

**SIXTH NATIONAL ASSEMBLY****PARLIAMENTARY****DEBATES****(HANSARD)****FIRST SESSION****TUESDAY 17 NOVEMBER 2015**

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THE CABINET**(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)**

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 40 of 2015

Sitting of 17 November 2015

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

The National Anthem was played

(Madam Speaker in the Chair)

ANNOUNCEMENT

PARIS – VICTIMS TERRORIST ATTACKS - TRIBUTE

The Prime Minister: Madam Speaker, I stand to make this statement to the House with deep sorrow, grief and a sentiment of revolt, in the face of serious setbacks for humanity.

Indeed, Friday 13 November 2015 will go down as one of the darkest days in the recent history as Paris, “*Ville de Lumière*”, was attacked by terrorists, sending a shock wave all over the world with the death of at least 129 innocent victims and many casualties. These attacks are the worst acts of violence in France since the Second World War and the worst terrorist strikes in Europe in a decade.

The chosen targets, namely Cafés, Concert Hall and the French National Stadium, venues where people converge, were hit with highly coordinated terror strikes that aimed the very foundation of our shared values such as rule of law, liberty, equality, fraternity and democracy.

On Saturday 14 November, I sent a letter of condolence to the French President, His Excellency Mr François Hollande, in my name and on behalf of the Government and the people of the Republic of Mauritius, to express our deepest sympathy and support to the Government and people of France and also to the families of the victims of these cowardly acts.

In view of our historical linkages, cultural affinities and special relations with France, the tricentenary of which we are celebrating this year, I also declared two days mourning as a gesture of solidarity and the national flag was accordingly lowered at half-mast on all public buildings.

Yesterday, I called personally on the Ambassador of the Republic of France to reiterate my personal and the nation’s solidarity towards the French nation and to sign the condolence book.

The Republic of Mauritius stands alongside with France in these trying moments. We are all with the French people, and we share the world’s indignation with regard to terrorism and its consequences for humanity.

Mauritius unreservedly condemns terrorism in all its forms and remains committed to extend full support to the international community to combat terror.

Mauritius, as you are aware, is a party to the Arms Trade Treaty, the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Madam Speaker, I strongly believe that the time is ripe for the international community to start serious work on a Comprehensive Convention on International Terrorism, so that a global strategy could be devised to combat terrorism and all those who actively pursue the “Politics of Fear and Extremism”.

There is, in fact, urgency for an effective global coalition to that effect.

There should be no delay in implementing the UN recommendation for stronger and deeper partnerships between global and regional organisations to promote international peace and security.

At the same time, there is need for an international commitment to do away with the flagrant injustices that belittle the human race and fuel so much hatred.

Mauritius calls on the international community to put in even greater efforts to ensure that a peaceful solution be found in conflict ridden regions of the world.

These are new challenges which have to be faced with strength and determination if we want to preserve peace and our cherished values.

Madam Speaker, while I call on each of our citizens to condemn acts of terror, I also appeal to the population to show magnanimity in the face of human sufferings and to demonstrate a profound attachment to the values that make us a peaceful and civilised nation.

Thank you, Madam Speaker.

The Leader of the Opposition (Mr P. Bérenger): *Madam Speaker, je me joins à tout ce que vient de dire le Premier ministre de l’île Maurice, ancienne île de France. Je souhaite exprimer à nouveau ma solidarité totale et fraternelle avec le président de la République française et le peuple de France. Je n’ai aucun doute, Madam Speaker, que la France sortira plus grande encore des événements terribles de vendredi dernier et des épreuves que la France traverse depuis ces événements.*

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East): Madam Speaker, I join the Rt. hon. Prime Minister in those words expressed as well as the

hon. Leader of the Opposition with regard to the events that occurred last week in the Republic of France. Let me quote *une citation d'Albert Einstein qui dit que -*

« Le monde ne sera pas détruit par ceux qui font le mal, mais par ceux qui les regardent sans rien faire. »

I totally agree with the Rt. hon. Prime Minister when he has made a call for the right measures and the right conventions to be adopted at international level, *et il est vrai que nous ne devons plus être les témoins passifs d'une barbarie sans cesse renouvelée*. From January to 13 November of 2015, there have been 289 terrorist attacks worldwide and, in the month of November 2013 alone, Madam Speaker, there have been 243 deaths related to terrorism. So, for those issues, I believe that we also show our solidarity to the people of France and also to all those who are suffering from those ignominious acts.

Thank you very much.

The Deputy Prime Minister: *Madam Speaker, if I may moi aussi ajouter mes paroles aux mots de solidarité exprimés par le Premier ministre, le chef de l'opposition et le député Mohamed, pour dire qu'en cette année où nous célébrons 300 ans d'amitié et d'étroits liens avec la France, le peuple mauricien est choqué, le peuple mauricien est consterné par ce qui se passe en France, et bien sûr, le gouvernement mauricien, comme l'a exprimé le Premier ministre, se tient absolument et résolument solidaire du peuple français et du gouvernement français dans ces moments difficiles.*

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, I wish to join my voice to the chorus of sympathy and condolences which have been expressed in the House. The sense of shock which we have felt with these terrorist attacks has been felt throughout the country and, indeed, there will be a candlelight vigil this week in Rose Hill to convey our condolences to the French population, the French Government and the French people in general.

Mr A. Ganoo (First Member for Savanne & Black River): *May I, Madam Speaker.* Je voudrais, de ce côté de la Chambre, nous associer pleinement et sans réserve à cet élan de solidarité et de sympathie qui s'est manifesté au niveau de toute la planète à l'égard des victimes, de leurs familles, du peuple et du gouvernement français après de tels actes de barbarie. Madame la présidente, prions que de tels actes de terrorisme cessent de plonger l'humanité tout entière dans des moments aussi douloureux et pénibles.

Merci.

Madam Speaker: Hon. Members, I associate myself with the sympathy and support expressed by the Rt. hon. Prime Minister, the hon. Leader of the Opposition and other hon. Members to the Government and people of France and also to the families of the victims of the attacks in Paris on Friday last.

I will convey the tribute paid by the House to the President of *l'Assemblée nationale* of the Republic of France.

May I now invite hon. Members to stand in silence for one minute as a mark of respect to the memory of the departed.

(Members observed a minute of silence)

PAPERS LAID

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

A. Ministry of Finance and Economic Development -

The Annual Report 2014 of the Civil Service Family Protection Scheme Board.

B. Ministry of Local Government -

The Annual Report 2014 and the Report of the Director of Audit on the Financial Statements of the Statutory Bodies Family Protection Fund for the year ended 31 December 2014.

C. Ministry of Industry, Commerce and Consumer Protection -

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 29) Regulations 2015. (Government Notice No. 221 of 2015)

ORAL ANSWERS TO QUESTIONS

CONSTITUTION (AMENDMENT) BILL (NO. XXIX OF 2015) & GOOD GOVERNANCE AND INTEGRITY REPORTING BILL (NO. XXX OF 2015) – AMENDMENT

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Constitution (Amendment) Bill (No. XXIX of 2015) and the Good Governance and Integrity Reporting Bill (No. XXX of 2015), he will state if –

- (a) Government still proposes to amend the Constitution to introduce therein the concept of confiscation without a definition thereof and, if so, indicate whether amendments to the Constitution (Amendment) Bill (No. XXIX of 2015) will be proposed;
- (b) he will circulate the amendments to the Good Governance and Integrity Reporting Bill (No. XXX of 2015) as being proposed by Government, and
- (c) Government still intends to introduce a new Declaration of Assets Bill.

