and B/409 have been withdrawn.

### MOTION

#### SUSPENSION OF S.O. 10 (2)

**The Deputy Prime Minister:** Mr Speaker, Sir, I 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.*

**Mr Speaker:** It is 4.25 p.m. I think it is a proper time to suspend the sitting. We will resume at 5.00 p.m.

*At 4.25 p.m. the sitting was suspended.*

*On resuming at 5.13 p.m. with Mr Speaker in the Chair*

### ANNOUNCEMENT

#### **'LE MATINAL' NEWSPAPER – PRESS ARTICLE – PRIVILEGE COMPLAINT**

**Mr Speaker:** Hon. Members, hon. Baloomoody has on 07 May 2013 given written notice of a privilege complaint in connection with an article which appeared in the daily '*Le Matinal*' of 24 April 2013 entitled '*Secteur manufacturier: suivre la tendance*'.

The article purports to be an intervention of hon. Abdullah Hossen in the context of the debate on the Fashion and Design Institute (Amendment) Bill on 23 April 2013 when, in fact, the hon. Member did not intervene in the course of the debate.

Hon. Hossen's explanation is to the effect that he simply "exchanged his views" on the Bill "during a casual conversation with a press reporter".

On that basis, hon. Hossen cannot be held responsible for the contents of the newspaper article. Furthermore, the exchange of views with a reporter, followed by the publication by the reporter of what purports to be the "*intervention*" or "speech" of hon. Hossen in the National Assembly, do not reveal "circumstances" amounting to any one of the different forms of contempt exhaustively described in section 6 of the National Assembly (Privileges, Immunities and Powers) Act, that is, the Act.

Since hon. Hossen never made a speech or “*intervention*” in the National Assembly and Le Matinal’s article wrongly reports that he made such a speech, the question arises whether Le Matinal’s editor has himself committed a contempt. Since no speech was made by hon. Hossen, one cannot say that the newspaper article constitutes the publication of a “perverted or biased report of debates or proceedings of the Assembly” (section 6 (1) (o) of the Act). Nor are its contents in any manner “defamatory” (section 6 (1) (n) of the Act).

The situation is, therefore, one where the newspaper reporter has erroneously assumed that what he was told or communicated with by hon. Hossen was actually the contents of his speech in Parliament and, without checking if such a speech was actually made, went on to publish what purported to be hon. Hossen’s speech.

No such situation has ever arisen in the UK House of Commons or in our National Assembly.

However, we can stand guided by what obtains in the Lok Sabha. Indeed, in the 4<sup>th</sup> Edition of “Practice and Procedure of Parliament” (Lok Sabha Secretariat, by Dr. S.C. Kashap, Editor) at page 252, one can read the following and I quote -

**“Premature Publication of various other Matters connected with the Business of the House.**

According to the parliamentary practice, usage and convention it is improper, although technically not a breach of privilege or contempt of the House, to give for any reason premature publicity in the press to notices of questions, adjournment motions, resolutions, answers to questions and other similar matters connected with the business of the House. If this takes place, the Speaker may express his displeasure against the person responsible for it”.

I am, therefore, of the view that no contempt either by hon. Hossen or by the newspaper has been committed but that –

- (a) it was unethical on the part of Le Matinal to attribute, in an article, a speech to hon. Hossen, without ascertaining whether such a speech was at all made in the National Assembly, and
- (b) the newspaper reporter’s or editor’s erroneous publication is tantamount to an utter lack of respect and deference for the sanctity of Parliamentary Debates and any such conduct may, in future, result in the reporters of Le Matinal being excluded from the precincts of the National Assembly under Standing Order 13 and section 8(5) of the Act.

I further wish to make the following observation -

If ever an advance copy of any speech is made available to any newspaper reporter, without ensuring that it should not be published unless the Member actually made exactly the same speech in Parliament, this would be tantamount to a lack of regard for the decorum and authority of the House.

Thank you.

**Mr Baloomoody:** Mr Speaker, Sir, in the light of your ruling, don't you feel that the hon. Member should, at least, apologise to the House?

**Mr Speaker:** According to my ruling, I don't think so.

*(Interruptions)*

Silence!

**Mr Mohamed:** Mr Speaker, Sir, on a point of order. You have just ruled and now the hon. Member is accusing him and calling him the word '*fraudère*', *habituier fraudé même sa*. Could he, please, withdraw that! He has no respect for the Chair.

*(Interruptions)*

**Mr Speaker:** Please!

*(Interruptions)*

Silence!

*(Interruptions)*

Hon. Baloomoody, I am speaking to you, withdraw the word '*fraudère*'.

**Mr Baloomoody:** I withdraw with regard to the article, but not with regard to the case which happened at the Customs.

**Mr Speaker:** Yes, with regard to the hon. Member.

**Mr Baloomoody:** There is an answer in Hansard. There was a PQ put by hon. Ms Deerpalsing, and the answer was: yes, there was a case of fraud at the airport, where *lunettes* were carried in a bag and not declared and he was subsequently called upon to pay. It's a fact.

**Mr Speaker:** Hon. Baloomoody, I put my question again. Have you used the word '*fraudère*' with regard to any hon. Member of this Assembly?

**Mr Baloomoody:** With regard to the case of the *'lunettes'*, I used, yes.

**Mr Speaker:** With regard to the case of what?

**Mr Baloomoody:** There is an answer in Hansard where the hon. Prime Minister answered to a question of hon. Ms Deerpalsing that, that hon. Member, when travelling at the airport, carried undeclared spectacles and was arrested by the Customs Officer and he was subsequently ...

*(Interruptions)*

**Mr Speaker:** Hon. Baloomoody, you have to withdraw the word, but I will look into the matter. Just withdraw the word!

**Mr Hossen:** On a point of order, Mr Speaker, Sir.

**Mr Speaker:** Wait a minute! I am speaking to the hon. Member.

**Mr Baloomoody:** I withdraw, but the Hansard speaks.

**Mr Speaker:** Alright!

*(Interruptions)*

Now, I want some order. The hon. Member has withdrawn the word. Do you have anything to say, hon. Hossen?

**Mr Hossen:** Mr Speaker, Sir, I have heard the hon. Member mentioned that I have been arrested. It has never been the case, Mr Speaker, Sir. I urgently appeal that the hon. Member withdraws.

**Mr Baloomoody:** He was not arrested, he was caught red-handed and he had to pay the fine.

*(Interruptions)*

**Mr Speaker:** Silence!

*(Interruptions)*

Wait a minute! Now, it is going too far.

*(Interruptions)*

Wait a minute! I will tackle one by one. Now, I am speaking to hon. Baloomoody, you have to withdraw whatever you have said with regard to hon. Hossen.

**Mr Baloomoody:** I withdraw the word 'arrested.' But, the fact remains, the others know.

**Mr Speaker:** Right! Hon. Assirvaden, you have used the word *'menteur'*, you withdraw it. I have heard you saying the word *'menteur'*. Withdraw it, please.

**Mr Assirvaden:** I withdraw.

**PUBLIC BILLS**

*First Reading*

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

- (a) *The Sugar Industry Efficiency (Amendment) Bill (No. IX of 2013)*
- (b) *The Mauritius Fire and Rescue Service Bill (No. X of 2013)*

**Mr Bhagwan:** Mr Speaker, Sir, hon. Hossen is provoking, he better remains silent; we'll act as well.

*(Interruptions)*

*Ki mo menacer ar twa do bachara!*

*(Interruptions)*

**Mr Speaker:** Wait, please!

*(Interruptions)*

I am on my feet now! I am on my feet, hon. Bhagwan. I warn you hon. Hossen, you should not provoke any Member in this Assembly! Ok! Have you got my message?

**Mr Hossen:** Mr Speaker, Sir ...

**Mr Speaker:** Have you got my message? Yes or no?

**Mr Hossen:** Yes, Sir.

**Mr Speaker:** Alright, sit down! Hon. Bhagwan, withdraw the word 'bachara'!

**Mr Bhagwan:** I remove the word 'bachara'.

**Mr Speaker:** Let us proceed now in peace, please!

*Second Reading*

**THE SEEDS BILL**

**(NO. VIII of 2013)**

*Order for Second Reading read.*

**The Minister of Agro Industry and Food Security (Mr S. Faugoo):** Mr Speaker, Sir, I beg to move that the Seeds Bill (No. VIII of 2013) be read a second time.

This Bill provides for the setting up of the National Plant Varieties and Seeds Office within my Ministry which I will henceforth refer to as NPVSO. This Office shall regulate the cultivation, production, trade, exportation and importation of any seeds of any variety of any kind of plant.

The Bill also provides for the setting-up of a National Plant Varieties and Seeds Committee which shall, *inter alia*, advise on national policies relating to the seeds of any variety of any kind of plant and make recommendations for the improvement of the seed regulatory system and on the release of any variety in Mauritius. The Bill further provides for the registration of varieties and seeds, for testing, inspection and certification of seed.

Mr Speaker, Sir, the enactment of this Seeds Bill constitutes yet another landmark in the reform process that my Ministry has embarked for the improvement of service delivery to the farming community. We are aiming at strengthening and modernising the agricultural and agri-business sector to make them more responsive to the emerging challenges in the sector.

It also goes in line with the firm commitment taken by Government in the Government Programme 2012-2015 to diversify and strengthen our agri-food production sector, to make it modern, competitive and sustainable, with the overall aim of further securing food supply, stability and safety.

Mr Speaker, Sir, this Government under the able and strong leadership of the Prime Minister, has started in-depth reforms of the agricultural sector including the sugar sector. In 2006, we enacted the Plant Protection Act and a National Plant Protection Office was set up to *inter alia* prevent, control and remove pest infestation of plants and facilitate the movement of plants into and out of Mauritius through the issue of phytosanitary certificates. We have merged six Service Providing Institutions in the cane sector into the Mauritius Cane Industry Authority (MCIA) to make them more efficient and cost effective. We have more recently on 16 April this year - to be precise - passed the National Agricultural Products Regulatory Office Act and its implementation is underway.

Mr Speaker, Sir, seed is one of the most critical and also costly inputs in agricultural production. For some crops like potato, seed cost may amount or account for almost 50 percent of the total cost of production. Indeed it is widely recognised that improved crop varieties and high quality seeds have played a significant role to usher the green revolution in many parts of the world. Good seeds have a significant potential in increasing on-farm productivity, farmers' revenue and enhancing food security. Indeed many authorities have emphasised that seed security is a precursor to food security.

With the resounding success of the Green Revolution where food deficit countries have become food surplus countries, planters have come to realise the real worth and benefits of improved varieties and quality seeds. Improved varieties of crops ensure higher yield, better quality of economic produce and lower cost of production due to inbuilt resistance to major diseases, insect pests and abiotic stresses like drought. However, breeders are unlikely to release valuable varieties into a country without adequate legal protection.

Concomitantly, the seed industry has also witnessed a revolution and new seed companies have emerged. High quality seeds are also more eco-friendly, since crops raised from them require less application of pesticides. Seeds are now produced under rigorous conditions and protocols recommended by the FAO (Food and Agricultural Organisation) and seed testing as per guidelines of the International Seed Testing Association (ISTA).

Despite these breakthroughs in the science of plant breeding and seed technology, yet some bad experiences have also been noted and these relate to insufficient control on seed multiplication, in particular to seed borne diseases.

In the early 2000, for example, the anthurium industry in Hawai and Reunion Island, which is next door to us, almost came to a collapse because of a bacterial disease that was introduced from the Netherlands along the tissue cultured plantlets. Reports have also indicated that planters in many parts of the world have also experienced poor yields and even crop failures which are attributed to poor quality seeds supplied by these companies in the absence of proper regulations on standards of quality.

Mr Speaker, Sir, the seed industry has over the years undergone dynamic changes worldwide and these changes have come with challenges that require institutional reforms in the local seed industry. Regional integration and international trade, together with scientific advantages in the area of biotechnology have posed additional challenges that require the local industry to quickly adapt to the changing environment in order to remain competitive both locally and at the regional level.

Mr Speaker, Sir, it is against this backdrop that we are presenting the Seeds Bill to the House. It is relevant at this stage to give a brief overview of the variety and seed situation in Mauritius to have a proper understanding of the rationale of this Bill.

Mauritius has a long history of sugar cane breeding and Mauritian sugar cane varieties are grown not only in Mauritius, but also in many countries across the world. Attempts have also been made to breed new varieties of vegetable and ornamental crops. Recently AREU has released two 100% locally bred varieties of onions, namely: Bella Rose and Francia, which are widely grown by planters. AREU has also released five 100% locally bred varieties of anthurium for commercial cultivation in 2007. One local

variety of potato, Belle Isle, was also released by the MSIRI in 2009. AREU has also an extensive programme of introducing for field testing of new crop varieties that have been bred abroad. After field evaluation, they are recommended to planters for commercial growing.

Mr Speaker, Sir, Mauritian planters have access to seeds of varying qualities for growing their crops. Some, in fact, use their own seeds, some purchase seeds produced by my Ministry and some make use of imported seeds. Seeds of some 50 varieties of 30 species of vegetable crops are produced through our seven Agricultural Experiment Stations, including the Barkly Experiment Station and these represent around 25% of our seeds requirements at national level.

The seeds produced by the Ministry and planters are mainly of open pollinated traditional varieties which are well adapted to our agro climatic conditions and have proven to be successful over the years. Most of these traditional varieties are, however, old and some are more than 40 years old and are now showing varying degrees of degeneration and are more susceptible to diseases. There is therefore an urgent need to promote the introduction and development of new improved varieties of crops with features such as improved yield, high quality and resistant to plant pests and diseases.

For several years, my Ministry has been playing a vital role in the production and supply of seeds of vegetable crops and planting materials, including seedlings, grafts, layers and tissue-cultured plantlets of fruits and ornamental crops at subsidised price to the planting community and the public at large. The seeds are sold at subsidised prices to growers and the public at our Stations and also at one-stop shops.

Mr Speaker, Sir, let me mention some statistical figures to the House: 3,519 kg and 3,779 kg of seeds of vegetable crops were produced by the Agricultural Services of my Ministry in 2010 and 2011 respectively. During that same period 62,398 kg of vegetable seeds were imported in 2010 and 90,328 kg in 2011. In 2010 and 2011, 134 kg and 1,690 kg of flower seeds were imported.

Mr Speaker, Sir, we are now addressing this issue through two projects, namely maintenance breeding to ensure genetic purity and production of Quality Declared Seeds (QDS in short) which is an acceptable substitute by FAO for certified seeds.

This project aims at alleviating the problem of storage and irregular supply of seeds on the local market as well as improving the quality of seeds produced by local planters and agro-entrepreneurs. The Quality Declared Seed system provides an alternative for seed quality assurance and is particularly designed for countries with limited resources. This system is less demanding than full seed quality control and certification systems but, yet, guarantees a satisfactory level of seed quality. It has proved to be particularly useful for those working in the field of emergency seed supply and as a source of practical information on seeds standards for a range of crop species.

We have also extended facilities to investors who have shown interest to undertake commercial seed production in Mauritius. Two companies have already benefitted from support from my Ministry, that is, from the Government, - Vitarice Company for hybrid rice seeds and Nirmal Seeds Company for growing of vegetable seeds.

Mr Speaker, Sir, we are conscious that the seed industry is a strategic and basic core industry and the foundation of ensuring long-term stable agricultural development and security in Mauritius and in the region. As a SADC Member State, we can supply seeds of improved varieties and high quality to SADC countries and other African countries in the region. To facilitate the trade of seeds with SADC countries, the Seeds Bill 2013 - which is presently before the House - has been harmonised with the SADC Seed Regulatory System.

The agri-business industry may, in the future, become another main sector of the economy in replacement of the sugar sector. It is a fact that with the fall in the price of sugar on the world market, more and more sugar cane planters are abandoning sugar cane cultivation. We, therefore, have lands which may be made available for the production of quality seeds for both local consumption and export. It is expected that with the high rate of return of the seed industry, farmers who have moved out of the sugar cane cultivation may be attracted to enter this new sector.

Mr Speaker, Sir, the full potential of the seed industry can only be exploited when we have in place a proper seed regulatory framework. At present, the cultivation, production, trade, exportation and importation of seeds of any variety of any kind of plant is not regulated in Mauritius with the result that the Ministry has no control over the quality of seeds and planting materials which are sold by seed dealers and private horticulture nurseries. Farmers have no guarantee of the variety and the quality of the seeds that they are buying.