The Prime Minister: Madam Speaker, with a view to promoting a culture of integrity and good governance in the country, a number of measures have been outlined in the Government Programme 2015-2019. We are today proceeding with the amendment of the Asset Recovery Act and will shortly introduce the Good Governance and Integrity Reporting Bill as well as the Declaration of Assets Bill as part of a wider spectrum of institutional reforms. It will be recalled that good governance is a prerequisite in achieving meaningful change and we have in that regard, pledged for a more just, transparent and accountable society based on the precepts of good governance and at the same time zero tolerance against fraud, corruption and other malpractices.

Since the setting up of a Ministry with specific mandate for the subject of good governance, reviews have been conducted on major contracts awarded by the previous Government as well as on decisions involving State-owned companies and parastatal bodies, resulting in the termination of such contracts and consequential savings for the country. Such reviews are ongoing and will continue to be conducted in the public interest. Besides numerous requests for reviews, the Ministry of Financial Services, Good Governance and Institutional Reforms is also heavily solicited by the public, public sector entities and other organisations to enquire into a host of issues of public interest.

Madam Speaker, the House will appreciate that most of the malpractices and acts of corruption which have been uncovered during the last decade could have been avoided had there been a proper framework for the reporting of such acts. Also, we should take into

consideration that for reporting of such acts there should be a conducive environment whereby the person making the report has the comfort of being adequately protected by the State against retaliation whilst at the same time preventing people from abusing the system by making frivolous and vexatious allegations.

With a view to addressing the deficiencies in the current legislative framework and at the same time stimulating performance in public and private sector organisations through effective reporting and other processes, it is proposed to introduce the Good Governance and Integrity Reporting Bill, the objects of which will be to -

- (i) encourage and foster a culture of integrity and good governance in the Republic of Mauritius;
- (ii) stimulate integrity reporting in the public and private sectors;
- (iii) encourage positive reports of acts of good governance;
- (iv) disclose and deter malpractices and recover unexplained wealth, and
- (v) protect and reward persons making genuine disclosures and reports of malpractices.

Madam Speaker, with a view to achieving a wide consensus, the Minister of Financial Services, Good Governance and Institutional Reforms opened up public debates and encouraged a participative approach on the Good Governance and Integrity Reporting Bill. This process is ongoing. A number of valid proposals have been made and at the same time clarifications have been provided on the clauses of the Bill mostly those dealing with the issue of unexplained wealth orders and the confiscation of property.

Madam Speaker, the House will recall that in October 1986 the Constitution was amended to provide for the taking of property “by way of penalty for breach of the law or forfeiture in consequence of a breach of the law or in consequence of the inability of a drug trafficker or a person who has enriched himself by fraudulent and/or corrupt means to show that he has acquired the property by lawful means”.

In my address to the House I stated as follows -

“We are, therefore, amending the Constitution in order to have full authority to confiscate the wealth of drug-traffickers. There is no doubt that we will seek to confiscate only their ill-gotten wealth. Whatever they have rightfully earned will be theirs to enjoy. But whatever they will be unable to show as having been acquired by lawful means will be confiscated.

In order that there may be no doubt about the legality of what we have already embarked upon, we have to amend the Constitution. In the absence of an amendment,

doubts will continue to linger about whether it is reasonable or justifiable to confiscate wealth in a democratic society.

I, for my part, do not believe for a moment that democracy will in any manner stand diminished by this amendment. Democracy cannot extend to freedom to drug others to death, and to stand by and laugh heartily in the warmth of ill-gotten gains while others die in pain and agony.

The amendment simply lays down the authority for the confiscatory action which we are proposing and which is very much favoured by all right-minded persons.”

Madam Speaker, the underlying objective of the amendment to the Constitution is to provide for non-conviction based recovery of assets. In 2012, the Asset Recovery Act was proclaimed and the Explanatory Memorandum to the Asset Recovery Bill provided that the aim of the Bill was to provide “for conviction based and non-conviction based recovery of assets”.

The Asset Recovery Act already introduced in Mauritian law the concept of a non-conviction based recovery of assets. The proposed amendments constitute an important addition in the arsenal of the State to track down and recover ill-gotten gains.

In order to better understand the rational for providing for confiscation in the manner we are providing in the Constitution it would be useful to quote from the report of Booz-Allen-Hamilton under the Comparative Evaluation of Unexplained Wealth Order Heading, and I quote -

“The importance of confiscating proceeds of crime has long been recognised as an effective tool in disrupting the activities of organised crime. The underlying reason is that profit or financial gain is the main motive for criminals to engage in criminal activities. This profit is used to fund lavish lifestyles, as well as invest in future criminal activities. Indeed, in removing the profit motive is considered to act both as a preventive and a deterrent to criminals by diminishing their capacity to invest in future criminal activities. The strategy of hitting criminals where it hurts most, “their pockets”, is regarded as an effective strategy by law enforcement agencies for organised crime. While organised crime has shown resilience and a high level of adaptability to other law enforcement strategies, removal or reduction of assets is considered to have an impact on their operations. Thus, confiscation of criminal proceeds is embraced by many countries through conviction and non-conviction based confiscation mechanisms.”

Madam Speaker, with regard to part (a) of the question, Government maintains its proposal to amend the Constitution to avoid any lingering doubt about the constitutionality of the Unexplained Wealth Order. We are introducing the Constitution (Amendment) Bill (No. XXIX of 2015) which was introduced in the National Assembly on 27 October 2015.

Madam Speaker, the Constitution is a living document and the provisions have to be given a purposive interpretation. Following the consultation exercise which has taken place during the last three weeks, Government has been attentive to the views and proposals of stakeholders and Government is considering the proposals. It is only after a thorough analysis thereof that any decision for the amendment of the Bill would be taken.

Madam Speaker, in regard to part (b) of the question, pursuant to the consultation exercise, the proposals and suggestions made by stakeholders are being considered. A number of proposed amendments have been publicly announced and should further amendments be considered to be necessary, these will be looked into.

Madam Speaker, in regard to part (c) of the question, as the House is aware, paragraph 248 of the Government Programme 2015-2019 provides that –

“Government will eradicate fraud, corruption, malpractices and irregularities in all aspects of public life and restore our national values. To this end, a new Declaration of Assets Act for MPs and high ranking public officers will be enacted”.

My Office has already started working on the implementation of the above measure. In this context, a Committee, under the chairmanship of the Secretary to Cabinet and Head of the Civil Service and comprising, the Permanent Secretary, Ministry of Financial Services, Good Governance and Institutional Reforms, the Solicitor-General, the Director-General of the ICAC, the Secretary for Home Affairs, and the Senior Chief Executive, Ministry of Civil Service and Administrative Reforms, examined numerous issues in connection with the subject matter, *inter alia* –

- (i) whether the definition of “assets” in the new law should be widened;
- (ii) who else should be required to declare his assets, apart from Members of the National Assembly, the Members of the Rodrigues Regional Assembly and Councillors of Municipal City, Municipal Town and District Councils;
- (iii) who should be the depository of the Declarations;

- (iv) whether the information contained in declarations of assets should be open to the public, and
- (v) whether the present penalties for breach of the Act should be toughened.

In the course of its deliberations, the Committee also considered the draft Declaration of Assets Bill proposed in April 2012 by the former Parliamentary Committee on the ICAC and has also drawn from international experience in assets declaration, as published in reports from the OECD and the World Bank.

Madam Speaker, Government was apprised of the findings of the Committee on 16 October last and has decided to set up a Ministerial Committee to look into the proposals and to make recommendations, as appropriate. The Committee comprises -

- (i) the hon. Vice-Prime Minister and Minister of Energy and Public Utilities;
- (ii) the hon. Minister of Finance and Economic Development;
- (iii) the hon. Minister of Public Infrastructure and Land Transport;
- (iv) the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research;
- (v) the hon. Minister of Health and Quality of Life;
- (vi) the hon. Attorney-General, and
- (vii) the hon. Minister of Financial Services, Good Governance and Institutional Reforms.