Unscrupulous seed dealers may offer on sale poor quality seeds or varieties which have not been tested for cultivation. This may result in poor crop yields and productivity. This has, in fact, happened in the past. In the absence of an appropriate legal framework and a seed certification system, no action can be taken against these seed dealers.

It is with this underlying aim of addressing these challenges that the NPVSO is being set up to regulate the seed industry, mainly the cultivation, production, trade, exportation and importation of seeds of any variety of any kind of plant as well as through the registration of varieties of seeds and seed testing, seed inspection and seed certification.

A Seeds Act is a necessary protection measure for farmers against the purchase of poor quality seeds and to promote the growth of the seed industry in general and crop productivity in particular.

It is to be pointed out that when a buyer purchases a good, the latter can judge the quality and suitability before the purchase. However, for seeds the buyer cannot assess the quality and suitability prior to the purchase, as a seed is a living material. Neither the buyer nor the seller can identify the variety or assess the germination capacity or purity of the seed. These can only be determined by specific laboratory tests or a seed certification scheme or schemes for that matter. Sowing seeds of poor quality may result in the loss of the entire plantations.

A seed regulatory system will contribute in improving the crop yield and productivity of farmers, as I said earlier. Planters can maximize their returns on each unit area of land cultivated as a genetic potentiality of the crop can be fully exploited.

With the growing population and expanding tourism industry, crop production in Mauritius should be intensified. By setting rules and standards for the cultivation, production, processing, labelling and trade of seeds, the Seeds Bill will contribute towards the creation of a level playing field among seed dealers and producers. *Bona fide* seed dealers and producers will be protected against unscrupulous ones.

Presently, there have been indiscriminate imports and trade of seeds by the private sector and growers, with the result that several imported varieties which have not been tested are being cultivated by growers. With the Seeds Bill, the genetic quality of the seed can be evaluated, the variety can be identified and only those varieties which are of proven value will be made available to growers. This will help to improve productivity, through higher yield, profitability through better quality of economic produce and lower cost of production due to inbuilt resistance to major diseases, insect pests and abiotic stresses and are more eco-friendly at the same time.

With the Seeds Bill through the establishment of a plant variety registration system, we can now encourage growers and the private sector to introduce and develop new varieties of crops. An Industrial Property Bill which covers different forms of intellectual property rights, including Plant Breeders' Rights to protect new varieties of plants, is currently being prepared by the Ministry of Foreign Affairs, Regional Integration and International Trade. Once it is finalised and introduced into the National Assembly, it will complement the present Seeds Bill which is before the House.

As I indicated earlier, our close proximity to the African Continent and as a member of the SADC, we have the potential of supplying seeds to the SADC markets. For us to trade seeds, an appropriate seed regulation system which is aligned with the SADC standards and procedures is required. The Seeds Bill 2013 complies with these standards and will, *inter alia* -

- (a) facilitate the availability of high quality seeds to growers within the SADC region;

- (b) make it easier and cheaper for new and existing varieties to gain access to SADC markets;
- (c) stimulate the availability of more varieties of seed and encourage more investment in the seed sector, and
- (d) encourage faster and safer movement of seeds and reduce costs related to seed trade.

Some international companies are still expressing an interest to invest in the production of seeds in Mauritius. With the appropriate legal framework, more companies, both local and international, may be interested to invest in this sector which can rapidly become an important diversification within the agricultural sector. In fact, we have secured lands from the Republic of Mozambique for this purpose and two international companies have already submitted the expression of interest for the production of vegetables seeds over there.

Mr Speaker, Sir, I would like, at this stage, to highlight and elaborate on some of the salient provisions of the Seeds Bill.

Let me start with Clause 3. Clause 3 provides that any seed will be covered by this Bill. However, by way of Regulations, any seed may be exempted from the Bill. Cane cuttings will be exempted as for the Cane Industry there is already an approved system of seed certification. Moreover, by way of Regulations, the use of certain produce which is meant for consumption may be prohibited to be used as seeds. Table potatoes will be one of the main crops which will be prohibited to be used as seed as such use may bring diseases. For strategic crops such as potatoes, onions and garlic only certified seeds will be allowed to be planted.

Clauses 4 and 5 establish the National Plant Varieties and Seeds Office with the objective of regulating the cultivation, production, trade, exportation and importation of seeds of any variety of any kind of plant, under the guidance and supervision of the Seeds Committee. The Office will be manned by public officers to be appointed by the Supervising Officer of my Ministry.

Clause 6 provides for the setting up of a National Plant Varieties and Seeds Committee comprising a Chairperson with experience in the field of agriculture and twelve (12) other members from various sectors, including the private sector, planters' associations and the seed industry. The National Plant Varieties and Seeds Committee will have, *inter alia*, the following functions -

- (a) advise on national policies relating to the cultivation, production, trade, exportation and importation of seeds of any variety of any kind of plant;
- (b) guide and supervise the NPVSO in the enforcement of the Act;
- (c) make recommendations for the improvement of the seed regulatory system, and

(d) make recommendations on the release of any variety in Mauritius.

Clauses 7 to 8 provide for the registration of any variety of any kind of plant with the NPVSO, the conditions for the registration of the variety of any kind of plant and the application procedure for the registration.

Clause 9 provides for the keeping of a National Variety List and the publication thereof at regular intervals.

Under clause 10, the NPVSO may, on approval of the Seeds Committee cancel the registration of a listed variety under specific conditions and for the cancellation to be published in the Government Gazette. No cancellation shall be made unless the breeder or agent has been given a reasonable opportunity of being heard in respect of the grounds for such cancellation.

Clause 11 provides for the maintenance of listed varieties by an applicant who has registered a variety.

Clause 12, under this clause, the conditions for the registration of a seed dealer is laid down.

Clause 13 provides for the setting up of a seed testing laboratory where the testing of the seed of any variety of any kind of plant shall be carried out in such manner as the NPVSO may determine.

Clause 14 provides for the designation of an officer as a seed analyst where he complies with such eligibility criteria as may be determined by the NPVSO.

Under Clause 15 any person who, having produced or acquired any seed which has not been tested and intends to sell the seed for the purposes of cultivation, shall cause a sample of the seed to be delivered to the NPVSO for testing.

Clause 16 provides for the NPVSO to designate an officer as seed inspector where he complies with such eligibility criteria as it may determine.

Clauses 17 to 20 lay down the powers of seed inspector.

Clauses 21 to 24 provide for the registration of seed producer and the certification of seeds by the NPVSO.

Clauses 25 to 29 provide for the conditions for the import, export and trade of seeds.

Clause 30 concerns the confidentiality clause.

Clause 31 provides for the setting up of an Appeal Board to hear and determine appeals against a decision of the NPVSO from any person who feels aggrieved by a decision of the Office. However, any person who is still aggrieved may still appeal to the Supreme Court through a judicial review.

Clause 32 of the Bill provides for a fine not exceeding Rs50,000 or to imprisonment for a term not exceeding one year for a first offence and for a second offence, to a fine not exceeding Rs100,000 or to imprisonment for a term not exceeding 2 years and for a third or subsequent offence, to a fine not exceeding Rs200,000 or to imprisonment for a term not exceeding 3 years.

Under Clause 33, the Minister may, after consultation with the Seeds Committee, make such regulations as he thinks fit for the purposes of this Act.

Under Clause 34, the Savings and transitional provisions provide for any variety that has been released by the Ministry, the Mauritius Cane Industry Authority, the Food and Agricultural Research Council, including the Agricultural Research and Extension Unit, and is available on the market at the commencement of this Act, shall be entered in the National Variety List.

Mr Speaker, Sir, in light of the challenges ahead, institutional reforms of the local seed industry are required to adapt to the changing environment in order to remain competitive, both locally and at the regional level. Through the setting up of the NPVSO the cultivation, production, trade, exportation and importation of seeds of any variety of any kind of plant will be regulated. The varieties of any kind of plant will be registered; seeds will be tested, inspected and certified.

Mr Speaker, Sir, with the Seeds Bill, we are going to promote the introduction and development of new improved varieties of crops with features such as improved yield, high quality and resistant to plant pests and diseases which are key elements to increase productivity and product quality in agriculture. Moreover, we will also encourage the local seed industry to develop and become a Seed Centre for Africa.

With this legislation, the local seed industry will be regulated and only improved varieties of high quality seeds will be supplied to growers.

Mr Speaker, Sir, I take this opportunity to thank all the stakeholders, the staff of my Ministry and also the Attorney General's Office for the preparation of this Bill which was long overdue.

I also thank my colleague, the hon. Attorney General for the help which he has extended to me and the Ministry.

With your permission, Mr Speaker, Sir, I shall be moving to some minor amendments, which have been circulated already, at Committee Stage.

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

Thank you.

**Dr. Jeetah rose and seconded.**

(5.36 p.m.)

**The Leader of the Opposition (Mr A. Ganoo):** Mr Speaker, Sir, on this side of the House, we are in favour of the present piece of legislation. We endorse the contents of the Bill, but we also reserve our rights to make certain comments on a few features of this Bill. After me, some of my friends on this side of the House will, therefore, adopt the same line of endorsing the contents of the Bill, but also making certain positive comments on certain aspects of this Bill.

Mr Speaker, Sir, as the hon. Minister said, appropriate seed legislation is essential to create an enabling environment for the development of the seeds sector. In fact, the enhancement of a National Seeds Strategy necessitates the framing of a seed legislation to facilitate the development and the eventual growth of a seed industry in a country. A seed legislation, therefore, Mr Speaker, Sir, defines what are the means that can be best used to foster and enhance the seed sector, namely seed certification, variety release, property rights, seed production, seed marketing, packaging, labelling, manpower development, credits and subsidies, international exchanges; all these, Mr Speaker, Sir, are the features that find themselves in a seed legislation. It is clear, therefore, that a multiplicity, a variety of domains should be tackled and addressed in a seed legislation. It is, in fact, a question of a proper, well-balanced elaboration, a *mise sur pied* of a policy formulation which should rest on a shared vision of all the stakeholders with regard to what type of structure we desire, we need and the role and the development of the sector.

Therefore, Mr Speaker, Sir, we fully agree that the elaboration of a seed law to provide a regulatory framework for harmonising a seed legislation is vital for the development of the seed sector in any country. Mr Speaker, Sir, seed is one of the most crucial element in the livelihood of many communities, particularly agricultural communities and a sustainable seed system can assure that high quality seeds of a wide range of varieties and crops are produced and fully available in time and affordable to planters, breeders, farmers, by whatever name we call them and other stakeholders.

Indeed, Mr Speaker, Sir, when we think about it, seed is the most unassuming patent gift in the life of the farmer, of the breeder and of man. In fact, it is vital in making our life fruitful. The right to good food and the right to safe food are the buzz of the day, Mr Speaker, Sir. Same can only be achieved by attaining food sustenance and food security. Seed, in fact, is the kernel of life itself, as we know, Mr Speaker, Sir, the source of our food, and when contaminated, has an adverse effect on the health of the planet itself.

However, Mr Speaker, Sir, unfortunately, in many developing countries, populations, farmers and breeders have been deprived of the full benefit and advantages of using quality seeds due to several

factors, amongst which is the absence of a comprehensive and elaborate legal framework legislation which can ensure an efficient seed production, distribution and quality assurance system and a good seed policy in general.

Mr Speaker, Sir, having said this, I reiterate our agreement with the provisions of this Bill which seems to have been somewhere inspired from what obtains in India. The law, as the hon. Minister just pinpointed, sets up the different bodies and institutions to carry out the objectives of the law, but I would wish to make a few remarks on a few points in the Bill.

The first point, Mr Speaker, Sir, is that the Bill refers to seeds only and does not make provision for horticulture nursery. To my mind, the Bill should also cater for horticulture nurseries. This is the point that I wanted the hon. Minister to clarify the House. So, I am asking the question why this is not the case.

Secondly, Mr Speaker, Sir, it is not clear whether the Bill bans certain genetic engineering technologies such as “genetic use restriction technology” or “terminator technology”. These technologies, Mr Speaker, Sir, preserve intellectual property rights by either requiring specific additives or by making the next generation seeds sterile. A farmer, for example, planting seeds containing terminator technology cannot use the seeds from his crop for the next generation and has to purchase new seeds every season. So, I would like the hon. Minister again to shed some more light on this aspect.

It is not also clear, Mr Speaker, Sir, whether the Bill makes special provisions for registration of transgenic varieties of seeds, as in the case of several countries such as India. Transgenic seeds refer to genetically engineered seeds whose DNA has been modified by integrating part of the DNA sequence from another organism. This results in the organism displaying new characteristics. For example, the flavr savr tomato developed by Kalgin incorporation in 1992 contains a gene that interfered with the production of an enzyme which softens the cell walls of a ripening fruit. This resulted for example, in the tomato resisting rotting without change in taste, vitamins, proteins and minerals. Therefore, I would be grateful if the hon. Minister could also shed some more light on this issue.

I come to section 6(2) of the Bill, Mr Speaker, Sir, dealing with the functions of the Seeds Committee. To my mind, this section should also have included the need for the Seeds Committee to advise on standards for registration, certification and seed testing, and secondly on seed registration and its enforcement.

As for section 6 (3), Mr Speaker, Sir, in fact, a long list of members are listed in the Seeds Committee. I would not go into the provisions of the Bill, but the only question I am asking the hon. Minister is that, besides several civil servants or Director of AREU, Dean of faculty of agriculture and so

on, there is also provision for a representative of an association of planters other than sugar cane planters. I would ask the hon. Minister whether it should not be provided for, that the Seeds Committee should comprise also of a representative of GEPTA, which is the *Groupement des Exportateurs, des Producteurs et des Transformateurs des Produits Agricoles* and of APEXUM, which is the *Association des Producteurs et Exportateurs des Produits Horticoles de Maurice*. These bodies are two major industry associations and key players in the agro-business industry in Mauritius.

Another point, Mr Speaker, Sir, is that the Bill does not make mention of the minimum level of germination, be it genetic and physical. The Seeds Committee may, we are told by notification, specify the minimum limits of germination, genetic and physical purity and seed health with respect to any seed of any kind or variety, and if the hon. Minister can explain further this issue.

Also, Mr Speaker, Sir, section 31 of the Bill - appeal against the decision of NPVSO. In this section, I wanted to ask the hon. Minister one simple question: why the appeal against decision of the NPVSO?

- “(1) Any person who feels aggrieved by a decision of NPVSO may, within the prescribed period and in the prescribed manner and on payment of the prescribed fee, appeal to the Minister against the decision.”
- (2) The Minister shall refer the appeal to an Appeal Board appointed by him.”

I was going to ask the hon. Minister why the appeal should not have been made to go directly to the Appeal Board and not through the Minister. Can the hon. Minister explain to us why the appeal should be made to the Appeal Board through the hon. Minister?

Furthermore, Mr Speaker, Sir, on the same issue, the Bill does not provide for any time-bound mechanism for the person making the appeal to get a hearing for his complaints. I repeat, the Bill does not provide for any time-bound mechanism for the appellant to get a hearing of his complaints nor does it set out any term for compensation. I submit Mr Speaker, Sir, that grievance redressal must be time-bound and compensation should have been fixed to cover costs incurred by the person.

Mr Speaker, Sir, one of the last points I want to make is that the Bill does that make provisions for compensation to breeders and farmers. All the registered varieties and seeds producers, distributors and venders have to disclose the expected performance of the seeds under certain given conditions. In case of failure to perform the expected standards, the farmer can claim compensation from the dealer, from the distributor or the vendor. The question I am asking is about the introduction of a Seed Crop Insurance for providing compensation to the farmers whose seeds do not give the desired yield.