Madam Speaker, once the Ministerial Committee finalises its recommendations, instructions will be conveyed to the Attorney-General's Office for the drafting of the Declaration of Assets Bill.

Madam Speaker, I wish to give the assurance to this House and the population at large that the proposed amendment to the Constitution aims specifically at tracking massive unexplained wealth accumulated by people through illicit dealings and on the back of honest and hardworking people.

I strongly condemn the attitude of the Leader of the Opposition who instead of keeping to his numerous speeches where he, in fact, made plea in favour of firm legislation to deal with unexplained wealth, is today trying to play politics on such a vital issue.

I tell the Leader of the Opposition to be honest towards himself and to try to understand the relevance of the proposed amendments instead of indulging in demagogic to create confusion in the minds of the population.

(Interruptions)

Madam Speaker: Please, no comments!

(Interruptions)

Order, please!

The Prime Minister: I say, once more, that only dishonest and ill-intended persons have to fear the proposed legislation.

Madam Speaker, we are sweeping clean this country and are setting new foundations to fight corruption, illicit dealings and dishonest practices.

(Interruptions)

My Government and myself will not, in any way whatsoever, fail in our duty towards the nation to build a country based on transparency, good governance and integrity.

We fail to understand why people who have been shouting all the time that corruption is rife and nothing is being done, dare to challenge us when we are taking the bull by its horns. I wonder what they are afraid of!

Thank you, Madam Speaker.

(Interruptions)

Mr Bérenger: I shall, of course, ignore the last part with the *élucubrations* and the allegations that the Rt. hon. Prime Minister has deemed fit to come out with. I was going to say that what I heard on the first part of my question, that is, the amendment to the Constitution of Mauritius, the Constitution (Amendment) Bill, presented by the hon. Prime Minister, Government remains open to amendments to the Constitution (Amendment) Bill, if I heard the Rt. hon. Prime Minister correctly and this is the right attitude. Therefore, can I suggest to the Rt. hon. Prime Minister, he has himself referred to amendments in the past to section 8 of the Constitution - Protection from Deprivation of Property. Indeed, there have been exceptions, but will he agree with me that when there have been exceptions, for example, in subsection (4) of the Constitution, Protection from Deprivation of Property, section 8, subsection (4), in every case, the Constitution has been made to read –

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) - that is, Protection from Deprivation of Property (...) - except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.”

Therefore, can I put the question to the Rt. hon. Prime Minister: will he agree with me that there is absolutely no reason not to include that at the end of the Constitution (Amendment) Bill being circulated by the Rt. hon. Prime Minister? Therefore, will that be considered? It already is in other sections that it should be added to the section being proposed to the Constitution (Amendment) Bill.

The Prime Minister: It is being already in the law. I don’t see any need for it to be in the Constitution.

Mr Bérenger: I also heard the Rt. hon. Prime Minister say some amendments have already been made public. We have not received any written copy. Again, if I heard him correctly, he said that further amendments, this time to the Good Governance and Integrity Reporting Bill, will be considered. Can I make the request that the amendments already proposed and any amendment to come should be circulated in writing so that we can study the details of the language used in those amendments?

The Prime Minister: We will consider this.

Mr Bérenger: Therefore, pending receiving a written copy of these amendments, I leave it there. On the last part of my question, I am a bit disturbed - that is, a new Declaration of Assets Act, I heard the Prime Minister say it is forthcoming but, omitting to repeat what was in Government’s programme, that is, may I be allowed to remind the House, Madam Speaker, that it is said *“combattre la fraude” sous la section les douze priorités des trois premiers mois au gouvernement.* I quote –

« Combattre la fraude et la corruption : la ‘Declaration of Assets Act’ sera amendée pour inclure les propriétés acquises sous des prête-noms et la publication de toutes les informations dans la Gazette du gouvernement. »

I am quite disturbed that I have not heard the hon. Prime Minister confirm that yes, in the new Declaration of Assets Act, the declaration of assets will be made public through the Government Gazette, as was provided for in the Electoral Programme.

The Prime Minister: It seems as we have already started debating the Bill, all these matters will be raised when the debates will take place.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. Since the Rt. hon. Prime Minister has stated very publicly of his wish to clean the country and come up with a policy of transparency, could he consider the possibility of doing two things: one, of ensuring that the proposal that has been made to clean up the country also covers the period as far back as Independence time because he has the majority...

(Interruptions)

May I continue...

(Interruptions)

Madam Speaker: Now, please, order!

(Interruptions)

Mr Mohamed: Now I understand who is scared! Now I see who is scared! My question is very simple, two things, very simple things...

(Interruptions)

Madam Speaker: Hon. Jhugroo, please don't interrupt!

Mr Mohamed: I do not know why, Madam Speaker, they seem to be agitated each time when I say that...

(Interruptions)

Madam Speaker: No, ask your question!

(Interruptions)

Hon. Shakeel Mohamed, please proceed and ask your question!

Mr Mohamed: I am trying to, precisely, and I thank you for your help. So, the question is, if I may be allowed, there are two things: to show that there is no political agenda - which I am not saying there is - but, to assure us and the country at large that there is no

political agenda, consider amending the law in such a way or make proposals in such a way as to cover as far back as 1968 and, as in other jurisdictions - every other jurisdiction where this issue is really taken at heart within this day and age - that it is an independent body such as a body which has constitutional protection and independence that is created in order to wield this investigative and power to seize and confiscate.

Madam Speaker: Okay!

Mr Mohamed: Two issues, simple!

The Prime Minister: This is rubbish!

(Interruptions)

This is what I call demagogic!

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Prime Minister in justifying this Act talks about gains acquired through unlawful means; he talks about proceeds of crime. In order to reassure the public that wealth that has been acquired through lawful means but which cannot be, for any reason, or do not have to be explained because of passage of time the evidence has gone missing or whatever, would the hon. Prime Minister consider in the amendments to replace the concept of 'unexplained wealth' with the concept of 'illicit enrichment' so that there is an element of unlawful gain in the element of the confiscation?

The Prime Minister: Well, the whole idea behind this law is to track unlawful gains, illicit money. All the time people have been insinuating, talking about Sun Trust. Well, like any other party, MSM got contributions and this can be checked. All the money as contributions, the MSM had an account in the Mauritius Commercial Bank Ltd.

(Interruptions)

Madam Speaker: Order!

The Prime Minister: All the money was deposited there and all transactions on behalf of MSM, the building Sun Trust, all transactions were paid by means of cheques. This can be...

(Interruptions)

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Given the nature of Constitution itself is dynamic, the last amendment of section 8 of the Constitution was made in 1986 whereas from 1968 when the Constitution was written there were no amendments until 1986...

Madam Speaker: What is your question?

(Interruptions)

Mr Rutnah: Can the Rt. hon. Prime Minister confirm that henceforth, since 1968 and 1986 respectively onwards, crime has sophisticated to such a level and corruption to such a level that it is now imperative...

(Interruptions)

Madam Speaker: Hon. Rutnah, can I just interrupt you and ask you...

(Interruptions)

Please, order! I am on my feet!

(Interruptions)

Hon. Rutnah, please come straight to your question because we are short of time! Please!

Mr Rutnah: It is now, Madam Speaker, imperative to bring amendment to section 8 of the Constitution to combat corruption in this country and bring morality into society.

(Interruptions)

The Prime Minister: I fully agree, Madam Speaker, and this is exactly what we are doing!