The two last points I would like to make, Mr Speaker, Sir, concern sanitary and phytosanitary measures. We are told in this Bill that the testing laboratory will be set up, the use and services of the analyst and so on will be resorted to. But as we know Mr Speaker, Sir, sanitary and phytosanitary measures regulate, restrict or prevent the import or the marketing of certain plant species or plant products. The *raison-d'être* of these measures is to prevent the introduction and spread of plant pests across international boundaries or limit the impact of pests, Mr Speaker, Sir, but this should be undertaken in a way that it does not limit trade while making trade in plants and plant products safe. These measures are essential for the protection of plant varieties, Mr Speaker, Sir. The hon. Minister was just mentioning of making our country a hub, a centre for Africa, but the question I am asking and the emphasis I want to lay, Mr Speaker, Sir, is in terms of our human resources, the capacity that we have. I am just making the suggestion, Mr Speaker, Sir, that we must ensure that we have all the necessary human resources, expertise in order to make Mauritius the centre for Africa.

Mr Speaker, Sir, we must be careful; we are a small country, vulnerable. Although we are no more a monocrop economy, Mr Speaker, Sir, no more a predominantly agricultural economy, this question of sanitary and phytosanitary measures is still vital for the Mauritian economy. There is only one danger in seed legislation, Mr Speaker, Sir and this has been commented upon in many countries which have, just like we are doing today, set up a seed legislation. The danger, Mr Speaker, Sir, is the danger of over regulation; over regulation can discourage our breeders, our farmers or our private industry from developing their crop varieties and this is why, Mr Speaker, Sir, laws and regulations should not be restrictive; should not bear pressure and should not constrain participation of the private breeders and impede the domestic producers of the seed industry.

With these remarks, Mr Speaker, Sir, I wish well the National Plant Varieties and Seeds Office and wish that this new law, which comes at a timely moment to plug a loophole in our agricultural landscape, succeed and help the development of the seed industry in our country.

With these words, I thank you, Mr Speaker, Sir.

*At this stage, the Deputy Speaker took the Chair*

(5.53 p.m.)

**The Minister of Arts and Culture (Mr M. Choonee):** Mr Deputy Speaker, Sir, convergence of factors have made food security one of the most important global issues; those factors being an increase in population - today the world has seven billion people; an increase in demand for more resourceful and varied food; an increase in prices of petroleum products and fertilisers, an effect of declining world food stockpiles; an effect of trade liberalisation; an effect of food for fuel, biofuel and energy production,

agricultural subsidies, distorted global market, crop shortage from natural disasters, soil and productivity losses and, of course, climate change with the rising level of ozone. Over and above that, the signal was sent in 2008. The food price hikes of 2008 were a warning to what is yet to come. Staple foods prices rocketed, causing riots in several countries as people took to the streets.

In Mauritius, we have to agree that we are very fortunate. Despite the fact that we produce - we have been producing for years - we have been known for being a monocrop country. Up to Independence, only sugar was being produced from sugar cane. Despite that, we have been lucky and we have to congratulate all those who knew how to deal with things to get Mauritius to where it is today. Today, we are in the process of diversification. I think everybody agrees that sugar is no more sweet as sweet as it was in those days. We don't get more returns from sugar. We now no more call it the sugar industry but the cane industry with a diversification and using different parts of the cane plant for different purposes. Other countries have been equally doing well or much better. Brazil has become the biggest producer not only of sugar, but also of ethanol. Just to say, in Mauritius, though we are coming now with diversification - my colleague, the hon. Ministry of Agro Industry has mentioned - we have had a few products which have proved themselves. Yesterday only on Mauritius Broadcasting Television, we were shown Vita rice, a quality of rice coming from elsewhere, from Singapore being grown in Mauritius where usually the climatic condition needed, the soil needed for rice to grow should have been damp soil, humid soil with plenty of water. Yet, that variety has come to Mauritius, has succeeded. Further to that, the most interesting thing about Vita rice is, it is being exported to the United States of America. American enjoy eating that rice and locally we still have a mindset that we should eat Basmati and other varieties. It is just to tell you how good Mauritian soil is; we can diversify and we will succeed. So the special seeds of that rice have proved to be very good. Similarly, we know very well our Victoria pineapples. World over, people enjoy eating it. It is one of the best pineapples that the world has and we export. Our lychees - world over people enjoy seeing from where the lychees come, it is from Mauritius. Now gradually the new entrepreneurs have got into the business. They are exporting breadfruit. They are exporting banana chips, which mean that Mauritius has the potential. The land of Mauritius, I believe, sugar will be there as the cane industry, but somehow because of scarcity of land in this country, because of our size being not increased, but being what it is - no tsunami, no erosion comes to Mauritius, touch wood - hopefully we'll make optimum use of the land available in Mauritius. Further it is not with pride that we will say: we only export sugar, we import everything for consumption. For how long can Mauritians say that? After all, that is happening in the world. If ever it so happens that others can't supply us with the food, what do we do? Do we starve? Do Mauritians have to live without food? No! Let's take it very seriously. Let's try as early as possible to see to it that we produce, at least, most of the food that we consume. The potential is there. If, through this Bill, we get the best of seeds, we'll get the best of

quality; we'll get the best of products; we'll get the best of harvest. Automatically, Mauritius will, at a point in time, become self-sufficient and, of course, be in a position also to export. The Seeds Bill comes at the most opportune moment, Mr Deputy Speaker, Sir. It comes when the world has taken note of what challenges are in front of us, it comes when Mauritius has realised that depending only on sugar will not take us long, it comes when the population is now conscious of what is quality food and how diversified our food has to be for us to be healthy. Just imagine if Mauritius would be in a position to produce wheat, we would have the best if the required seeds, the necessary conditions are attached!

Mr Deputy Speaker, Sir, I heard the Leader of the Opposition commenting on the Bill. I understand we are not talking at all here, we have to be careful, we have nothing to do when we come to seeds here in this Assembly, it has nothing to do with GM seeds, the Genetically Modified Seeds. No! We are talking of the natural way we can fertilise seeds, we can carry out pollination, but get the best out of whatever we can do. Naturally, it takes place, but the human factor, human element allows it to go faster. You can, through first harvest, get the best of seeds. So, this is what we are talking about when we talk of the Seeds Bill and I am very happy that the National Plant Varieties and Seeds Office (NPVSO), the new Unit that will be created will definitely look into all aspects and with the amendments which my colleague is bringing, it will again consolidate further all that can be done for us to get the best of seeds in this country.

Mauritius, scarcity of land, the best seeds ever - just imagine Mauritius playing the role of *la pépinière du monde et l'Afrique devient, à ce moment là, le grenier du monde! Vous vous rendez compte Maurice la pépinière, l'Afrique le grenier!* Because, Mr Deputy Speaker, Sir, the future of the world will depend on Africa; Africa will have many more people. Africa being the emerging Continent, Mauritius being an African country, as my colleague rightly said, he talked about SADC, but I am sure we can go beyond SADC. If we produce the right variety of seeds, we can export those seeds to the whole of Africa, if need be, because in Africa, there is no scarcity of land and we know already some of our friendly countries have even offered Mauritius land for growing vegetables and cane and other products. I am sure if Mauritius takes the lead as it has taken in different aspects, in different economic pillars in matters pertaining to education and other industries, I am sure that tomorrow the seeds industry will become a pillar of the Mauritian economy. I am very happy and convinced that this dream of making of Mauritius a *pépinière* will be realised.

Mr Deputy Speaker, Sir, I thank and congratulate my colleague, the hon. Minister of Agro-Industry for having brought this Bill to this House and I am sure we will all benefit from the best quality of seeds and the best of food, and enjoy the best of health in this country. Through this Bill, Mr Deputy Speaker, Sir, we are sowing the seeds of food security of our citizens.

I thank you for your attention.

(6.03 p.m.)

**Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka):** Mr Deputy Speaker, Sir, we are, today, in presence of the Seeds Bill which was circulated some two weeks back and whose objective is to set up the National Plant Varieties and Seeds Office.

The office, I understand, will regulate the cultivation, production, trade, exportation and importation of seeds of any variety and of any kind of plant. The office will be responsible, through the National Plant Varieties and Seeds Committee, to register seeds and plant varieties and as well as be responsible for the registration of breeders, seed producers, cultivators, dealers, carrying out seed testing, certification and as well as inspection. Mr Deputy Speaker, Sir, a tall order, indeed!

If the intentions of the Bill are good and positive and, we, on this side of the House, would tend to welcome it. But nevertheless, Mr Deputy Speaker, Sir, I have certain fears and apprehensions regarding its effective implementation, its impact on small planters, its impact on small informal seed producers and also on the entry of transgenic and genetically modified plants on the subsequent loss of biodiversities that may result. All these are issues that I apprehend.

It is perhaps worth drawing the attention of the House to the fact that in India, since 2004, Government prepared a new Seeds Bill to replace the 1966 Seeds Bill, but because of the fears of the impact on the small farmers, the new legislation is still pending. In 2010, 2011, 2013, vast consultations were carried out among NGOs, plant breeders, seed producers, ecologists, farmers and even parliamentarians. It is good to note that parliamentarians, on both sides of the House, Opposition and Government in India, debated widely on the issue. So much so that the Chief Minister of Bihar himself expressed his concern about the adverse effects of the Bill on small planters and farmers. He also conceded that such a Bill would tend to be in favour of large multinational seed producers.

Mr Deputy Speaker, Sir, there was even a Parliamentary Standing Committee which worked on a set of recommendations which were eventually approved by Cabinet, but almost nine years later, this Bill, is still pending. The cautiousness shown by the Indian Parliament on this Bill must, of course, make us a bit more vigilant. We should act on the principle of caution, cautiousness. Mr Deputy Speaker, Sir, it is true, that ideally it will be very good and it will be positive to be in a position to carry out registration of all commercial plants, varieties and seeds or to be able to check on the quality, check on whether they correspond to the labelled characteristics. We all know that small planters complain very often about spurious seeds, about mislabelled products. First and foremost, Mr Deputy Speaker, Sir, I think it is very,

very important to ensure that we have the necessary manpower, that we have the expertise required, and, I think, we should have some capacity-building done before embarking on such a project.

Mr Deputy Speaker, Sir, we shall be needing professionals for the seed labs, we shall be needing seed analysts, we shall be needing a whole set of professionals who would be working at the office and who would be helping in determining whether any product, any seed or plant variety should be allowed in or should be allowed to be commercialised. So, Mr Deputy Speaker, Sir, my main concern is about our human resource, about setting up the technical units that we need. So, this tends to make me think that, once again, Mr Deputy Speaker, Sir, we may have placed *encore une fois la charrue avant les boeufs*. Now this is the question which arises: as far as seed testing is concerned, what type of mechanism are we putting forward? We are going to test seeds produced in the country, but we are going also to test seeds which are imported: what is the mechanism proposed? How long will it take? Who are the specialists who will be working on it? Are we going to test the viability, the quality, the yield or are we going to see whether it is conforming with the label characteristics? Should we not also consider the adaptability of the product to our local conditions? All this needs to be cleared, Mr Deputy Speaker, Sir.

When we talk about registration, I know that the Bill refers to commercial varieties. We know that in Mauritius there are lots of small planters, small farmers who produce their own seeds, their own plants, they may not be directly linked to the registration process, they may not have to register their products, but we know that in Mauritius small planters tend to sell their products. Will they be required to go and get these products registered if they are selling it to their neighbours?

I am glad to hear from the Minister that the cane industry has been exempted, that sugar cane planters will not have to go through the procedure. We all know that small planters in Mauritius normally give cane cuttings to their neighbours to ensure that they can also cultivate a particular variety that they are growing in their fields. This is, at least, something good. But, maybe, the Minister should also let us know what are the other crops and plants that would be exempted from the need to get registered.

Mr Deputy Speaker, Sir, another thing that worries me is that small planters normally have a lot of difficulty in meeting the cost of their production or their cultivation. If ever they wish to get their products registered, will they be able to meet the cost of registration? The seed testing fees, will they be able to meet it? Are we not straightaway asking them to refrain from entering the market? These are things that we have to consider, Mr Deputy Speaker, Sir.

We also have to consider that in the Bill, as mentioned by the hon. Leader of the Opposition, we talk about importation and the entry of seeds and plants but, there is no mention made, no distinction made for transgenic plants and for genetically modified organisms. Are we going to allow these in or if

they are registered on our land, are we going to allow their commercialisation? Does registration in the list of varieties of Mauritius mean that they will also be commercialised? Here is another field where we need to protect our small planters. We know about cases which happened in India, for example, cases of whole set of seeds being sold to small planters. These people found that the seeds failed and up to 61,000 acres of land which was placed under the cultivation of that particular seed, all these farmers met with losses. The Government had to contribute to compensate the farmers and the value of the compensation went up to 61 crores, which is an enormous amount. Maybe, we have to ensure that whatever products are coming into the island and whatever seeds that we are going to allow to be sold to our planters are seeds that will not cause any adverse effect on our planters.

It is also important to note, as mentioned by the hon. Leader of the Opposition, that, some seed producers have techniques which ensure that farmers always cling to them, that the country will always have to turn to them for the seeds. He mentioned the terminator gene. He mentioned the technology used normally by seed producers to ensure that the farmers always return to them, where seeds are used only once and seeds cannot be collected later because the products of these seeds later on are sterile. These are techniques used to ensure that they retain their genetic products. All these are things that we have to consider.

We have noted also, Mr Deputy Speaker, Sir, that the Bill does not make provision for any liability clause. What do I mean by liability clause? Just as I have mentioned about what happened in India, it may happen that a particular product sold to the farmers turn out to be a failure. Now, should not there be a clause in the Bill to compensate the farmers? The problem of compensation will also be related to who will pay the compensation. Will it be the importer? Will it be the exporter of the product or will it be the National Plant Variety and Seeds Office because they are the people who will be registering it and will be giving the authorisation for commercialising the product. So, these are issues that we have to consider. We have to make sure that if we want seed quality to improve, if we are taking measures to promote seed production all this must be in the interest of all stakeholders, not only the seed producers but also the farmers.

There is another issue that needs to be considered – genetic contamination. We know that we can get improved seeds and plant varieties that are imported. For example, we know that there are certain plants, even sugar cane plants, which have been genetically modified so that they may become resistant to herbicides. What if this particular gene through pollination gets transferred to other plants? Who is going to bear the responsibility for this? We know that recently in India there was a Bt brinjal which was a genetically modified brinjal, and which, through pollination, managed to contaminate other wild forms, making the wild forms resistant to herbicides. These are things that have to be considered. Who is going

to compensate the farmers and who is going to be responsible for the cleanup measures, if ever there has been a contamination?

Mr Deputy Speaker, Sir, we are all for a regulatory framework to ensure that seeds produced and sold are of quality to help to promote the type of food products produced in the island. However, Mr Deputy Speaker, Sir, we have to consider the issue with a broad mind. We have to make sure that whenever approval is given for the commercialisation of a product that the people at the other end, the people receiving the product, the people who are going to use the products are protected as well.

Mr Deputy Speaker, Sir, when we consider the case of sugarcane, I have noted that the hon. Minister mentioned that sugarcane will be exempted from the provisions of this Bill. I have noted also that in the Seeds Committee no representative of the sugarcane planters' community has been included and no representative of the MSIRI has been included. I agree that these products will not be associated with the registration process but then, through the experience gathered in cane cultivation, they could help in better understanding the procedures for registration and for commercialisation of the products.

Mr Deputy Speaker, Sir, the Seeds Bill comes at the right moment as mentioned by a former orator. But, it also makes us realise that Mauritius has the potential and the capacity of becoming a major seed and plant variety producer of the region. I have noted that there is a possibility to re-register a plant for a period of about twenty years. This, however, would tend to give a certain tendency for monopoly and to protect the producers and it will not be in the advantage of the planters, of the small farmers. It will also be interesting to see whether it will be possible to include in the legislation the setting-up of what we call seed crop insurance to ensure that farmers are further protected.

Mr Deputy Speaker, Sir, the justification for this Bill are full. We all agree that there is a need to check on seed quality and to promote the type of seeds that are produced and commercialised in the island. We feel that these steps should have been carried out in a phased manner. We should have beforehand prepared or trained our personnel, our people to be able to better implement this particular legislation. I would like here to ask the hon. Minister whether he could consider coming up with a mechanism for compensation and to ensure that it is included in this Bill. I have noted as I went through the Bill that there is a possibility that the Court may ask the producer, the seller, the vendor to compensate farmers in case of seed failure but there is a need to include in the Bill itself a compensation mechanism to ensure this protection to small farmers.