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: I did not hear the Rt. hon. Prime Minister contradict me when I said that I had heard him say that Government remains open to any reasonable required amendment to the Constitution (Amendment) Bill and when I said that I heard him say that there might very well be further amendments apart from the three that have already been

mentioned in the Press, but not circulated. Can I, therefore, insist so that the whole country, but the Opposition can do its work on this very serious issue which raises constitutional matters that, as soon as amendments are ready, they be circulated in writing and not at Committee Stage as it is usually the case? When we reach Committee Stage then amendments are circulated, that these amendments as agreed by Government be circulated as soon as agreed upon.

The Prime Minister: We will follow the normal procedure which is always followed in such cases.

Madam Speaker: Was that your last question, hon. Leader of the Opposition?

(Interruptions)

Hon. Leader of the Opposition, I am just asking whether that was your last question!

Mr Bérenger: Yes, I understand that we are following normal procedures.

Madam Speaker: Okay!

(Interruptions)

Okay! So, hon. Members the Table has been advised that Parliamentary Question No. B/944 in regard to the Bassin Football Ground presently under construction and addressed to the hon. Minister of Youth and Sports will be replied by the Rt. hon. Prime Minister, time permitting. Hon. Ameer Meea!

TOURISTS - VICTIMS - CRIMINAL OFFENCES

(No. B/876) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to criminal offences, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof in which tourists have been victims, since January 2015 to date.

The Prime Minister: Madam Speaker, I am informed by the Commissioner of Police that from January to 11 November 2015, 261 cases of criminal offences in which tourists have been victims have been reported to the Police. 31 persons have so far been arrested.

Out of the 261 cases, there are -

- 244 cases of larceny which mostly are committed inside the hotels;
- 10 cases of embezzlement;
- 2 cases of indecent act, and
- 5 cases of other types of offences.

Madam Speaker, I am further informed by the Commissioner of Police that -

- 17 accused have been sentenced by Court in 13 of the cases;
- 2 cases have been dismissed;
- 3 cases are awaiting Court decision;
- 44 cases have been filed because the accused are unknown;
- In 12 cases the DPP has advised no further action, and
- 187 cases are still under enquiry by the Police.

Madam Speaker, such anti-patriotic behaviour towards our tourism industry, which is an important pillar of our economy, is unacceptable. As Prime Minister of this country, I am not going to tolerate that a few evil minds damage the reputation of Mauritius as a safe tourist destination.

The Ministry of Tourism and External Communications and the Police have already taken several measures to curb down criminal offences against tourists.

However, I am of the view that the measures should be further strengthened and I have requested the Commissioner of Police to come up, in consultation with the other concerned authorities, with more stringent measures in order to avoid any criminal offences against tourists.

I would also urge owners of hotels, apartments or villas to strengthen security within their premises with a view to reducing the risk of larcenies and other offences committed against tourists.

Finally, I intend to bring amendments to legislation in order to set stringent standards for private security agencies.

Mr Bérenger: Madam Speaker, quite disturbing figures have been provided by the Rt. hon. Prime Minister, hundreds of cases have occurred, aggressions, crimes against tourists since the beginning of the year and if I heard him correctly, only 17 people have been

convicted in Court for all these hundreds of cases. Can I know from the Rt. hon. Prime Minister whether the main problem remains that we are dealing with tourists, that these people come here and then they return home, so when the case comes to Court, they do not turn up, they are not around? This has been the stumbling block for years. Can I know from the Rt. hon. Prime Minister whether new ideas are coming forward, how do we tackle that and whether there is need for emergency Court proceedings? But we must find a solution. This is the heart of the problem. Will the Rt. hon. Prime Minister agree with me?

The Prime Minister: Well, I understand that there is a fast track, but still - I said it in my answer - I am not satisfied that all steps are being taken because this should be reduced considerably. I do not say it is going to be eliminated because such larcenies, for example, do take place in many countries, but not to that extent. Therefore, I have already spoken to the Commissioner of Police. We are going to take steps. I wonder whether when people are caught they should not cut off their hands.

Mr Mohamed: The Rt. hon. Prime Minister has just said something which is - I won't use that word. Could the Rt. hon. Prime Minister explain to us - earlier on he said that there are 40 or so people whose cases have been filed, and I use his words: "because the accused are unknown". How could a case have been lodged against an accused and later on filed if he is not known? This is the question. I mean how could you file a case against an accused because he is not known and at the time of lodging it we know who the accused was? How come we do not know him afterwards?

Madam Speaker: Okay, the hon. Member has made his point!

The Prime Minister: The hon. Member is confused. I never said ...

(Interruptions)

Madam Speaker: Hon. Mohamed, please!

The Prime Minister: There are two different cases. Cases where no accused parties are found and cases where accused parties are found; cases which are referred to DPP and DPP ultimately found that there should be no action taken, they are filed.

Madam Speaker: Next question, hon. Jhugroo!

LOTTOTECH - PROFIT

(No. B/877) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Lottotech, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to, since its coming into operation to date, the total amount of –

- (a) money -
 - (i) gambled;
 - (ii) paid to winners;
 - (iii) paid to Government in terms of taxes, and
 - (iv) unclaimed by winners, and
- (b) profit made.

The Prime Minister: Madam Speaker, Lottotech became the Operator of the Mauritius National Lottery which is officially known as *Loterie Nationale*, on 16 April, 2009 and the Company started its operations at the end of October 2009.

With regard to part (a) (i) to (iv), the information is as follows -

(i)	total amount of money gambled	: around Rs15.5 billion
(ii)	total amount of money paid to winners	: around Rs8 billion
(iii)	total amount of money paid to Government in terms of taxes	: around Rs3.7 billion, and
(iv)	total amount of money unclaimed by winners and paid to the National Solidarity Fund	: Rs272,380,062

As regards part (b) of the question, I am informed that the total profit after tax earned by Lottotech stands at about Rs436,947,403, as at September 2015.

Madam Speaker: Next question, hon. Rugoobur!

INDIA-AFRICA SUMMIT - RECOMMENDATIONS

(No. B/878) Mr S. Rugoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the India-Africa Summit held in New Delhi in October 2015, he will state the –

- (a) measures taken at the level of his Office to ensure the close monitoring of the recommendations and commitments taken by Mauritius thereat and
- (b) expected impact thereof on the existing and emerging sectors of the Mauritian economy.

The Prime Minister: Madam Speaker, with your permission, I shall reply to Parliamentary Question B/878 and Parliamentary Question B/883 together as they relate to the same issue.

As the House is aware, following an invitation extended to me by His Excellency Mr Narendra Modi, Prime Minister of India, I attended the Third India-Africa Forum Summit held in New Delhi on 29 October 2015.

I was accompanied by Senior Officials from my office and of the Ministry of Foreign Affairs, Regional Integration and International Trade. The hon. Minister of Foreign Affairs, Regional Integration and International Trade did not form part of the Mauritian delegation as he had to attend the 15th Ministerial Meeting of the Indian Ocean Rim Association held in Padang, Indonesia.

I wish to inform the House that the hon. Minister was represented by the Secretary for Foreign Affairs and another Senior Officer from his Ministry.

The Summit was *inter alia* attended by fifty-four African countries, represented by Kings of Morocco and Swaziland, thirty-five Heads of State and Government, six Vice-Presidents and some thirty-eight Ministers. Forty-one Heads of delegation including myself addressed the meeting.

My message focused on India-Africa relationship, the special relations binding Mauritius to India and the transformation of Mauritius as a regional investment and business hub, thus making Mauritius the natural investment gateway between India and Africa.

The Summit adopted two Outcome documents laying down the basis for cooperation between India and Africa for the next five years, namely the Delhi Declaration 2015 and the India-Africa Framework for Strategic Cooperation.