My last worry, Mr Deputy Speaker, Sir, is that of loss of biodiversity. In Mauritius, we have plenty of small planters growing their own products, growing different varieties of vegetables, fruits, etc. But with the coming into action of this particular Bill, farmers will tend to go for registered varieties and

will tend to use these varieties. Very soon, we shall suffer from what we call genetic uniformity in all our fields, our orchards and our *potager*. The problem is that we are slowly going to lose genetic diversity. When we lose genetic diversity, the cost of that is really very, very high. We cannot know to what extent these losses might be harmful to us.

I would like here to recall just one incident, which occurred in the United States. In 1948, one scientist went around the world to collect weed plants. He collected one weed plant from Turkey in 1948 and that wheat plant was so bad in terms of its characteristics, it lodged, it was lanky and it had very weak stems. They did not even bother to give it a name, it was just given an identification number 178383. This plant was kept aside. It is only when an epidemic hit the United States and all the wheat crops got damaged that they realised that this single plant taken from Turkey, which was not even given a name, was the only plant which had the resistance genes against the disease that was afflicting that particular area at that time. And this wheat plant had resistance for, at least, 40 pests of the area. So, now this plant is being used widely in breeding experiments, in breeding programmes to ensure that the wheat plants in the United States are resistant to a number of diseases of the area. This is just to show that genetic diversity is not something that we can play with and we cannot afford to lose genetic diversity.

My fear is that with the coming into play of this particular Bill, with the need to register all varieties that are in use, to make sure that all plants that are cultivated need to be from the list that has been prepared through the National Plant Varieties and Seeds Office, we may in the long run lose our genetic diversity and this is something that we cannot afford to do.

It is also important, Mr Deputy Speaker, Sir, to ensure that all the varieties that we have on the Mauritian land, be scrutinised. A survey should be carried out and all these plant varieties should be placed in the registered list of plants and seeds of the area. Mr Deputy Speaker, Sir, the idea of having this Bill, obviously, is for the promotion of the seed industry, and I just hope that we succeed on this line, but, again, we have to make sure that everything is done stepwise so that we get maximum returns on the measures that we are taking.

Thank you, Mr Deputy Speaker, Sir.

(6.24 p.m.)

**Mr J. Leopold (First Member for Rodrigues):** Mr Deputy Speaker, Sir, allow me from the very beginning to thank the hon. Minister for having brought this Bill to the House.

In fact, this piece of legislation intends for the setting-up of a National Plant Varieties and Seeds Office, commonly known as NPVSO, and is providing the appropriate framework to regulate the cultivation, production, trade, importation and exportation of seeds. In other terms, it tends to ensure

seeds security within our Republic. This is a condition, Mr Deputy Speaker, Sir, where farmers are certain, year after year, to obtain on time the quality and quantity of seeds to fulfil the production terms. This Bill offers a very big step towards modernisation of our agriculture and ensuring auto sufficiency in food production at a time when people are called upon to go back to agricultural production to counterbalance possible negative effects of climate change, particularly in small island States like ours, which is very vulnerable to natural calamities such as cyclones, droughts, floods and so on.

Mr Deputy Speaker, Sir, my intervention today will allow me to share a few observations with regard to my deep appreciation of the numerous positive aspects of the Bill and, at the same time, to formulate certain propositions here and there in view of strengthening further same, including maybe a possible suggestion for a minor amendment to the Bill for the welfare of traditional local farmers.

Mr Deputy Speaker, Sir, the Bill makes it clear that cultivation production trade, importation and exportation of seeds will now be regulated by the setting-up of a National Plant Varieties and Seeds Committee, which will have the power to register seed producers, seed dealers, perform seed testing and inspection and have such powers for the enforcement of the Act. This will guarantee farmers or anyone engaging in cultivation of seed quality. Since seed quality, Mr Deputy Speaker, Sir, is affected, namely by varietal purity, clean seeds, that is, seeds without weeds, germination capacity, freedom from disease and seeds selection, this will in turn ensure more confidence about what we want to plant to obviously have higher yields and better quality at a competitive rate on the market.

Mr Deputy Speaker, Sir, who has not at a point in time, be it professional planters or not, been victims, been very disappointed after buying seeds from supermarkets or other so-called specialised shops, particularly those of flower plants. The fact is, Mr Deputy Speaker, Sir, unfortunately, after sowing no germination at all or very low percentage of germination happens even though all the specifications on the packets have been duly respected with regard to timing and sowing conditions. Mr Deputy Speaker, Sir, this may be due to the very simple fact that the seeds were dormant. Unfortunately, this important crucial note, I would say, was not indicated on the packet, nor any method or treatment for breaking such dormancy. In fact, the information, at times, could be very misleading.

In this Bill, Mr Deputy Speaker, Sir, parts (5) and (6) make provisions so that seed traders and seed producers will have the proper certificate to minimise recurrence of such misadventures as the NPVSO will be equipped with the adequate laboratory to dwell with seed testing and seed inspection and all appropriate powers to contravene those not respecting the law. Therefore, Mr Deputy Speaker, Sir, professional planters and amateurs will have value for money and peace of mind.

Mr Deputy Speaker, Sir, paragraph 6 of the Bill, as stated earlier makes provision for the setting up of a NPVSC, the Committee. I have gone through the Bill about the composition of this Committee, but I was quite disappointed that no provision is made to clearly state the inclusion of an officer from the Agricultural Services of Rodrigues to sit on same. Because, Mr Deputy Speaker, Sir, in Rodrigues we do have valuable endemic seeds of plants with commercial, medical and even cosmetic values. I have in mind, Mr Deputy Speaker, Sir, our local, very tasted red beans, the *Phaseolus vulgaris* and the small chillies commonly known as the *ti-piments Rodrigues*, *Capsicum minimum*, amongst others. This is our cultural heritage and represents our cultural identity, that is, the Rodriguan identity.

In a spirit of fairness and respect for seed producers and agricultural officers from Rodrigues and, as a result of such provisions made in that paragraph for the setting-up of that Committee, I am of the opinion that this should be addressed and there is still sufficient room to accommodate same.

Mr Deputy Speaker, Sir, being given the smallness of the island, we are not above the devastating risk of homozygosity which inevitably results in loss of genetic vigor, making the variety more disease prone or loss of biodiversity. Mr Deputy Speaker, Sir, present craze for monoculture is another significant factor which may accelerate genetic erosion in the island, and the need, therefore, to catalogue existing varieties while opening the door for improvement, such as to have more resisted and higher yield varieties is more than urgent.

Mr Deputy Speaker, Sir, as we are embarking on a good and fresh start, let us take everyone on board. Mr Deputy Speaker, Sir, I highly appreciate that at paragraph 8 of the Bill where provision is made for registration of variety. Surely, Mr Deputy Speaker, Sir, this will decrease the risk of illegal introduction of seeds of exotic varieties, namely, what we call alien species which may harm our local varieties. The conditions laid down will surely help to minimise cross breeding and the possibility that resulting offspring developed into super weeds, that is, plant seeds.

I have in mind, Mr Deputy Speaker, Sir, the case in Rodrigues of the so-called *piquant loulou* or *Acacia nilotica*. I would, therefore, suggest that the common name, the local name or vernacular name, as one may call it, be also included in the definition of the variety because, very often, the same plant may bear different local names in different parts of our Republic. There are so many examples, Mr Deputy Speaker, Sir. For example, we have the Bois Malaya with a scientific name *Olea lancea*. In Rodrigues, we call it Bois Malaya but in Mauritius we call it Bois Cerf. Very close to us, in Reunion Island, we have for example *vieille fille*, the *Lantana camara*, which, in Mauritius and in Rodrigues, we call *vieille fille* but in Reunion they call it *corbeille d'or*.

Therefore, Mr Deputy Speaker, Sir, in the same paragraph, at subsection 6, it is spelt out that the certificate of registration has a validity of ten years. My first question is whether this certificate will be considered as a sort of *brevet* or intellectual property as a fee is to be paid for same because, Mr Deputy Speaker, Sir, it is not clear in the Bill? In the event the answer is in the affirmative, my next question is: how to guarantee the quality of the seeds with respect to the whole period during which the certificate is dully valid, that is, the period of 10 years? Will the inspection and testing alone be sufficient?

Mr Deputy Speaker, Sir, since producing a given variety of seeds is not only time-consuming, but, at times, it is also very expensive as it may take as long as 10 to 15 years in certain cases, shouldn't it be wise that the MVPSO be also equipped with a proper seed bank or a seed library or even a seed swap? This can be made available to seed producers or traders upon payment of a prescribed fee because, Mr Deputy Speaker, Sir, when we look at the definition of seed in the Bill, it reads and I quote –

“(...) the whole or any part of a plant capable of regeneration and giving rise to a plant which is true to such type.”

In my opinion, this is a quite fair definition which takes into account both types of seeds, namely, generative seeds and vegetative seeds. Generative seeds, Mr Deputy Speaker, Sir, are those true seeds and fruits derived from flowers. It covers both *l'appellation française de grains et graines*. Just to explain, Mr Deputy Speaker, Sir, *la graine est issue de la fécondation de l'ovule, tandis que le grain – par exemple on parle de grains des céréales, des caryopses. Donc, c'est l'ensemble du fruit fusionné avec la graine*. For both names in English it's the seed, whereas vegetative seeds are those from bulbs as in the case of onion and garlic, corms, as in *arouille*, tubers as in potato, rhizomes as in ginger, stem cutting as in manioc and roses and even suckers as is the case for banana and likes. Mr Deputy Speaker, Sir, it is clear the difficult of the farmers to have the necessary logistics to keep seeds, particularly, vegetative ones in the state to give rise to plant “which is true to the type” as it is in the definition for a period of ten years in accordance with the validity of the certificate. This is why, Mr Deputy Speaker, Sir, I consider the setting-up of a seed bank or a seed library, is valid and fair, being given that most of our seed producers are traditional farmers and may not be well versed with conditions for keeping seeds to ensure seed quality. In a seed bank, we will be sure that all the efforts producers have deployed in producing new varieties, will be preserved as appropriate control conditions for humidity of air, temperature, ventilation and genuine conservation methods will be applied.

In fact, Mr Deputy Speaker, Sir, to guarantee seed quality even in the seed bank seeds, depending on the species, will have to be planted from time to time. You will agree with me, Mr Deputy Speaker, Sir, that these facilities may not be available at the very end of our local farmers. At paragraph 21, I would like to be enlightened by the strategies the Minister intends to develop to ensure that traditional

farmers take advantage of provisions in the Bill and be in conformity with. Being given that the fine to be paid for those found contravening this Act is not that low, Mr Deputy Speaker, Sir, my concern is about those farmers who are, most of the time, with low literacy level but with a quite long experience as seed producers since years even unofficial. Will there be any aggressive sensitisation campaign for them to leave their traditional habits *pour entrer dans les rangs*? What would be the faith *des récalcitrants*? Mr Deputy Speaker, Sir, it is a fact that traditional farmers store seeds for three main reasons: consumption, sale and seed stock. However, the activities provide an important backup to the overall agricultural crop production in our country. Their contribution, up to now, is inestimable in our economy *et dans nos assiettes*.

One has to be careful enough as discouraging traditional farmers may lead to a steady depletion of traditional crop varieties and this can become a cause for a shortage or disappearance of locally adapted seeds. This has been revealed by several independent surveys worldwide. Therefore, this will cause a threat to our biodiversity. How can we go, Mr Deputy Speaker, Sir, and tell a planter of 60 years or above, who has been producing and planting his own seeds since his childhood, that from now on he is not allowed to produce seeds unless he is a registered seed producer? This will not be encouraging for the farmer at a time that we are calling upon for more and more people to go back to agriculture as a means to fight against poverty, food shortage and the so-called *crise alimentaire* in order to achieve food security.

I am afraid, Mr Deputy Speaker, Sir, that this may not be perceived as an incentive or a sign of encouragement. This is why, Mr Deputy Speaker, Sir, I would suggest the Minister to consider that the very first sentence of paragraph 21 be amended so that it reads -

‘No seed shall be used to produce another seed which is true to the type for commercial purposes unless (...).

This will, in my opinion, show respect to *nos grands dimounes* who have spent all their lives cultivating their land everyday so that when we go to the market our *tente bazaar pas reste vide*.

Furthermore, Mr Deputy Speaker, Sir, seed sharing among planters or neighbours is still a common practice in our everyday life. Will somebody contravene the law by having in his possession a handful of seedlings of onions, garlies or whatever that he intends to grow for his own consumption? The law has to be clear, Mr Deputy Speaker, Sir.

In conclusion, Mr Deputy Speaker, Sir, the Bill has many positive aspects, even the right for making appeals against the decision of the NPVSO has been provided. However, my humble contribution to the debate today is to share my observations and concerns so that seed producers, farmers and seed dealers can carry out their vital activities in all confidence and no doubt with this Bill we are on the right

track to ensure food security of our population. Again, I thank the hon. Minister for bringing this Bill to the House.

I thank you, Mr Deputy Speaker, Sir.

(6.40 p.m.)

**Mr P. Roopun (Third Member for Flacq & Bon Accueil):** Mr Deputy Speaker, Sir, the Bill appears to be fairly non-contentious, it goes in the right direction and we should welcome it.

I had the intention today to speak on three aspects of the Bill and my main intervention was to be on the intellectual property side, but I heard the hon. Minister stating that there will be another Bill which is in preparation to deal essentially with the intellectual property matters. I shall, therefore, reserve some of my comments for some other time, but I would like first of all to make an urgent appeal to the Minister and through him to Government. Already we have got two Ministries dealing with IP matters. We have the Ministry of Foreign Affairs, Regional Integration and International Trade dealing with patents, trademark, and so on. We have got the Minister of Arts and Culture dealing with copyright and yet, even if it is not directly related to IP matters, it would seem that to some extent a third Ministry now, will be dealing with yet some other aspects. I think that this should be reviewed and, if possible, we should come with a consolidated authority to deal with all IP matters.

Having said so, Mr Deputy Speaker, Sir, as intimated, we welcome the Bill because when there is an economic dimension and it is important that we have an authority to deal with the trade, cultivation and, most importantly, importation of seeds.

I will be very brief by asking a few clarifications from the hon. Minister. My intervention will join those of the hon. lady who spoke before me as regards the conservation part of our local varieties. I do not see in the Bill much being written about the conservation. I think that it is very important that the authorities, which are being set up today, consider also local varieties of all our vegetables, flowers, and plants which form part of our cultural diversity - and also hon. Leopold mentioned - and it is one of the first things that the Committee should look after; a complete repertoire of all our local species. Because, we should not forget that there has been on the international front various cases of biopiracy and to combat any possible biopiracy in the future there is, first of all, need for a well-documented repertoire of our various species. I think that this is something which should be included as a matter of urgency and I urge the hon. Minister to consider whether any amendment has to be brought to this present Bill to include also the conservation part of the work which has to be done at his level.

Another aspect over which I wanted the hon. Minister to respond is: what measures are there in the Bill to ensure that they will not encourage a concentration of the seed market in the hands of a few

enterprises. This is very vital, Mr Deputy Speaker, Sir. We should not create a monopoly. There should be sufficient level playing field. We should have sufficient competitors on this market. It is something very specialised. Even worldwide, we know there are only a few multinationals dealing with the commerce of seeds and we should try to be as flexible as it is needed so as to ensure that there is fair competition among the various stakeholders, and it is still for us - a small country - we know how it will be difficult if there is only one or two enterprises which will be having the monopoly and what may result in the short and medium term.

I join also hon. Mrs Dookun-Luchoomun to raise some apprehensions about the situation of small farmers and, here, I must say that I myself a home grower of vegetables, I want to ask a few simple questions to the hon. Minister. The first one is whether when I travel overseas, and purchase a few seedlings which I came across, will be a criminal offence, after this Bill is being passed. I wanted to have the response of the hon. Minister on that issue, because I take it that it is not on a commercial level, but I wanted nevertheless for the hon. Minister to reassure us that this is so.