The core political message of the Delhi Declaration remains the need for an urgent reform of the United Nations including the Security Council to make it more regionally representative and democratic, the active participation of the Indian diaspora across the African continent, respect for the sovereignty and territorial integrity of States, the condemnation of terrorism and any direct or indirect support to terrorist groups, the fight against drugs and illicit proliferation of small arms and light weapons and access to quality and affordable medicines amongst others.

In the margins of the Summit, I had a number of meetings, including bilateral meetings with His Excellency Mr Narendra Modi, Prime Minister of India and His Excellency Mr John Dramani Mahama, President of Ghana, the Federation of the Indian Chambers of Commerce and Industry and the Confederation of Indian Industry, the Indian Business Community of the PHD Chamber of Commerce, the Chairpersons and Chief Executive Officers of major Indian conglomerates namely Godrej Group, Bajaj Corporation, Hinduja Group, and Mahindra Group. I also met film producers, Events and Entertainment Management Association and All India Industry Association amongst others.

Madam Speaker, I wish to inform the House that the meeting with His Excellency Mr Modi was held in a very cordial atmosphere. I had fruitful discussions on the following main issues -

- a) The India Mauritius Double Taxation Avoidance Convention;
- b) The Comprehensive Economic Cooperation and Partnership Agreement;
- c) The Overseas Citizen of India Card, especially the eligibility criteria for Mauritians of Indian Origin, and
- d) Visa Reciprocity for Mauritian Nationals.

I am confident that my requests have been positively heard by the Indian Prime Minister.

During my visit, I also launched on 30 October 2015, the Board of Investment India Office, located within the premises of the Mauritius High Commission in New Delhi. This Office, which was long overdue, would be the first point of contact for the Indian business community and would showcase and promote all the economic sectors of Mauritius.

My intervention at the Summit and my bilateral meeting with His Excellency Mr Modi, Prime Minister of India and the other meetings with the business community included a number of important issues which are being followed up by the Board of investment and other relevant authorities.

Madam Speaker, with regard to part (b) of the question, as I mentioned earlier, I also met with major conglomerates in Mumbai and Delhi, in various sectors such as ICT, manufacturing, logistics, hospitality and services. These conglomerates have shown enthusiastic interests in doing business and investing in Mauritius. As such, the expected foreign investment and skills that would flow when these firms expand their footprint in Mauritius would boost both the existing and emerging sectors of the Mauritian economy.

The Board of Investment is facilitating such investments accordingly, and is liaising with the conglomerates on a regular basis.

Additionally, the two outcomes documents collectively approved at the Summit make reference to the promotion of cooperation for the development of Ocean/Blue Economy, with special emphasis on collaboration in developing sustainable fisheries, combating illegal and unregulated fishing, management of marine resources, conducting hydrography surveys. They also focused on exploring non-marine resources, disaster risk reduction and developing renewable energy.

Such a commitment, Madam Speaker, would enable us to leverage on one of our largest asset base, which is our Exclusive Maritime Economic Zone, to develop our Ocean industry.

Finally, Madam Speaker, I wish to end by noting that my participation at the India-Africa Summit and my various meetings aimed at consolidating further, the economic links between Africa, India and Mauritius, and we have succeeded in this endeavour.

Mr Rughoobur: Thank you, Madam Speaker. I thank the Rt. hon. Prime Minister for the answer. The Rt. hon. Prime Minister mentioned about the series of initiatives taken to attract FDI from India, setting up of the Office of the Board of Investment. May I also request the Rt. hon. Prime Minister to please look into the Delhi declaration where there is this issue of the setting up of Duty Free Tariff Preference Scheme by India? May I request the Rt. hon.

Prime Minister in line with the decision of the Government to attract FDI, to also request the BOI to look into the whole possibility of studying the opportunities that this setting up of the Duty Free Tariff Preference Scheme by India would bring to the local Mauritian Economy, for the private sector and the SMEs as well.

The Prime Minister: We will look into that.

Mr Bérenger: The Rt. hon. Prime Minister made reference to his meeting with the hon. Prime Minister Modi, Prime Minister of India on the Double Taxation Avoidance Convention and then immediately after when he reached Bombay (Mumbai), he made a very categorical statement that no section of our Double Taxation Avoidance Convention would be amended and we know that this is the heart of the matter. The Minutes of Proceedings signed by the Financial Secretary of Mauritius provide that section 13 of that Convention which says that the Capital Gains Tax will be taxed in Mauritius where it is zero rated, has been changed and that amendment proposed says that the Capital Gains Tax will be taxed in India as from 2017. Now, this is the major section. Can I ask the Rt. hon. Prime Minister whether he has obtained reassurance that this section, Clause 13 of our Double Taxation Avoidance Convention will not be amended as per the signed Minutes of Proceedings?

The Prime Minister: Well, I have never stated that this will not be amended and that the hon. Prime Minister has promised that it is not going to be amended. All that I said is that I made a plea - I put forward the reasons why it should not be amended and I said that I hope - I reminded the hon. Prime Minister of what he has stated when he was here on his visit, that he will do nothing that may harm the interest of Mauritius. So, I pray that he looks into the matter again, that two sections should not be touched at all, 13 and 11. Well, he has promised he is going to look into that and now as it is said in our jargon: "*la boule est dans son camp*". We wait.

(*Interruptions*)

Mr Bérenger: I did not hear the Rt. hon. Prime Minister make reference to something which Mr Modi proposed formally, officially, at this India-Africa Summit meeting, that is, that India will promote solar alliance, an alliance of more than 100 countries that are strong, of the South, of course, on this side of *l'Équateur* that are strong on the sun, on solar power, that he is going in Paris at the forthcoming Environment Summit, India is going to propose formally the setting up of such an alliance. Have we already said yes to India? Has this been discussed between our Prime Minister and Prime Minister Modi when they met?

The Prime Minister: I have not discussed about this question.

Mr Mohamed: Thank you, Madam Speaker. It is in relation to the question that I put, P.Q. No. B/883, which the Rt. hon. Prime Minister has decided to answer together since this is related to the same issue. The Rt. hon. Prime Minister has said that the reason - if I understood him correctly - that the hon. Minister of Foreign Affairs could not attend the India-Africa Forum Summit of 2015 was because he was in Indonesia at the Indian Ocean Rim Conference for the Council of Ministers meeting. From my verification, the Council of Ministers meeting of the Indian Ocean Rim in Padang, Indonesia took place between the 20 to 23 of October whereas the India-Africa Summit took place between the 26 to the 29 of October.

So, at no time did those two meetings in any way criss-cross. Since the hon. Minister clearly was not and could not have been busy at the Indian Ocean Rim Conference between the 26th and the 29th at the time when the India-Africa Summit was being organised, he could not have been there since there was no more any IOR Summit, could he, therefore, explain why was it so difficult to get his Minister of Foreign Affairs...

(Interruptions)

Madam Speaker: Ask your question!

(Interruptions)

Mr Mohamed: If Members listen, they will get it! Could he, therefore, explain why was it so difficult to ask his Minister of Foreign Affairs, Regional Integration and International Trade to attend the India-Africa Summit when he was not in Indonesia?

Madam Speaker: Hon. Shakeel Mohamed, ask your question! You don't have to make a statement.

(Interruptions)

Don't make comments, please! You have asked your question, that's it! You don't make comments!

The Prime Minister: Madam Speaker, since he had to go to that meeting, I took the decision that he should go there, and since I was going to India for that conference, there was no need for any Minister to accompany me.

(Interruptions)

Madam Speaker: Next question! Hon. Rughoobur!

(No. B/879) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Cap Malheureux, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a survey has been carried out over the past four months, to assess the need for a Police station thereat and, if not, why not.

The Prime Minister: Madam Speaker, I wish to refer the hon. Member to the reply I made to Parliamentary Question No. B/153 wherein I had stated that I will ask the Commissioner of Police to have a second look at the request made by the inhabitants of Cap Malheureux for the setting up of a Police Station in the region.

I am informed by the Commissioner of Police that Cap Malheureux does not meet the requirements for the setting up of a full-fledged Police Station for the following reasons -

- (i) it covers an area of 9 square kms only;
- (ii) the population consists of only about 5,000 inhabitants;
- (iii) the number of cases reported to Police for the region over the period January to 11 November 2015 is 516, out of which 328 are mostly family disputes, 18 cases of criminal offences, 52 contraventions and 118 cases of misdemeanour;
- (iv) it is adequately policed by Grand'Baie, Grand Gaube and Goodlands Police Stations, supported by the Emergency Response Service, Divisional Support Unit, Criminal Investigation Department, Anti-Drug and Smuggling Unit, *Police du Tourisme* and National Coast Guard, and
- (v) it is a fishing village which has recently started to develop into a touristic village without major commercial and entertainment activities.

Madam Speaker, in view thereof, the Commissioner of Police has again advised that, for the time being, there is no need for a Police Station in Cap Malheureux. The Commissioner of Police will continue to monitor the law and order situation to ensure safety and security of the population there.

AIR MAURITIUS LTD & SINGAPORE CHANGI AIRPORT- AGREEMENT

(No. B/880) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for

Rodrigues and National Development Unit whether, in regard to the Agreement signed between Air Mauritius Ltd. and the Singapore Changi Airport to create an air corridor between Mauritius and Singapore, he will -

- (a) table copy thereof, and
- (b) state the expected impact thereof on Air Mauritius Ltd.

The Prime Minister: Madam Speaker, the Agreement signed between Air Mauritius Ltd and the Singapore Changi Airport, on 14 October 2015, is part of the Government's plan to enhance connectivity between Africa and Asia through Mauritius, as announced in my Economic Mission Statement. Mauritius will thus become a gateway to Asia through Singapore for the islands of the Indian Ocean and countries of eastern and southern Africa.

The terms and conditions embodied in the Agreement are commercially sensitive and of a confidential nature between the two commercial bodies and as such cannot be disclosed.

This 'Air Corridor' offers an exceptional opportunity for growth for Air Mauritius as it taps into the tremendous potential of traffic between Asia/South East Asia and Africa. The increase of frequencies into Singapore will dovetail with the Regional Airline Project Air Mauritius Ltd is currently pursuing and will provide new opportunities to various sectors of the Mauritian economy.

What I can say, at this stage, is that the impact on Air Mauritius Ltd will be very positive. Given that Singapore Changi Airport is the seventh largest international airport in terms of passenger and air cargo traffic, this Agreement will allow the development of both passenger and cargo traffic between Singapore and Mauritius as well as between Africa/Indian Ocean countries and Asia/South East Asia, using Mauritius and Singapore as hubs.

In this respect, I would like to inform the House that, on the west side of the corridor, Mauritius has already signed Memoranda of Understanding/Bilateral Air Services Agreements with the following countries in Africa: Botswana, Comoros, Republic of Congo, Egypt, Ethiopia, Kenya, Madagascar, Malawi, Mozambique, Nigeria, Rwanda, Seychelles, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe. On the east side, Mauritius already has Memoranda of Understanding and Bilateral Air Services Agreements with the following countries: China, Hong Kong, Indonesia, Malaysia, Thailand and Vietnam. Further, Mauritius is in the process of finalising a Memorandum of Understanding

with Japan with a view to allowing Air Mauritius to extend its network coverage in Asia by code sharing with its partner airlines to market points in Japan.

Madam Speaker, I need to point out, here, that it is not only Air Mauritius Ltd that stands to gain but the country as a whole. I repeat, this is a Mauritius Project and belongs to the Nation as a whole. This forceful move will, through the multiplier effect, have an enormous impact on the other sectors of the economy and will promote trade, business and economic development, thereby catapulting Mauritius to the next stage of growth. Through the promotion of international trade and business in the region, it will work towards turning Mauritius into a robust regional hub.

The Steering Committee set up to implement this Air Corridor Project is already at work to turn this project into reality.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. May I know from the Rt. hon. Prime Minister - I understand the Rt. hon. Prime Minister does not want to table the Agreement - whether Singapore Airlines, under this Agreement, has taken any commitment to route all its passengers through Mauritius to Africa, being given that Singapore Airlines already operate direct flights to several jurisdictions in Africa?

The Prime Minister: We are already having discussions with Singapore Airlines.

Mr Uteem: Madam Speaker, the air corridor is a very laudable initiative, but it needs to be backed by finance, and we need to have more aircrafts and leases. So, in that respect, may I know from the Rt. hon. Prime Minister whether the Government has taken any additional commitments towards Air Mauritius or under this Agreement to make sure that there are sufficient aircrafts that will service the leg Mauritius to Africa?

The Prime Minister: Well, we will have to wait whether the need will arise, and we are naturally prepared to lease more aircrafts.

TROU AUX CERFS - WEATHER RADAR SYSTEM

(No. B/881) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the project for the purchase

and installation of a new weather radar at Trou aux Cerfs, he will state where matters stand as to the implementation thereof, including the -

- (a) date of commissioning thereof;
- (b) construction of a new building for the housing thereof;
- (c) training of the personnel for the use thereof, and
- (d) final cost thereof.

The Prime Minister: Madam Speaker, the project for the procurement and installation of a new Meteorological Radar System at Trou aux Cerfs is being partly financed through a Non-refundable Grant from the Government of Japan.

In regard to part (a) of the question, according to the preliminary programme of work established by the Japanese authorities, the project is now expected to be completed by the end of 2017.

Concerning part (b) of the question, I am informed by the Director of the Mauritius Meteorological Services that the old building which housed the former Radar at Trou aux Cerfs has already been pulled down and the site is now ready for the construction of the new building for the installation of the new Radar System. The necessary clearances for the construction of new building have been obtained and the Japanese side is now finalising the tender procedures for the selection of the contractor. I am informed that works may start in the second semester of 2016.

In regard to part (c) of the question, I am further informed by the Director of the Mauritius Meteorological Services that his Department has already recruited a pool of ten additional Meteorological Telecommunications Technicians who will undergo specialised training in the operations of the new Radar System. So far, two of the Technicians have already received training in Radar Meteorology overseas.

In addition, the Telecommunications Engineer in post at the Mauritius Meteorological Services has benefitted from a two-week intensive overseas training in the practical operations of the Doppler Radar System.

Madam Speaker, in regard to the last part of the question, the Agreement signed between the Japan International Cooperation Agency and the Government of the Republic of Mauritius on 10 June 2013 provided for a Non-refundable Grant of one billion seventy-nine

million Japanese Yen to the Government of Mauritius, for the implementation of the Radar Project.

In December 2013, the Japanese authorities revised the quantum of the Grant element to one billion one hundred and fifty million Japanese Yen to take into account the exchange rate fluctuations.

In July this year, the quantum of the Grant element was further revised by the Japanese side to one billion three hundred and forty million Japanese Yen in view of the fact that the price for the acquisition of the new Radar System had increased compared to what had been initially foreseen by the Japanese experts.

The total amount of the Non-refundable Grant to be made available by the Japanese authorities to Mauritius for the implementation of the Radar Project now stands at around Rs387 m.. This amount has only been approved in the Japanese Budget in June this year.

In addition, in the 2015/2016 and 2016/2017 Budget of the Mauritius Meteorological Services, provisions to the tune of Rs270 m. and Rs250 m. respectively, have been made to cater for expenses not covered under the Grant element for the procurement and installation of the new Radar System.

Madam Speaker, it is premature at this stage to provide an indication of the final cost of the Project.