There is another aspect which disturbs me, I must say, about the restriction being put on onions. I must say, be it onions, be it garlic, I regularly purchase onion seedlings, garlic also, which I cultivate for my own consumption. It is being sold openly. You go in the main markets, you can have it. You can also have it at the Flacq Market and this is something which the local planters do for economic reasons. They are going to buy, let us say, a whole packet and they are not going to use the whole of it. Perhaps, they are going to use half or more and the excess, they tend to sell it to some other planters or some other persons. I want to know whether there is some latitude which can be given to those types of activities which are not basically commercial in nature over which I want the hon. Minister to clear, at least, as hon. Leader of the Opposition stated that we should not be too rigid and we should try to understand the local situation. And, in fact, hon. Leopold did mention that also. I see in the definition about trade and, in fact, when we see the division of trade we do mention even barter which means that even if there is an exchange of seedlings among planters, it would seem that it may fall under this definition, and I wonder whether the commercial aspect of it is going to be taken care of or whether the issue of barter will predominate. I also want the hon. Minister to enlighten us on this issue and there is also the question of preservation of our local varieties over which I mentioned earlier and also whether the different authorities will also take into account varieties which are on the phase of extinction. I have heard, for example, some types of varieties of tomatoes which we don't see on the market and if there could be some exercise to that effect so that we can preserve whatever had been here for generations.

With these few points, Mr Deputy Speaker, Sir, I thank you, and I wish the hon. Minister to respond. Thank you.

(6.49 p.m.)

**The Minister of Agro-Industry and Food Security (Mr S. Faugoo):** Mr Deputy Speaker, Sir, let me start by thanking all hon. Members from both sides of the House for their participation in the debate on the Bill which is before the House, that is, the Seeds Bill. I am also pleased to note that the Opposition is in agreement with the Bill and they have also endorsed, I must say, most of the provisions which are to be found in the proposed Bill. I have taken good note of some of the points raised. I must say that some of them are quite pertinent and also overlap with those raised on the same issues. I will try, as much as I can, to answer some of the issues raised by hon. Members collectively. On some of the particular points raised, I will, may be, try to explain individually.

Mr Deputy Speaker, Sir, this Bill, in fact, charts the regulatory framework and all technicalities at operational level will rest with competent technicians of the Ministry and also, of the office where they will be posted henceforth, rather the office which has been created under this present Bill and also with the competent authorities.

I will try to focus on the framework and policy matters rather than on the technical aspects which, as I said, will be dealt with by technicians of the Unit and also by the Institutions.

On the first point, Mr Deputy Speaker, Sir, which was raised concerning whether the Bill covers horticultural nurseries which are growing horticulture products, the answer is yes. The short answer to that question is, yes, it does. In fact, a nursery is one unit of the Seed Production System. There is the whole chain which is in place when there is production of seeds. One nursery is just one unit, but it covers the whole chain of seed production. It covers all seeds to do with food crop, fruits and also flowers.

With regard to the second point and third point, maybe, I can take them together. Does it ban any genetic technologies or any genetically modified crop or seed and also, if there is provision for transgenic varieties of seeds? Here, I must say, Mr Deputy Speaker, Sir, the Bill does not impose a ban on genetic engineering and transgenic variety of seeds; it does not. These varieties are taken care of GMO Act which was, in fact, passed in the 2004. Transgenic seeds, in fact, imply two issues. First, it has to be registered. The fact that it is a seed, so anybody importing or producing the seed, they have to register the same and, secondly, once it is registered they won't be allowed to release the seed until and unless it is allowed under the GMO Act. It means that it has to pass two tests. First, they have to register and while registering they have to comply with all the criteria which have been set already in the law and some of them which will be set by regulations and, as I said, secondly, they have to pass the test under the GMO Act. This is to do with transgenic varieties.

There was a point which was raised by the hon. Leader of the Opposition which is under Section 6, Clause 6 sub-clause 2, whether the Bill should have provided for standards for registration. Again, this is an operational matter and, as I said, we will have to come up with lots of Regulations and those Regulations will apply at Committee level - the Seed Committee. They will have to abide by the Committee. There will be also protocols that will be put in place, Mr Deputy Speaker, Sir, and in this matter we will have to respect the international norms which are already set. We have to respect the norms which have been set by FAO and also other recognised institutions in this field.

There was also the issue of whether there can be more members in that Committee. Already, I must say, it is a large Committee. I was minded to make it a bit smaller. There are twelve members, if I am not mistaken, and there is a proposition from the Opposition side to take onboard somebody from GEPTA. This can be done - I am not saying this is the way it is going to be - under the last section where the Minister has the power to appoint three persons.

There was also the question of whether there should have been somebody from MSIRI. I have said it in clear terms that this Bill does not include sugarcane. It is dealt with separately under different laws. We have a specialist already in food crop, in fruits that are doing well in AREU, in FARC. It would have been a surplus aid, I must say. Maybe we need experts, but they can be co-opted if the need arises. If the Board or the Committee feels the need of having an expert in a particular field from outside, I don't think there is anything which will stop them from taking onboard somebody from outside, Mr Deputy Speaker, Sir.

Another point which was raised was on the minimal level, whether provisions should have been made on the minimum level of germination, whether genetic or physical purity. Again, I must say here we will be making regulations to govern this and we will have to follow the guidelines which have been established by FAO and also, best international practices. I must say, why regulations, why we are not putting this in the law? It is because guidelines in this field are very dynamic, Mr Deputy Speaker, Sir; they change. This is why we are bringing it by regulations, so that whenever the need arises we can change it easily. We don't have to come to Parliament to amend the Act. This will be taken care of by regulations.

Another point raised by the hon. Leader of the Opposition concerns the appeal against the decisions of the NPVSO. He asked the question as to why the appeal is not made directly to the Appeal Board, why to the Minister. There are two issues here. Why not to the Board? It is because the Board is not a permanent one. The Board is an *ad hoc* Board which is appointed by the hon. Minister to hear one particular case on the particular appeal.

The second point raised by the hon. Leader of the Opposition is quite a pertinent one and it is about the time frame. The Minister, I feel, has the power when appointing the Board, he can put a time frame that the case has to be heard within three weeks and the report submitted. This can be taken care of administratively, Mr Deputy Speaker, Sir.

The question of compensation was raised, whether if something goes wrong along the chain and it causes prejudice to either the breeder or the farmer at the lowest rung of the ladder, what is the way forward. This is going to be basically civil matter because it has to be established who is at fault. We cannot put provisions in the law and decide beforehand who is going to be responsible for the fault. If seeds are sold to a planter and he does not respect the conditions for sowing the seeds, he does not respect the delay or he does not do what is required to be done technically, who is going to be held responsible? Is it the office, the NPVSO? Is it going to be the registered owner of the seeds? It is a question which, at the end of the day, has to be decided by the Court. But nevertheless, Mr Deputy Speaker, Sir, I must say that, at page 26, one can read, in the Bill, Clause 32(3) (c), it says -

“Where a person is convicted of an offence under this particular Act, the Court may, in addition to any penalty - for the criminal offence - imposed under subsection (2) –

(c) order that person to compensate the person who has suffered such lost or damage.”

So, there is power given to the Court, to the Magistrate, to make an Order for compensation. Over and above sentencing the person who is in breach of the Act, the Court can also order compensation. But, at the same time, it does not disbar the person who has made loss to go for a civil action, Mr Deputy Speaker, Sir.

There was also the point of sanitary and phytosanitary measures, whether tests are carried out. This is provided for under the NPPO Act (National Plant and Protection Office Act), which is a bit similar to what is being set up. So, that deals specifically with plants. This is an extension in fact of the NPPO. This is another office, parallel to the NPPO, which is going to deal only with seeds, seeds of all kinds of any plants. A question was raised by hon. Roopun, as to whether a traveler, a person travelling abroad, when he is coming back, he can bring along with him seeds of any kind albeit in a small quantity, but this is forbidden under the NPPO Act. It is already forbidden and if you are found at the airport with such seed, it is seized and destroyed at the airport. It is an illegal act. So, this is there already.

And as for testing of seeds now under this particular Bill, it will be tested for quality, for free of disease, purity, percentage of germination, and also freedom from any insect. We have already to answer to one of the points which were raised by hon. Mrs Dookun-Luchoomun. We have already a laboratory at Barkly which is providing services in the sector. This is the whole issue. There are lots of services that we

are providing already. There is a seed industry in Mauritius which is not regulated and this is why we are coming up with this present Bill to regulate the production, importation, exportation and also the testing and selling of seeds.

There was one last point which was raised by the hon. Leader of the Opposition on capacity-building, whether we have the required human resources to take care of what is being proposed in the Bill. The answer is yes and no. We have expertise, they are known for their expertise and they are doing a good work, but still we need to train them further wherever and whenever required, Mr Deputy Speaker, Sir.

There was another point which was raised by hon. Mrs Dookun-Luchoomun. She asked whether there will be effective implementation of the present provisions of the Bill. As I said, Mr Deputy Speaker, Sir, we have a seed industry, but it is not a seed industry as it exists in other countries. But there is potential because we are producing only about 25,000 kilograms of seeds per year for local consumption, for local use. We are importing on the other hand 90,000 kilograms of seeds. I don't know the economic value. It is a big quantity, 90,000 kilograms of seeds, Mr Deputy Speaker, Sir. This shows the economic space that is available. As I said, those who are neglecting their land because of the problem which the sugarcane industry is facing, they can shift. They can go for seed production - not only for the country. As I said, we are already importing 90,000 kilograms of seeds. One of the highest costs of input in any production, I can say for potato, for example, apparently it is 50%, the cost of seeds. 50% of the cost of production goes into the seeds. So, it is a very, very high cost which can be taken care of here only.

As I said, there are already in place certain facilities, certain services, and certain competences which are being put at the disposal of the farming community. And this we are going to look into, and, again, maybe train the people, update the laboratory which is there already so that it conforms to the international standard. This is there already. What we are doing, for example, for Quality Declared Seeds (QDS), it is something which is being carried out now. We have a scheme, where we do contract farming. We choose farmers who are known to the institutions like AREU and all those whom we can rely on; we choose them on the quality. In fact, we go public for expression of interest, and then we apply the norms which have been set by FAO already. So, some works have already been started and are being done already, Mr Deputy Speaker, Sir.

Another concern was on the cost of registration, and also the cost of testing whether this is not going to hamper growers to go for registration, go for recognition with the office. In the Budget of this year, that is 2013, there was a scheme which we developed. In fact, it is called pre-market testing. It is for growers/planters and whatever the cost of test, Government gives a 100% grant. Government pays for the cost. This can be extended. This scheme can be extended to applicants for registration of their seeds, Mr

Deputy Speaker, Sir. We can come up with other schemes also, whereby they will be helped and supported. Under the Food Security Programme we are coming up with lots of measures where we are helping and supporting, because at the end of the day, food security is a national issue. It is not only an issue for the planting community or the farmers' community, it is a national issue. We are all concerned. Government is conscious of the problem facing the world and Mauritius as well. So, we have been giving a lot of support.

Hon. Roopun raised the issue of intellectual property and he also said that he will speak on that when the Bill comes to the House. He is most welcome. But let me, at this stage, Mr Deputy Speaker, Sir, say that, in fact, initially when we are working on the Seeds Bill, it was our intention to have a consolidated Bill. That is a Bill which will cover the registration of the seeds and also give protection of plant varieties to the person who is registering, for example, a patent right.

However, Mr Deputy Speaker, Sir, I must say, following discussions with all stakeholders on the issue of intellectual property rights, it was agreed that it would be more appropriate to cover all forms of property rights, including plant breeders rights, an issue which was raised by hon. Roopun. There are so many property rights in different spheres of life, trade and profession. So, this is being taken care of in a consolidated Bill, namely the Industrial Property Bill, which is being worked out, it is being finalised by the International Trade Division of the Ministry of Foreign Affairs, Regional Integration and International Trade.

On the question of conservation of local varieties, in fact, this is the very purpose of the Bill, Mr Deputy Speaker, Sir, because we are creating a mechanism whereby any breeder can go and register a variety. And on what name! My friend hon. Leopold raised several issues concerning the name. The name will be the choice of the applicant who is applying to register. He can give any name albeit that it should not be false, it should not be an invention, something relevant and something to do with that particular product, particular crop or whatever. Whether by creating the registration system for seeds, are we not creating some kind of monopoly in the sector? This is not the case at all, Mr Deputy Speaker, Sir. It is a free market. All the forces of market mechanism will apply. Demand and supply will apply and also we should not forget that we have the Competition Commission. If there is a situation of monopoly, one is free to go and knock at the door of the Competition Commission, Mr Deputy Speaker, Sir.

There was another issue which was raised on the loss - whether there is a possibility of losing our biodiversity. This is not the case. I understand we have the Plant Genetic Resource Centre. In fact, there are three under my Ministry. We also have a seed bank at Barkly Experiment Station. We also collaborate with the International Plant Genetic Resource Centre, Mr Deputy Speaker, Sir. This is being taken care of and there is no loss of biodiversity.

A question was raised by hon. Mrs Dookun-Luchoomun with regard to the coming of this Bill, whether a grower will not be able to share the seeds which he is producing with his neighbours. Of course, he can share just like he shares cakes at Divali time, but he cannot sell. He cannot engage himself in business because, if we allow exceptions, where do we stop, Mr Deputy Speaker, Sir. It's a law which is regulating the production and sale of seeds on a commercial basis. So, anybody for that matter, who is engaging in the production and commercialisation, will have to act and abide by the provisions of this law. Then as I said, as an exception, if somebody is giving free of charge some seeds to his neighbour, this is not covered here. Then when this happens, we have to look at the danger because when there is no control and when seeds are supplied which are not certified, this puts in question the whole industry. The whole industry can be affected at the end of the day, Mr Deputy Speaker, Sir, just because of a few seeds. This is exactly one of the points which is being taken care of in the present Bill.

I have dealt with the issue of compensation and that of the laboratory. As I said, there is one already. There is one issue which was raised on genetic contamination, Mr Deputy Speaker, Sir. The Bill, in fact, aims at reducing genetic contamination and maintaining genetic and purity trueness to type. The NPVSO is empowered to devise such schemes to ensure genetic purity. The Bill, in fact, provides for the breeder to maintain the purity of the variety. In fact, the Bill is giving the power to the relevant officer to go and check; to go and collect samples and countercheck not only once, but any time. He has the power to enter and take a sample and go and check. If it is not consistent with what has been registered and what was been tested in the first place, he can be deregistered and there is a mechanism which is being provided in the Bill, Mr Deputy Speaker, Sir.

I think I have dealt with all the points which have been raised. I again reiterate my thanks to all the Members who have taken part in the debate.

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

*Question put and agreed to.*

*Bill read a second time and committed.*

(7.14 p.m.)

## **COMMITTEE STAGE**

*(The Deputy Speaker in the Chair)*

### **THE SEEDS BILL**

**(NO. VIII OF 2013)**

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Clause 6 (National Plant Varieties and Seeds Committee)*

*Motion made and question proposed: “that the clause stands part of the Bill”.*

**Mr Faugoo:** I move the following –

“Clause 6 -

- paragraph (a), subparagraph (iii) be deleted and subparagraphs (iv) to (xi) be renumbered as (iii) to (x), respectively;
- paragraph (c), the words “(ix)” be deleted and replaced by the words “(viii)”;
- the following new paragraph -

- (g) The Head of NPVSO or his representative shall attend every meeting of the Seeds Committee and may take part in its deliberations but shall have no right to vote;

be inserted after paragraph (f), and paragraphs (g), (h) and (i) be re-lettered as paragraphs (h), (i) and (j), respectively.”

*Amendment agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*

*Clause 8 (Application to register variety)*

*Motion made and question proposed: “that the clause stands part of the Bill”.*

**Mr Faugoo:** I move that in clause 8(5)(a) – the words “may, after due consideration of the recommendations” be deleted and replaced by the words “shall, on the recommendation”.

*Amendment agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clauses 9 to 17 ordered to stand part of the Bill.*

*Clause 18 (Warrant to enter dwelling house)*

*Motion made and question proposed: “that the clause stands part of the Bill”.*

**Mr Faugoo:** I move the following –

“Clause 18 –

- (i) subclause (1), the words “17(1)(a)” be deleted and replaced by the figure “17”;

- (ii) subclause (2)(a), the words “17(1)(a)” be deleted and replaced by the figure “17”.”