Mr Bérenger: I heard the Rt. hon. Prime Minister - if I heard him correctly - say that this is a grant and we are grateful to Japan for giving us this grant, but it is a major development that will be with us for decades to come, not years. Now, we have ample confidence in our Japanese friends, but do we have expertise - the Director of the Meteorological Services - and, if not, are we – although grateful to Japan – asking the United Nations and other organisations to advise us whether the choice of equipment that is being made is what is required for Mauritius?

The Prime Minister: Well, I can't answer this question. If a question is put, we will try to get the information.

Madam Speaker: The Prime Minister's Question Time is over! I suspend the sitting for one and a half hours.

At 12.54 p.m. the sitting was suspended.

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

Madam Speaker: Hon. Members, the Table has been advised that PQ B/886 addressed to the hon. Minister of Public Infrastructure and Land Transport, will be replied by the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research. PQ B/920, in regard to lighting segments of the street lighting systems on the highways addressed to the hon. Minister of Public Infrastructure and Land Transport, will be replied by Dr. the hon. Minister of Local Government. PQ B/921, in regard to the pulling down of houses containing asbestos addressed to the hon. Vice-Prime Minister, Minister of Housing and Lands, will be replied by the hon. Minister of Environment, Sustainable Development and Disaster and Beach Management. PQ B/927, in regard to river reserves at Rivière du Poste addressed to the hon. Minister of Environment, Sustainable Development and Disaster and Beach Management, will be replied by the hon. Minister of Agro-Industry and Food Security. PQ B/941, with regard to compensation to be paid to fishermen in the Port Area addressed to the hon. Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands, will be replied by the hon. Deputy Prime Minister, Minister of Tourism and External Communications. PQs B/901 and B/915 have been withdrawn.

Hon. Dr. Sorefan!

**MINISTRIES & GOVERNMENT DEPARTMENTS – STATE LAND – PROJECTS
EARMARKED**

(No. B/885) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the plots of State land vested in the Ministries and Government Departments, he will state –

- (a) the number and extent thereof which have not been developed as at to date, indicating in each case, the project earmarked for implementation thereat and the project value thereof;
- (b) if the database in respect thereof is up to date, and
- (c) the mechanism put in place, if any, to ensure productive vesting of State land.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Madam Speaker, the information sought for at part (a) of the question is being compiled and will be placed in the Library of the National Assembly as soon as the exercise is completed.

In respect of part (b), I wish to inform the House that my Ministry is presently working on the creation of a Digital State Land Register in line with the New Policy Framework on allocation of State land, which will capture all information regarding the status of the project for which land has been vested.

Madam Speaker, with regard to part (c) of the question, I wish to inform the House that my Ministry ensures that confirmation is obtained from the relevant Ministries and Departments to the effect that –

- (i) funds are available for implementation of the project, and
- (ii) the timeframe of the execution of the project is clearly specified.

The Ministry also ensures whether survey and planning views are favourable to the proposed project.

Failure to implement the project within the given timeframe will entail retrieval of the land which may be vested for other projects.

Dr. Sorefan: Thank you, hon. Vice-Prime Minister. For the past 10 years, Madam Speaker, the Government had disbursed about Rs2.2 billion for acquisition of land. Several plots of land acquired on or prior to year 2010 have remained undeveloped. Will the hon. Vice-Prime Minister see to it that the Ministry does the needful to develop the land so vested and to ensure the follow-up by his Ministry? As the hon. Vice-Prime Minister has said this will be compiled. That gives us an idea that there is no database...

Madam Speaker: Okay hon. Dr. Sorefan!

Dr. Sorefan: ...and that the Vice-Prime Minister should look into it for when we do ask the question we get the answer very promptly.

Mr Soodhun: Very good suggestion from the hon. Member.

(Interruptions)

I will take cognizance of that.

(Interruptions)

Madam Speaker: Okay, next question hon. Dr. Sorefan!

GOVERNMENT SCHOOLS – INFRASTRUCTURE - MAINTENANCE

(No. B/886) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the maintenance of the infrastructure and of the buildings found on the premises of the Government Schools, he will state –

- (a) if his Ministry has developed a strategy therefor and, if so, give details thereof, and
- (b) how the monitoring thereof is carried out.

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

With regard to part (a) of the question, every year a priority list of infrastructural works to be effected in all schools is drawn up by my Ministry in consultation with the school community.

In fact, the maintenance of infrastructure and of the buildings found on the premises of Government schools is an ongoing exercise. The implementation of the project identified is normally carried out in a phase manner depending upon the urgency of the works to be undertaken and also on the availability of funds.

A first level of maintenance work is carried out at zonal level. The schools are presently clustered in four different zones and each zone possesses a maintenance unit which carries out maintenance works in all Government Primary and Secondary Schools throughout the year.

For maintenance works of higher complexity which cannot be undertaken by zones, they are undertaken either through the District Contractors appointed by the Ministry of Public Infrastructure and Land Transport or by contractors following a tendering exercise.

With regard to part (b) of the question, I am informed that monitoring and supervision of the projects are carried out by engineers and technical officers posted to my Ministry as well as engineers and architects of the Ministry of Public Infrastructure and Land Transport.

I am also informed that regular meetings are held on site and progress monitored accordingly.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Madam Speaker, the hon. Minister will agree with me that many of our infrastructure in the schools are in a terrible state and, as the hon. Minister is promoting Nine-Year Schooling, which will be on, I hope, very soon...

Madam Speaker: Yes, ask your question!

Dr. Sorefan: Will the hon. Minister see to it that the quality of learning environment and infrastructure be of good standard with no leakage of roof, well painted buildings and good electrical set up for the Nine-Year Schooling to have a good start?

Mrs Dookun-Luchoomun: We will certainly look into the matter and make sure that the environment in the school is conducive to learning.

Madam Speaker: Next question, hon. Ameer Meea!

PLAINE VERTE – GYMNASIUM & MULTIPURPOSE COMPLEX - CONSTRUCTION

(No. B/887) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government whether, in regard to the proposed construction of infrastructures in Plaine Verte, Port Louis, he will state –

- (a) where matters stand as to the proposed construction of a new Gymnasium on the premises of the Concorde Garden, Plaine Verte, and
- (b) for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to where matters stand as to the proposed construction of a new Multipurpose Complex at Renaissance, Plaine Verte, indicating –
 - (i) the amount of money earmarked therefor, and
 - (ii) if fresh bids have been launched therefor and, if not, why not.

Dr. Husnoo: Madam Speaker, first of all, let it be on record that I had wished at all costs to provide the communities living in Plaine Verte and the surrounding areas with the best social and sports infrastructure facilities. I had therefore proposed the site of Concorde Garden for this project. I was about to prepare the concept plan for the project and to mobilise the necessary funds for its execution.

Madam Speaker, let it be again on record that some community leaders have expressed objection to this project so much so that I am suspending for the time being the execution of this project. I am pursuing further consultations with all stakeholders of the region because I am fully convinced that this project will be in the interest of the inhabitants of the area and its surroundings.

With regard to the new multipurpose complex at Renaissance, the project was intended to accommodate a food court, ADSU Office and a renovated taxi stand. Public bids were invited on 09 June 2014 and the closing date was fixed for 11 August 2014. Only one offer was received - Island Civil & Mechanical Consulting Ltd. The Bid Evaluation Committee in its report of 03 September 2014 did not recommend the award as the only bid received was not responsive. On 03 September 2014, the Executive Committee recommended that new tenders be invited for the same project. On 08 October 2014, the Executive Committee further recommended the appointment of a consultant for the project. There was no development in the project until the Municipal Elections of 2015.