*Amendment agreed to.*

*Clause 18, as amended, ordered to stand part of the Bill.*

*Clauses 19 to 35 ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

*On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.*

#### *Third Reading*

*On motion made and seconded, the Seeds Bill (No. VIII of 2013) was read a third time and passed.*

### **ADJOURNMENT**

**The Prime Minister:** Sir, I beg to move that this Assembly do now adjourn to Tuesday 04 June 2013 at 11.30 a.m.

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

**The Deputy Speaker:** The House stands adjourned.

*At this stage, Mr Speaker took the Chair.*

### **MATTERS RAISED**

**Mr Speaker:** We have a list of eleven orators and we have only thirty minutes. So, I hope the principle of time sharing will be observed. Thank you.

(7.20 p.m.)

### **ALBION FRONTAGE – CONSTRUCTION**

**Mr R. Bhagwan (First Member Beau Bassin & Petite Rivière):** Mr Speaker, Sir, I would like to raise an issue concerning the Minister of Local Government.

*Je me fais le porte-parole d'un mouvement de la région d'Albion, particulièrement ceux qui habitent sur le frontage d'Albion. Il y a un mouvement, M. le président, pour la Justice Albion Plage. We*

all know the region of Albion. There are houses which have been built for the past 30 years and the District Council then gave the permit and did not take any actions against the owners who have constructed their houses with one or two storey. Nearly 300 houses have been built. It is now that the District Council discovers that all these people have constructed their houses illegally, contrary to their *contrats de vente*. Now the District Council is acting, is refusing to give permit to the four or five people who want to construct behind the frontage of Albion. I understand that this *mouvement* has written to the Ministry of Local Government which has responded favourably.

I would appeal to the Minister of Local Government to take this matter urgently with the District Council to restore equity - if I can use the word 'equity' - to the four or five owners who are being debarred from going ahead with the construction of their houses.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, in fact, I am well aware of this problem. I even had a meeting with them. This is a situation that, I think, started already 30 years ago and the hon. Member just mentioned that, amongst the 240 houses that have been built without fulfilling the criteria of the status of the land, there are certain conditions. Today, there are 220 houses that have already been constructed with ground floor plus two or three storeys and these 10 persons are being deprived. Rightly so, I am going to look into the matter.

(7.22 p.m.)

### **TROU AUX CERFS – INFRASTRUCTURE**

**Mr S. Obeegadoo (Third Member for Curepipe & Midlands):** M. le président, mon propos aujourd'hui s'adresse au ministre des Collectivités locales et des Iles, mais aussi à celui responsable de l'environnement et celui responsable de la santé. Cela concerne le Trou aux Cerfs, sujet que j'ai évoqué à plusieurs reprises, ici, au sein de la Chambre.

Le Trou aux Cerfs, M. le président, a sa vocation de parcours de santé, de lieu de loisirs, de détente, a été déterminé non pas par nous, ni même par le conseil municipal, mais par ces centaines - que dis-je des centaines - des milliers d'habitants de Curepipe, de Floréal, de Vacoas, qui avant même la levée du jour jusqu'à très tard dans la soirée viennent donc au Trou aux Cerfs pour faire du jogging, de la marche, du footing.

Ces dernières années, il y a eu des reculs et des avancées. Recul, par exemple, récemment la mairie a fait construire un bâtiment qui obstrue la vue panoramique. Recul, par exemple, le déboisement que j'ai dénoncé ici, il y a quelques mois. Avancée par contre, parce que le Conseil municipal, en 2011 ou en 2012, a interdit l'accès aux véhicules au Trou aux Cerfs. Mais ce qui est grave, c'est le nouveau danger dont je voudrais vous entretenir, M. le président.

Tout récemment, il y un conseiller de la majorité, un conseiller Travailliste qui a proposé une motion pour développer des infrastructures touristiques au Trou aux Cerfs incluant un téléphérique. M. le président, cela est extrêmement grave, des propositions à l'emporte-pièce sans avoir été mûrement réfléchies. Je lance, donc, un appel au ministre lui demandant de transmettre au Conseil municipal ce message : ne touchez pas au Trou aux Cerfs ! Ne touchez pas au Trou aux Cerfs aujourd'hui, même pour les touristes ! Ce qui importe c'est le tourisme vert. Mais de toutes les façons, la priorité ce n'est pas les touristes. La priorité ce sont ces milliers d'usagers mauriciens qui, tous les jours, vont sur ce site. La priorité c'est, donc, la santé des mauriciens ; la priorité c'est, donc, pour le ministre de l'Environnement, peut-être une étude quant à l'habitat national que constitue le cratère, la biodiversité de ce lieu ; la priorité c'est le reboisement, c'est l'amélioration de l'éclairage, la priorité c'est les chiens errants qu'il faut éliminer de ce lieu, un aire de stationnement plus approprié, mais certainement, de grâce, pas de bâtiment, pas de téléphérique.

Je vais, donc, renouveler mon appel au ministre Aimée, en tant que Curepipien et il y en a plusieurs au sein de cette Chambre, veuillez transmettre au Conseil municipal ce message très clair : ne touchez pas à notre Trou aux Cerfs !

Merci.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** M. le président, je prends note de tout ce qui est dit par l'honorable Obeegadoo.

Au fait, l'année dernière il y a eu des griefs venant des ministres...

*(Interruptions)*

**Mr Speaker:** Silence, please!

*(Interruptions)*

Silence!

**Mr Aimée:** Il y a eu des reproches venant du Premier ministre parce que les gens sont venus rapporter qu'il y a des trucs qui se passent mal.

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Aimée:** Il y avait même un problème de toilettes et tout cela a été adressé. Je prends note parce que je ne suis pas au courant....

*(Interruptions)*

**Mr Speaker:** Silence now!

**Mr Aimée :** ... pour des développements téléphériques ou des aménagements pour les échoppes, mais je vais quand même jeter un coup d'œil.

Merci.

(7.27 p.m.)

### **SORÈZE – ROAD ACCIDENT - 11-YEAR OLD CHILD – ASSISTANCE**

**Mrs S. B. Hanoomanjee (Second Member Savanne & Black River):** Mr Speaker, Sir, I will raise an issue which concerns the Prime Minister and the Vice-Prime Minister, Minister of Finance at the same time.

In the tragic accident which happened on 03 May at Sorèze 2013 where 10 persons died, there was a couple, Mr and Mrs Ujodha who passed away. They lost their life in this tragic accident, leaving behind a daughter of 11 years. As at today, the maternal grandfather has the provisional custody of the child. He is a taxi-driver and he is himself struggling for a living. He had guaranteed the couple for a loan of Rs350,000 with the DBM, out of which an amount of Rs60,000 remains as balance to be paid. I have three requests to make to Government.

First, the 11-year old girl has undergone a traumatic experience. She has lost both parents. I was surprised to learn that she didn't get any psychological support from Government. In fact, I enquired and I have been told by the child herself that only once from the time of the accident till yesterday she has had only one visit from a psychologist. So, I am requesting Government to ensure, at least, that the child gets the psychological support she needs.

The second thing is that since the couple has lost their lives, can I ask the Vice-Prime Minister, Minister of Finance and Economic Development to consider writing off the remaining balance of Rs60,000 which was guaranteed by the maternal grandfather.

The third request is that I wish to be apprised by the hon. Prime Minister, whether in view of the exceptional circumstances of this case and on compassionate grounds, Government can bring any financial support to this child. I agree that there have been other victims as well, but this case is an exceptional case. The grandfather will do whatever can be done, but I am requesting Government, on compassionate grounds, to consider giving some support to the child. Of course, I would mention that any assistance, if extended, will not debar them from making any other claims to the NTA.

Thank you.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Speaker, Sir, I met the child after the accident and I believe that she needed an inter change of school and I understand that this has been done, so that she would move to a school nearer to her house. We will see as far as the psychological visits are concerned to see if one of the major clinics might do it under the CSR or otherwise. The Ministry of Health will do it. I have well understood the position of the loan and I will see what can be done.

Thank you.

**The Prime Minister:** As for the bit that the hon. Member referred to me, I will have to look into the matter because we have to make sure that we do not open a floodgate, that is essential. But we will look into the matter.

(7.31 p.m.)

**VALLÉE PITOT - SUNNEE SURTEE GOVERNMENT SCHOOL  
– SEWAGE PROBLEMS**

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** I have a matter which is addressed to Dr. the hon. Deputy Prime Minister who, unfortunately, is not here, but it also concerns to a certain extent the Ministry of Education and Human Resources and relates to sewage problem that exists in Sunnee Surtee Government School at Vallée Pitot and the football ground that is next to the school.

Following works carried out by the contractor who was awarded the contract under the former Municipal Council administration, there has been some damage done to the sewage pipeline and since then there is a strong odour, bad smell and bad sight. The teachers have complained and they have written to the Ministry. The hon. Deputy Prime Minister is very much aware of the problem because he has visited the school. It has been more than five months now and what is needed is simply a connection of the pipe to the main sewage pipes in Vallée Pitot.

May I request the hon. Minister of Education and Human Resources to liaise with the hon. Deputy Prime Minister and see to it that the needful is done so that we can spare the pupils, the teachers and also the users of that football pitch from the bad smell? Thank you.

**The Minister of Education & Human Resources (Dr. V. Bunwaree):** Yes, Mr Speaker, Sir, the matter has already been taken up at the level of the Ministry and, in fact, the hon. Member talked to me himself with other people and I have had a word with my colleague, the Vice-Prime Minister, Minister of

Public Infrastructure, National Development Unit, Land Transport and Shipping. I will see to it what we can do to hasten up matters still further.

(7.33 p.m.)

**NTC BUS ACCIDENT - 03 MAY 2013 – DISCLAIMER FORM**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Speaker, Sir, I will address myself to the hon. Prime Minister. I will refer again to the tragic accident which took place on 03 May 2013. In fact, the driver of that accident happened to be a member of our Constituency.

The issue is that although the Police enquiry is not completed, the National Transport Corporation (NTC) is putting pressure on the family. They have on Friday afternoon gone to the house of the deceased family with a cheque of Rs112,589.32, with a document ‘Acceptance Form Gratuity Payment’. But, on that document, they were putting pressure on them, especially on the lady who is the wife, to sign a document which reads as follows –

“I accept that the above sum represents a full and final settlement of all my claims in connection with the employment with the NTC. I further declare I will not make any further claim in accordance with his employment at the National Transport Corporation.”

As you are aware, Mr Speaker, Sir, you have been a counsel for many workers, but this is misleading the people. We know that the gentleman died in the course of his employment and whatever claim he will have, in the future, will have to be linked with the course of employment and with this sum of Rs112,000 they are having this poor family to sign a disclaimer form! I will lay on the Table of the National Assembly this document which is a photocopy that his son has submitted to me. I will ask an enquiry to be conducted and to make sure that no pressure is put on any of the victims of this accident because we do not know what can happen in the future for reparation.

**The Prime Minister:** I have taken note of what the hon. Member has said. He is quite right and I cannot understand. Probably it is out of ignorance. What can I say! But ...

*(Interruptions)*

Not me...

*(Interruptions)*

But sometimes a lot of people do things without knowing what they are doing. The form itself has to be re-looked at obviously.

(7.35 p.m.)

### OLD GRAND PORT – CREMATION GROUND

**Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle):** M. le président, le sujet que je vais aborder concerne le Ministre des Collectivités locales et des Iles. Cela concerne le lieu de crémation du village du Vieux Grand Port. Cet endroit, M. le président, est dans un piteux état. Depuis quelque temps déjà la toiture de ce lieu de crémation est tombée et il y a eu pas mal de requêtes des habitants de la région aux autorités pour demander à ce que cela soit réparée, mais malheureusement rien n'a été fait encore et vous pouvez imaginer le problème que cela pose aux gens quand il y a une crémation d'un de leurs proches. Je fais un appel au ministre pour que cette situation soit réglée le plus tôt possible, surtout à l'approche de l'hiver car cela pose un gros problème quand il pleut.

Je demanderais aussi, si possible, d'aménager un point d'eau afin que quand les gens finissent les rites, ils peuvent au moins se laver. Et aussi, si possible, d'aménager un *parking* parce que cet endroit est mal entretenu et cela pose beaucoup de problèmes aux gens qui doivent se rendre sur ces lieux. Je compte sur votre indulgence, M. le ministre, afin que les choses soient faites dans un délai très raisonnable.

Merci.

**The Minister of Local Government & Outer Islands (Mr H. Aimée):** Je remercie l'honorable membre pour cette information...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Aimée:** Je vais essayer de remédier à la situation. Je vais voir ce que je pourrais faire. Merci.

(7.37 p. m.)

### APEIM SCHOOLS - GRANTS

**Mrs L. Ribot (Third Member for Stanley & Rose Hill):** Mr Speaker, Sir, my request is addressed to the hon. Minister of Education and Human Resources. Mr Speaker, Sir, I would like to come back on an issue that has been raised by one of my colleagues on 23 April 2013. I am referring to the issue of the grants to the APEIM schools.

For some time now APEIM has been threatening to close its nine schools and this concerns 250 students having a handicap and 600 others benefitting directly or indirectly from the help of APEIM and it also concerns more than 50 employees. If this happens, of course, Mr Speaker, Sir, those children will have no access to education which would be contrary to the existing regulations concerning children and handicapped children's right to education.

On 23 April 2013, the hon. Minister announced and I quote –

*“Je viendrais avec une déclaration à la Chambre en temps et lieu...”*

And we are still waiting!

Je voudrais faire un appel à l’honorable ministre de l’Education afin qu’il ait à cœur le sort de ces enfants et afin que ces enfants et leurs parents et enseignants n’aient pas l’impression d’être en train de mendier, et que ces enfants ne se sentent pas être des *second grade citizens*. Ce n’est pas une faveur que nous demandons pour ces enfants, M. le président, nous demandons que le droit de ces enfants soit respecté. Merci.

**The Minister of Education & Human Resources (Dr. V. Bunwaree):** M. le président, je crois que l’honorable membre est en retard sur les événements à moins qu’elle n’ait pas suivi tout ce qui a été dit au niveau de cette Chambre parce que je suis venu et j’ai expliqué qu’il n’y a pas de problème. Le ministère a reçu à très haut niveau les représentants de l’APEIM et le problème a été réglé. S’il y a d’autres petits problèmes, je suis tout à fait disposé à les entendre. J’ai déjà annoncé ouvertement qu’il n’y a pas de fermeture d’APEIM. Il y avait des petits problèmes qui ont été pris. Je ne suis pas venu avec une déclaration parce que j’ai fait l’annonce à un autre moment. Je le dis haut et fort qu’il n’y a aucun problème au niveau de l’APEIM et tout continue. S’il y a d’autres petits problèmes...

*(Interruptions)*

...je vais voir. Au moment où je parle, je n’ai reçu aucune autre plainte de la part de ceux qui sont impliqués.

(7.40 p.m.)

#### **CONSTITUENCY NO. 14 – PEDESTRIANS - SAFETY**

**Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River):** Mr Speaker, Sir, I have an issue regarding the security and safety of pedestrians regarding the region of Bel Ombre and its vicinity, in Constituency No. 14. Mr Speaker, Sir, this issue is addressed to the hon. Vice-Prime Minister and Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping.

Mr Speaker, Sir, as the hon. Vice-Prime Minister may be well aware of the construction of footpath and absorption drains being carried out actually in this region, I would like to draw his attention to these following points -

- there is a coconut tree representing a great danger to vehicles, pedestrians and other road users that may need to be removed;

- the contractor has deviated the footpath around it;
- the bus stop situated at the coastal road is too close to the road;
- the footpath ends with the said bus stop, that is, for road users going towards the school only, and
- those going towards the respective place, that is, Cité EDC and Cité Longtill need to cross the road to get to the footpath on the other side of the road and there is no pedestrians cross-here.

Can the hon. Vice-Prime Minister see to it that the needful be done, that is, the coconut tree be removed, the footpath be extended to some more miles up to the Police station, a lay-by and a pedestrian cross-here be implemented for the safety and security of our school children and other road users in the region of Bel Ombre and its vicinity?

Allow me, also, Mr Speaker, Sir, to further request the hon. Vice-Prime Minister to urgently address the huge problem of transportation affecting the workers, the school children in the following regions.

**Mr Speaker:** Hon. Member, you have to be very fast. We are left with eight minutes.

**Mrs Radegonde-Haines:** These regions are: Surinam, Chemin Grenier, Chamouny, Bel Ombre, Baie du Cap, Bassin Road and on Route Nos. 5, 24 and 58. Thank you.

**The Vice-Prime Minister and Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, in fact, as far as pavements and drains are concerned, the works have already started. We have gone a very long way. The coconut tree has to be removed, but the hon. Member knows that I need to get the clearance from the Ministry of Agriculture for that purpose.

As far as bus routes are concerned, I have had discussions with the Ministry of Finance and we are thinking of increasing the number of bus routes in that region. This will be done within a fortnight.

Thank you.

(7.42 p.m.)

#### **BARKLY - CENTRE DE JEUNESSE**

**Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière):** Je vais être bref, M. le président. Ma requête, ce soir, s'adresse à l'honorable ministre de la Jeunesse et des Sports et concerne le Centre de Jeunesse de Barkly.

Ce centre, M. le président, qui se situe en plein cœur de Barkly est devenu un véritable *eyesore*. La rénovation du bâtiment est plus que nécessaire tout en prévoyant une meilleure aération du centre. La clôture, je dois ajouter, se trouve dans un état déplorable. La cour du centre elle-même est mal entretenue et quant au fonctionnement du centre, il doit être revu de façon à ce qu'il y ait plus d'activités pour les jeunes du quartier.

Je fais, donc, un pressant appel à l'honorable ministre de la Jeunesse et des Sports afin que le nécessaire soit fait rapidement.

**The Minister of Youth & Sports (Mr S. Ritoo):** M. le président, les travaux du Centre de Jeunesse ont déjà démarré. Je prends note des travaux qui restent à faire et les activités concernant la jeunesse.

(7.43 p.m.)

#### **FLOREAL - VANDALISM**

**Ms S. Anquetil (Fourth Member for Vacoas & Floreal):** M. le président, ma requête s'adresse à l'honorable Premier ministre. Depuis le début du mois de mai, certaines maisons dans les régions de Rivière Sèche à Floréal et Engrais Martial ont été prises pour cibles par des vandales nocturnes.

Ces vandales utilisent des pierres pour faire voler en éclats les vitres des fenêtres de maisons ainsi que des vitres de voitures. Je suis informée que des dépositions ont été faites au Poste de police de Floréal et je sollicite l'intervention de l'honorable Premier ministre pour un renforcement des patrouilles de police dans ces régions, afin d'assurer une meilleure sécurité aux habitants.

Je vous remercie, M. le président.

**The Prime Minister:** Cela a déjà été fait, M. le président. Je suis au courant et je sais que le Commissaire de Police a augmenté son effectif. Je vais lui en reparler pour m'assurer que c'est fait.

(7.44 p.m.)

#### **PLAISANCE, ROSE-HILL - WATER SHORTAGE**

**Mr D. Nagalingum (Second Member for Stanley & Rose Hill):** Mr Speaker, Sir, the point that I want to raise is addressed to the hon. Deputy Prime Minister, Minister of Energy and Public Utilities. It concerns the acute shortage of water at Sister Marie Clemence Avenue, Plaisance, Rose Hill.

From January 2013 to March 2013, water was accessible from 05 00 to 09 00 o'clock in the morning and from 04 00 to 09 00 o'clock in the afternoon. But since the month of April, a new schedule of providing water has been established without prior notice to the residents of Plaisance, Rose Hill.

Water is accessible from 02 00 to 03 00 o'clock in the morning without any pressure, thus resulting in incapacity to fill in water tanks and doing domestic works. Various complaints have been addressed on the 'Hotline 170' of the CWA, but nothing has been done.

Since Friday 03 May 2013, water is obtained every two days for one to two hours daily. Mr Kurbally, the Chief Inspector at the CWA of Rose Hill has been approached and made aware of the situation weeks ago, but with no action taken. There is even a press article dated 23 May 2013 relating the matter and I am going to table same in this Assembly.

I make an appeal to the hon. Deputy Prime Minister to look into the matter, please. Thank you.

**The Vice-Prime Minister and Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** I will convey the request of the hon. Member to the hon. Deputy Prime Minister.

**Mr Speaker:** I thank hon. Members for their cooperation.

*At 8.00 p.m. the Assembly was, on its rising, adjourned to Tuesday 04 June 2013 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### UNIVERSITY OF TECHNOLOGY – DIRECTOR GENERAL - APPOINTMENT

**(No. B/372) 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 Mr D. F., Director General of the University of Technology, he will state if he has received representations to the effect that he is disqualified for the appointment, and if so, the actions taken in relation thereto.

**Reply (Minister of Tertiary Education, Science, Research and Technology):** On 25 March 2013, a representation was made by the Federation of Public Sector and Other Unions regarding the appointment of the Director General of the University of Technology, Mauritius.

The House may wish to know that appointment of the Director General of the University of Technology, Mauritius has been made in accordance with Section 7(1) (b) of the University of Technology, Mauritius Act 2000 and Section 5 of the Statutes.

### NOVEL CORONAVIRUS INFECTION - MEASURES

**(No. B/396) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Health and Quality of Life whether, following the outburst of Coronavirus

in the Middle East and Europe, he will state if health and safety measures are being taken at the national level to prevent the surge thereof and, if so, give details thereof and, if not, why not.

**Reply:** I am informed that since September 2012 and as at 22 May 2013, WHO has been informed of a total of 44 laboratory confirmed cases of human infection with Novel Coronavirus Infection, including 22 deaths.

Countries in the Middle East that have reported cases include Qatar, Saudi Arabia, Jordan and United Arab Emirates.

In Saudi Arabia, while an outbreak was detected in the eastern province of al-Ahsa in April 2013 and wherein 22 cases were infected and which caused the death of 10 patients, a recent case has been reported from the Al-Qaseem region in the central part of the country.

Cases have also been reported from four other countries, namely, Germany, France, United Kingdom and Tunisia.

In France, Tunisia, and the United Kingdom there has been limited local transmission amongst close contacts who did not have any travel history to the Middle East.

Currently, there is no vaccine available and no specific treatment for the disease. However, many of the symptoms can be treated and therefore treatment is based on the symptoms of the patient.

At this time, WHO is not aware of any confirmed international restriction on trade and/or travel. However, there is a potential for interference with international travel and trade as similar events in the past resulted in such measures.

To prevent the surge of the infection, the Ministry of Health and Quality of Life has taken the following health and safety measures at national level-

- (i) surveillance has been stepped up at the Port and Airport and passengers arriving from Middle East countries are being closely

monitored. In addition, Medical Practitioners, both in private and public health sectors, have been requested to increase vigilance.

- (ii) the International Vaccination Centre is informing passengers going to Middle East about precautionary measures to be taken.
- (iii) a press communiqué informing passengers on precautionary measures that need to be taken during their visit to Middle East and on return to Mauritius has been issued. The communiqué also contains information relating to the disease and its symptoms and hotlines for any emergencies.

The Virology Department of the Central Health Laboratory at Candos is already equipped to detect the virus. As at 23 May 2013, 20 specimens have been tested at the Central Health Laboratory for Coronavirus and all of them have been found to be negative.

My Ministry is closely monitoring the situation.

#### **PUBLIC BEACHES – SNACK OUTLETS - CONSTRUCTION**

**(No. B/397) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the snack outlets constructed on the public beaches, he will –

- (a) state the policy of Government in relation thereto, and
- (b) for the benefit of the House, obtain from the Beach Authority, information as to the measures taken to ensure control thereof.

**Reply:** I wish to inform the House that prior to the coming into operation of the Beach Authority in 2002, the Local Authorities were responsible for the management of public beaches and as such traders operating on these beaches were issued with licences by them. Since then these traders have been carrying out their trades in fixed metal structures in order to earn the living of their families.

With the proclamation of the Beach Authority Act 2002, the Beach Authority is now responsible for the overall management and maintenance of all public beaches in Mauritius and Rodrigues. Beach

Traders Licences for selling of foodstuff and non-foodstuff items on public beaches are issued by the Beach Authority in accordance with the Beach Authority (Traders Licence) Regulations 2004 and following clearances obtained from the Ministry of Health and Quality of Life and the Police Authorities. It is a fact that these traders usually put up small fixed metal structures in order to be able to conduct their activities in hygienic and sanitary conditions as recommended by the Ministry of Health and Quality of Life.

I wish to inform the House that according to the Beach Authority (Traders Licence) Regulations passed in 2004, when the Beach Authority issues a Beach Trader Licence, such a licence is given only for the activities that will take place on the public beach. That Regulation of 2004 does not enable the Beach Authority to impose the type and dimension of a structure that will be put up to carry out these activities. This Government is very much aware of this lacuna in the 2004 Regulations and has already elaborated policies and guideline that will govern the setting up of the structures on public beaches.

In this context, my Ministry has already prepared pertinent amendments to the Beach Authority Act and one of these amendments is precisely to impose on developers guidelines and parameters for putting up temporary structures on public beaches.

Consultations on the Beach Authority (Amendment) Bill are ongoing and the views and suggestions of all stakeholders will be taken on board in the final Bill before its introduction in the House.

#### **WORLD BANK & IMF - BUDGET SUPPORT LOANS**

**(No. B/398) 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 World Bank and the International Monetary Fund, he will state in each case, since 2006 to date, the total amount of funds received therefrom, indicating the –

- (a) quantum thereof received in terms of budget support and grants;
- (b) amount of principal and interest reimbursed respectively, and
- (c) impact thereof on the budgetary outturn and macroeconomic policies for 2013.

**Reply:** Since 2006 to date, total amount of budget support loans signed with World Bank is estimated at Rs8.7 billion, out of which an amount equivalent to around Rs7.6 billion has been drawn. The remaining amount of Rs1.1 billion is expected to be drawn partly in 2013 and partly in 2014. For the same period, Mauritius has obtained grant equivalent to around Rs24.3 m. also from the World Bank.

No amount has been provided by the IMF to Mauritius either by way of loans or cash grants. However, the IMF has also assisted Mauritius with technical assistance free of charge.

With regard to part (b) of the question, since 2006 to date the repayment of loans to World Bank amounted to Rs133 m. and the interest paid was Rs326 m.

Regarding part (c) of the question, for the year 2013, the interest payable on the budget support loans secured from the World Bank is expected to be around Rs92 m. while capital repayments will be around Rs270 m. These will have a negligible effect on macroeconomic policies.

#### **DROUGHT & WATER SUPPLY – SINGAPOREAN CONSULTANTS - REPORT**

**(No. B/400) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to drought and the water supply system, he will state the total cost incurred in respect of the Singaporean Consultants whose services had been retained in 2011 and 2012 in relation thereto, indicating if any report has been submitted and, if so, give details thereof.

**Reply:** I refer the hon. Member to the replies I made to Parliamentary Question Nos. B/542 of 21 June 2011, B/217 of 05 June 2012 and B/603 of 23 October 2012, respectively.

As I have already informed the House, Government has approved in principle, the recommendations made by the Consultants and has appointed a High Level Committee chaired by my Ministry and comprising representatives of the Ministry of Finance and Economic Development, Ministry of Agro Industry and Food Security and the Attorney General's Office to work out the detail implementation plan for the nine water sector reform initiatives. As I previously informed the House, the cost of the Consultancy services was 1,334,244 Singapore Dollars

In respect of the reduction in Non Revenue Water, a phased programme is being undertaken, the first component of which will be implemented in the upper Mare aux Vacoas supply zone as from July 2013. The Singaporean Consultants will provide Project Management Services to the Central Water Authority. The letter of award has not yet been issued.

#### **INVESTMENT - INCENTIVES**

**(No. B/401) 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 private investment, he will, for the benefit of the House, for 2011, 2012 and period January 2013 to date respectively, obtain information as to the amount and rate thereof, indicating the –

- (a) amount of corporate private sector credit given by banks and leasing companies;
- (b) reasons for the recent trend thereof, and
- (c) actions taken for the boosting thereof.

*(Withdrawn)***GOODLANDS - BELIN - FOOTBALL GROUND**

(No. B/402) Mr A. Gungah (First Member for Grand’Baie & Poudre d’Or) asked the Minister of Youth and Sports whether, in regard to the renovation of the football ground at Belin, Goodlands, he will state the –

- (a) scope of works thereof;
- (b) name of the contractor therefor, and
- (c) cost thereof.

**Reply (The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping):** The National Development Unit has awarded the contract for upgrading works of the Belin football ground, Goodlands in July 2012 with the following scope of works

-

- (a) cut and fill to level the pitch;
- (b) construction of French drains;
- (c) topsoil and grassing over 7,000 m<sup>2</sup>;
- (d) reparation and internal rendering works on the boundary walls;
- (e) upgrading of the existing podium, and
- (f) supply and installing of four pedestrian gates as per the following size -

No.

- |      |                    |   |
|------|--------------------|---|
| i.   | 1.3m x 1.8m high - | 2 |
| ii.  | 2.5m x 2m high -   | 1 |
| iii. | 3.5m x 2.8m high - | 1 |

The contract is awarded to the zonal contractor, Best Construct Co. Ltd.

With regard to part (c) of the question, the contract was awarded for the sum of Rs3,120,701.87 (VAT incl).

**MITD – FACT-FINDING COMMITTEE - REPORT**

(No. B/403) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources whether, in regard to the Fact-Finding Committee set up to look into the alleged case of sexual abuse at the Mauritius Institute of Training and Development, he will

-

- (a) state when and to whom the report thereof was submitted, and
- (b) for the benefit of the House, obtain from the Institute, information as to who thereat has had access thereto.

**Reply:** With regard to part (a) of the question, I wish to inform the House that as per the Terms of Reference of the Fact-Finding Committee which had been cleared by Government, the Report of the Fact-Finding Committee had to be submitted to the Senior Chief Executive of my Ministry by 29 March 2013.

The report was submitted as such to my Ministry on 29 March 2013.

As regards part (b) of the question, the MITD was not provided with the report of the Fact-Finding Committee, but a copy of the statement made by me at the National Assembly on 09 April 2013 was forwarded to them.

I have been informed that two relevant extracts of the report which refer to “conspiracy” and “*coup monté*” as well as an averment to the effect that minor’s mother did not sign a document, were submitted to the MITD along with the statement I made in this House on 09 April 2013 for any action that may be deemed necessary.

#### **LIGHT RAPID TRANSIT SYSTEM - EXPRESSIONS OF INTEREST**

**(No. B/404) 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 Expressions of Interest issued for Public Private Partnership for the design, construction, financing, operation and maintenance of a Light Rapid Transit System launched by his Ministry, on 04 February 2013, he will state the –

- (a) names of the bidders therefor, indicating the respective bid values submitted;
- (b) outcome of the short-listing of bidders exercise, if any, carried out as at to date, and
- (c) main components of the Requests for Proposals, if any.

**Reply:** The Mass Light Rapid Transit (MLRT) Project is presently being undertaken under a Government to Government Agreement between the Government of Mauritius and the Government of Singapore, represented by Singapore Cooperation Enterprise.

Invitation for an Expression of Interest was internationally floated on 04 February 2013. The closing date for submissions was on 12 April 2013 at 15 00 hrs. The purpose of this invitation is to select a shortlist of Proponents to whom the MLRT Request for Proposals (RFP) is scheduled to be issued in September 2013.

It would be premature to reveal the names of the bidders as the evaluation of the bids are under process. However, a total number of 11 bids have been received from France, Spain, Italy, United Kingdom, India, China and Singapore.

As regards part (b), the evaluation of the Expression of Interest and the shortlisting of bidders are presently being carried out by the Singapore Cooperation Enterprise, assisted by a team of technicians from the Mauritian Government. The shortlist is expected to be finalised by end June 2013.

As regards part (c) of the question, the main components of the RFP are currently being worked out by the Singapore Cooperation Enterprise and will be available by August 2013.

#### ***L'ÉCOLE DE MEDECINE LOUIS PASTEUR - DE-REGISTRATION***

**(No. B/405) 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 *L'École de Médecine Louis Pasteur*, he will state the measures taken, if any, by his Ministry to support the students thereof, following the decision of the Tertiary Education Commission for the de-registration thereof.

*(Withdrawn)*

#### **MITD - ALLEGED SEXUAL ABUSE**

**(No. B/406) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Education and Human Resources whether, in regard to the alleged case of sexual abuse at the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the Institute, information as to if mention was also made of alleged sexual abuse of students, other than minor V. A., in the report submitted by the psychologist, P. B., in October 2011 and, if so, indicate the actions taken, if any, in relation thereto.

*(Withdrawn)*

#### **VERDUN TERRE-ROUGE LINK ROAD - FLYOVERS**

**(No. B/407) 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 the Verdun Terre-Rouge Link Road Project, he will state if, due to financial constraints -

- (a) there have been changes in the alignment thereof and, if so, give details thereof, and

- (b) the flyovers initially provided for have been cancelled and, if so, indicate the number thereof.

**Reply:** The Terre Rouge-Verdun Link Road is being implemented according to its original alignment.

As regards part (b) of the question, I am informed that there is one grade-separated junction (flyover) in the project at the junction with Motorway M2 at Calebasses and this has already been constructed. In addition, the project made provision for one underpass between Bois Pignolet and Valton which has also been maintained. During implementation, four new underpasses have been added at various locations between Valton and Ripailles to provide additional access facilities in the region.

### **SORÈZE - FATAL ROAD ACCIDENT - MEASURES**

**(No. B/409) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the recent fatal road accident which occurred at Sorèze, on 3 May 2013, he will, for the benefit of the House, obtain from the National Transport Corporation, information as to -

- (a) the measures, if any, taken to improve the maintenance of the buses thereof;
- (b) if consideration is being given to introduce legislation to make the installation of a break fault system on heavy vehicles mandatory, and
- (c) the measures, if any, being envisaged to improve road safety in respect of the road bend at Sorèze.

*(Withdrawn)*

### **CHAMOUNY & CHOISY - BUS STATIONS & PUBLIC TOILETS**

**(No. A/136) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the bus stations in Chamouny and Choisy, he will state if he has been informed that there is no public toilet thereat and, if so, indicate if urgent consideration will be given for the construction thereof thereat.

**Reply:** I am informed by the District Council of Savanne that there are no bus terminus and public toilets at Chamouny and Choisy and the buses park on a private access road at these places before proceeding on their trips.

I am further informed that there is no influx of passengers at these places and that the Council has not received any request so far from the respective village councils for the provision of bus stations and public toilets. The nearest public toilet facilities and traffic centre are situated at Rivière des Galets.

#### **CHEMIN GRENIER - MARKET FAIR**

(No. A/137) **Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether in regard to the proposed construction of a new market fair near the village hall, in Chemin Grenier, he will, for the benefit of the House, obtain from the National Development Unit, information as to the amount of funds earmarked therefor, indicating where matters stand as to the implementation thereof.

**Reply (Minister of Local Government and Outer Islands):** I wish to refer the hon. Member to the reply I made on 08 May 2012 to PQ No. A/19 on this issue.

I wish to inform the House that no plot of land has been acquired and no funds have been identified for the construction of a new market in Chemin Grenier, so far.

#### **BARKLY & MONT ROCHES YOUTH CENTRES – UPGRADING**

(No. A/138) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Barkly and Mont Roches Youth Centres, he will state if his Ministry is initiating actions for the upgrading thereof and, if so, indicate, in each case -

- (a) the scope of works thereof;
- (b) the work in progress, and
- (c) if new equipment and indoor and outdoor activities are being provided thereat.

**Reply:** The answer is as follows -

##### **Barkly Youth Centre**

##### **(a) Scope of works**

##### **Fencing works -**

- Removal of chain link fencing and demolition of concrete structures.
- Construction of 1,8 m. high block wall with rows of barbed wire (approx. 75 m.)
- Construction of 1,8 m. high chain link fencing with three rows of barbed wire (approx. 30 m.)

- Construction of masonry/block wall with 3 rows of barbed wires (approx. 20 m.)
- Removal of existing pedestrian gate and supply and fix new pedestrian and vehicular gates.
- Any ancillary works.

**Status:** Action for Tender Exercise has been initiated.

**Waterproofing works -**

- Cleaning of damaged surface.
- Apply one layer of waterproofing membrane.
- Same on beam and parapet wall. Slope directed to rainwater outlet.

**Status:** Action for Tender exercise has been initiated.

**(b) Works in progress**

- Renovation works in the reading room and computer room are ongoing.
- Plumbing and electrical works will be carried out on completion of waterproofing works.
- Partitioning works to provide for a fitness corner is ongoing and nearing completion.

**(c) New equipment/outdoor and indoor activities**

- The centre has been equipped with five Net PCs for Internet Café project.
- Indoor games.
- Use of fitness equipment.
- Aerobics and Tai Chi.
- Boxing.
- Petanque.

**Mont Roches Youth Centre**

**(a) Scope of works**

Minor electrical and plumbing works, including replacement of water tank.

**Status:** Action initiated for the above and ancillary works to be carried out.

**(b) Works in progress**

- Painting works in progress.

**(c) New equipment/outdoor and indoor activities**

- Indoor games such as carom, domino and scrabble.
- Petanque court.
- Volleyball cum basketball pitch.

#### **BEAU BASSIN & PETITE RIVIERE – NDU PROJECTS**

(No. A/139) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Constituency No. 20, he will give an updated list of the on-going works thereat which are planned for implementation from now on to December 2013.

**Reply:** The information is being compiled and will be placed in the Library of the National Assembly as soon as it will be ready.

#### **RING ROAD PROJECT - SUPREME COURT ORDER**

(No. A/140) **Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Ring Road Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if it has received a Supreme Court Order for the diversion of Rivière St Louis and the tributaries thereof and 13 canals and rivulets on the route thereof and, if so, when.

**Reply:** With regard to the Ring Road Project, the alignment of existing water courses crossing the project (8 Numbers) has been maintained. In that context, it was not necessary nor required under the Rivers and Canals Act for the Road Development Authority to apply to the Supreme Court for an order for the ‘diversion of Rivière St Louis and its tributaries and 13 canals and rivulets along the road project’ as claimed in the question.

In fact, such an Order is only sought when there is need to comply with section 25 of the Rivers and Canals Act. No such instances existed in the Ring Road Project.

#### **RICE - LEAD CONTENT**

(No. A/141) **Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to rice, he will, for the benefit of the House, obtain from the Mauritius Standards Bureau and other authorities, if any,

information as to if tests are carried out to ascertain the lead content thereof, if any, since January 2013 to date and, if so, give details thereof and, if not, indicate the actions taken to control the importation thereof.

**Reply:** I am informed by the Mauritius Standards Bureau that it does not carry out testing of heavy metals, such as lead content, in rice.

The Mauritius Standards Bureau (MSB) has published two Mauritian Standards for Rice, namely, the MS ISO 7301: 2011- 'Rice Specifications' and the MS 177 : 2011 - 'Basmati Rice – Specifications'. These Standards are captured in the following two Regulations which have come into operation on 05 April 2012 -

- (i) The Basmati Rice ( Control of sale) Regulations 2012 (made under the Fair Trading Act), and
- (ii) The Consumer Protection (Control of Imports) (Amendments No. 2) Regulations 2012 [made under the Consumer Protection (Price and Supplies Control Act)].

It is to be pointed out, however, that the requirements for testing of lead content in Rice are not mentioned in the abovementioned standards, as from the Codex Alimentarius Commission, the Codex Standard for Rice STAN 198-1995 mentions that products covered by the standard should be free from heavy metals in amounts which may represent a hazard to human health.

I have, thus, been informed by the Ministry of Health and Quality of Life that -

- (i) from 19 April 2013 to 07 May 2013, 34 samples of rice have been submitted for the analysis of lead level;
- (ii) 33 samples of different brands of rice imported from India, Pakistan and Thailand have been taken and sent for analysis to the Government Analyst Division by the Food Import Unit and a 34<sup>th</sup> sample from local producers has been sent by Rose Belle Health Office.

All the analyses have been completed and no lead has been detected.

- (iii) This analysis has been performed by Atomic Absorption Spectrophotometry using lead standard with certified known values (Certified Reference standard) for calibration, validation of the equipment and results obtained. The limit of detection for the analysis is 0.01 mg/kg (i.e. 0.01 ppm)

- (iv) According to the 7<sup>th</sup> Schedule of the Food Regulations GN 173 of 1999, rice falls under the category of '*other food item*' for which the maximum permitted level is 2.0 parts per million (ppm).
- (v) Regular samples will be taken to ensure that rice sold on the market is safe and is in compliance with the Food Regulations.

### **LE PARADIS DE SORÈZE LTD - REAL ESTATE SCHEME PROJECT**

(No. A/142) Mr A. Gungah (First Member for Grand' Baie & Poudre D'or) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Paradise Sorèze Co. Ltd, he will, for the benefit of the House, obtain from the Board of Investment, information as to the Real Estate Scheme Project proposed for implementation on the flanks of Signal Mountain, near Sorèze, indicating –

- (a) the date of approval thereof, and
- (b) if an Environment Impact Assessment Licence has been delivered to the promoter thereof.

**Reply:** Le Paradis de Sorèze Ltd, a domestic company incorporated in Mauritius on 27 April 2012, submitted an application to the Board of Investment (BOI) under the Real Estate Scheme (RES) on 21 June 2012. The proposed project involves the development of 18 luxury villas with individual swimming pool, a sky deck, bike/jogging track, squash centre and a gym over land of an extent of 7 Arpents 89 perches at Sorèze, Pailles. The land is owned by Le Paradis de Sorèze Ltd.

The project has not been approved by the BOI. In fact, on 1 August 2012, the BOI informed the promoters that following a site visit carried out on 4 July 2012 with the representatives of the Ministry of Housing and Lands, the Ministry of Environment and Sustainable Development, the Central Water Authority and the Black River District Council, it was observed that -

1. the proposed RES project does not comply with the Planning Policy Guidance (PPG) on Real Estate Scheme of July 2011;
2. the proposed site is found on slopes which exceed 20%. As per Policy EC5 of the Outline Scheme for the Black River District Council Area, there is a presumption against development on very steep slopes;
3. the proposed site is also in conflict with Policy LS1 of the Outline Planning Scheme (Scenic Landscape Area).

The promoters were also informed that as per the Planning Policy Guidance, a RES development on mountain slopes is acceptable if the extent of the site is in excess of 5 Arpents

and each detached villa is developed on individual plot of land of an extent of at least 2,110 m<sup>2</sup>.(around 50 perches). The total built-up area on sloping sites must not exceed 12% of the total land area and the buildings should be constructed on slopes which do not exceed 20%. As per the project master plan, the built-up area exceeded the 12% allowed and the individual plot size was under 2110 m<sup>2</sup>. Furthermore, the slope of the site exceeded 20%. Hence, the project was not approved.

In light of the above the BOI informed the promoters to amend the master plan. The amended master-plan was submitted in February 2013 and according to the Ministry of Housing and Lands and the Municipal Council of Port Louis, the new master-plan still does not comply with the provisions of the PPG for RES. It is to be noted that following an amendment to the Local Government Act, the region of Soreze which was previously under the jurisdiction of the Black River District Council is now under that of the Municipal Council of Port Louis.

As regard part (b) of the question, no application for EIA has been submitted by the promoters to the Ministry of Environment and Sustainable Development.

#### **DOMESTIC VIOLENCE - ZERO TOLERANCE CLUBS**

(No. A/143) 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 Zero Tolerance Clubs to combat domestic violence, she will, for the benefit of the House, obtain information as to the -

- (a) number and location thereof;
- (b) total number of members thereof;
- (c) name of the coordinator thereof, if any, and
- (d) mechanism to ensure uniformity in the activities thereof.

**Reply:** With regard to parts (a) & (b), there are seven Zero Tolerance Clubs to combat domestic violence as follows -

| SN | Location      | No. of members |
|----|---------------|----------------|
| 1  | Abercrombie   | 16             |
| 2  | Mare D'Albert | 9              |
| 3  | Goodlands     | 17             |

|   |                   |    |
|---|-------------------|----|
| 4 | Pointe Aux Sables | 5  |
| 5 | Montagne Blanche  | 16 |
| 6 | Grand Gaube       | 10 |
| 7 | Hollyrood, Vacoas | 7  |

With regard to part (c), Mrs. J. G. P., Coordinator of the Ministry of Gender Equality, Child Development and Family Welfare is responsible for the overall coordination of the Zero Tolerance Clubs to combat domestic violence.

Regarding part (d), each year, the Ministry organises a working session with all members of the Zero Tolerance Clubs to combat domestic violence, whereby a calendar of activities is worked out and finalised for implementation purposes. The activities vary according to the needs of the regions concerned.

#### **NATIONAL DOMESTIC VIOLENCE COMMITTEE - COMPOSITION**

(No. A/144) 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 National Domestic Violence Committee, she will, for the benefit of the House, obtain therefrom, information as to the -

- (a) composition thereof, indicating the name of the Chairperson thereof and his date of appointment;
- (b) number of meetings held, indicating the date of the last meeting, and
- (c) recommendations thereof, if any.

**Reply:** The National Domestic Violence Committee was chaired by the then Minister of Women's Rights, Child Development and Family Welfare. It comprised senior officials of different Ministries/Departments and representatives of NGOs as follows –

- Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions;
- Ministry of Education, Culture & Human Resources;
- Ministry of Health and Quality of Life;
- Prisons Department;

- Police Department;
- MACOSS;
- Media Watch Organisation;
- SOS Femmes;
- Victim Support; and
- Council of Religions.

A meeting was held on 09 February 2009.

Following a meeting of the Council of Ministers of the Indian Ocean Commission (IOC) held in April 2009, IOC States have reaffirmed their commitment to achieve gender equality and women's economic empowerment, and have validated the Political and Gender Regional Policy and Strategy of the Commission of the Indian Ocean. In this respect, IOC States were called upon to set up National Platforms.

With the change of appellation of my Ministry in 2010, from Ministry of Women's Rights, Child Development and Family Welfare to Ministry of Gender Equality, Child Development and Family Welfare, there has been a shift in intervention from Domestic Violence to Gender-Based Violence. Consequently, and in line with the commitment taken with the IOC, a National Platform to End Gender-Based Violence was launched in October 2011. The Platform has taken over the mandate of the National Domestic Violence Committee.

#### **LOCAL AUTHORITIES – VEHICLES - PURCHASE**

**(No. A/145) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government and Outer Islands whether, in regard to the local authorities, he will, for the benefit of the House, obtain from -

- (a) each of them, a list of the vehicles purchased/to be purchased, out of the Rs100 m. earmarked therefor, indicating the type thereof, and
- (b) the Municipal Council of Port Louis, information as to where matters stand as to the purchase of a -
  - (i) lorry mounted with telescopic aerial platform of working height of 160 metres, and

- (ii) pickup van double cab rear cargo bed for the transportation of lighting materials and staff of the lighting section.

**Reply:** One of the measures contained in the Budget Speech 2013 to improve efficiency of waste collection by Local Authorities is the acquisition of compactor lorries for scavenging services and accordingly a provision of Rs100 m. has been made in the budget of my Ministry.

With regard to part (a) of the question, I wish to inform the House that vehicles with the following specifications requirements will be acquired -

- 12 compactor lorries (11.0 - 12.5 m<sup>3</sup>) of approximate capacity of 5,000 kg
- 2 compactor lorries 7.0 - 8.0 m<sup>3</sup> or of approximate capacity of 3,000 kg
- 16 Tipper lorries (16 m<sup>3</sup>) or of approximate capacity of 4,500 kg

As regards part (b) of the question, I am informed by the Municipal City Council of Port Louis that it requires -

- one additional lorry mounted on telescopic aerial platform of working height 16.0 metres for its lighting section following the newly annexed regions of Pailles, Guibies, Montebello and Soreze, and
- one pickup van double cab with rear cargo bed for the transport of lighting materials and staff of its lighting section in order to cater for narrow streets and lanes.

I am informed that necessary required funds are being identified by the Council, after which the tenders will be floated.

**MINISTRY OF LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT -  
ADVISERS/PRESS ATTACHÉS - CONTRACT**

(No. A/146) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to Advisers/Press Attachés and/or persons appointed on a contract basis by his Ministry, since May 2010 to date, he will give a list thereof, indicating, in each case, the -

- (a) date of appointment;
- (b) qualifications;
- (c) salaries and terms and conditions of appointment, and

(d) position held.

**Reply:** As regards PQ A/146, the information is being tabled as per annex.