Madam Speaker, I am informed that, at a Council meeting held on 30 July 2015, Council has opted for alternate projects instead of a new Multipurpose Complex at Plaine Verte. The amount of Rs15 m. earmarked for the project has therefore been reallocated for new projects as follows –

- construction of a Chapel at La Tour Koenig – Rs7m.;
- minor upgrading works at Plaine Verte – Rs2 m.;
- other projects (yet to be identified by the Council) – Rs6 m.

Madam Speaker, I am still convinced that the inhabitants of Plaine Verte, Vallée Pitot and the surrounding areas are all deserving of upgraded sports facilities. I will therefore continue canvassing opinion and seek support for the project at Concorde Garden.

Mr Ameer Meea: Madam Speaker, I am shocked to hear that the project of constructing a multipurpose complex at Renaissance has been cancelled. May I remind the hon. Minister that, in the area of La Rue Magon and Camp Yoloff, there are no sports facilities for people living in this surrounding region and the Municipality of Port Louis in December 2013 had already earmarked Rs15 m. for this project. May I know what is the exact reason why this project has been cancelled by the Municipality of Port Louis?

Dr. Husnoo: As I mentioned, Madam Speaker, I was told that the Municipal Council had decided to review the whole project. That is the answer that was given. As I mentioned, the Rs15 m. has been earmarked for different places like La Tour Koenig and other places.

Mr Ameer Meea: In relation to part (a) of the question, I am glad to hear from the Minister that the project has been put on hold. May I suggest to the hon. Minister not to use the Plaine Verte public garden, as this is the only green space that we have in Port Louis? This is the longest garden that we have in Mauritius starting from Renaissance to to finish Rue Magon. Can he consider an alternative site for this project and remind the House that this project also did not get the approval of the Municipal Councillors of l'Alliance Lepep as well?

Madam Speaker: Okay!

Dr. Husnoo: Madam Speaker, I am a bit surprised to hear that. At one time, the hon. Member is telling me not to use part of the garden...

(Interruptions)

Now, listen, can I answer, please? But, at the same time, he is asking me why the initial project at Renaissance was not done. That is part of the same garden.

(Interruptions)

Madam Speaker: Hon. Ameer Meea, allow the Minister to reply! You have had the leeway to ask your question!

Dr. Husnoo: So, I am a bit surprised. That is number one and, secondly, if the hon. Member has any good suggestion, a place which is centrally situated where women can go and do the exercise as well, if he has any alternative place, I am prepared to listen. I am open to any suggestion.

Mr Mohamed: Madam Speaker, I am just trying to maybe clarify matters for the hon. Minister. First of all, I thank him for his answer. There are two parts to the question ...

(Interruptions)

Madam Speaker: Hon. Mohamed, ask your question!

Mr Mohamed: Could the hon. Minister consider - since he has suggested to make suggestions to my hon. friend - land that is available in Camp Yoloff? There is land available in Camp Yoloff and the compulsory acquisition, I am sure, would meet the generous and kind-hearted man, who is the hon. Minister of Housing and Lands.

(Interruptions)

He could then also use the other generous and kind-hearted Minister of Finance and Economic Development for the benefit of the inhabitants. That is only a suggestion.

Dr. Husnoo: Madam Speaker, yes, I know there is land at Camp Yoloff. But I would like to make it clear that, firstly, the place I was trying to get that Sports Centre is between *circonscriptions No. 2 et No. 3* because in Plaine Verte we have about 500 people who are taking methadone and in Vallée Pitot we have about 250 people who are taking methadone. So, I was trying to do it in a place where the inhabitants of both constituencies can enjoy this facility. This is what I was trying to do. As the hon. Member is aware, nowadays, apart from these 750 people taking methadone, we have a lot of young people taking synthetic drugs. Recently, the hon. Member knows how many people have passed away in Plaine Verte in relation to drug addiction. So, what I am trying to do is trying to find a place which is fairly central so that people can enjoy.

(Interruptions)

Madam Speaker: Next question, hon. Ameer Meea!

Mr Ameer Meea: I have not finished with this one.

Madam Speaker: No, next question, please!

Mr Ameer Meea: This same question!

Madam Speaker: Next question, hon. Ameer Meea!

Mr Ameer Meea: But, Madam Speaker ...

Madam Speaker: Your next Parliamentary Question!

Mr Ameer Meea: No, but I have not finished with this one.

Madam Speaker: Hon. Ameer Meea, please sit down! I have said several times that

...

(Interruptions)

This is my ruling! I have to be fair to everybody. All those who have asked questions should have the right for the questions to come. I have said next question, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, this is totally unfair. I have been allowed to ask only one ...

(Interruptions)

Madam Speaker: No argument, I have said. This is my ruling.

Mr Ameer Meea: This is totally unfair.

DEVELOPMENT BANK OF MAURITIUS – RESTRUCTURISATION

(No. B/888) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Finance and Economic Development whether, in regard to the Development Bank of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the number of employees thereof -
 - (i) whose employment have been terminated over the period January 2015 to date, and
 - (ii) in post as at to date, and
- (b) where matters stand in relation to the proposed restructuring thereof.

Mr Lutchmeenaraidoo: Madam Speaker, in my reply to PQ B/114 of 03 March 2015, I spelled out the various attempts to restructure the DBM.

In March 2012, the World Bank recommended the orderly closure of the DBM or the setting up of a MSE Bank with the good loans of DBM. In March 2013, Cabinet approved Deloitte's recommendation for the setting up of an MSME Bank with a strategic partner. The Small Industries Development Bank of India (SIDBI) was selected as the best option. However, the Reserve Bank of India rejected the request of SIDBI to inject funds in the DBM.

In the meantime, the DBM continued to register heavy losses.

In 2013, the DBM lost Rs177 m. and last year total losses amounted to Rs477 m. In fact, total losses for the past 4 years amounted to Rs1.4 billion.

In spite of the building pressure to close down the Bank and with a view to preserving employment, I requested DBM to come forward with a new restructuring plan on a new mission and new vision basis.

Madam Speaker, as regards part (a) of the question, I am happy to inform the House that there has been no termination of employment over the period January 2015 to-date. Currently there are 206 employees on the permanent establishment of the DBM.

As regards part (b) of the question, I am informed that the Board of DBM is expected to finalise its new restructuring plan by early January 2016. The DBM Board is also looking into the possibility of acting as a Debt Recovery Agency for our public sector institutions.

Madam Speaker: Hon. Ameer Meea! No question! Yes, hon. Uteem!

Mr Uteem: Madam Speaker, the hon. Minister for Small and Medium Enterprises, when answering the question a few months ago, said exactly the same thing - that the new Board of DBM is going to consider the future of DBM. It has been more than nine months now since that statement was made and still we do not have any indication as to where DBM is going. So, what is the Board doing for all these months?

Mr Lutchmeenaraidoo: I wish not to agree with the hon. Member. In fact, the new Board of the DBM has been putting order in the house. I just said that the bank lost Rs487 m. last year and we are planning to break even in 2016, which involves a lot of work. Secondly, I was in a position where we had to decide whether we close down the institution or we keep it going. Then, in the name of employment, keeping employment there, I said let us try to find a solution. So, I gave instructions to the DBM to work out a new vision, a new mission and to come forward with a formal proposal in January. I must say that this request was put to them some three to four months back - not nine months back - and I am satisfied that the Board is now on the right path and that in January DBM will have a restructuring plan which might allow Government to save the bank.

Madam Speaker: Next question, hon. Jhugroo!

MAURITIUS PRIDE - SALE

(No. B/889) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer

Islands whether, in regard to the Mauritius Pride, he will, for the benefit of the House, obtain from the Mauritius Shipping Corporation Limited, information as to the -

- (a) date of purchase and purchase price thereof;
- (b) number of times it underwent repairs, indicating in each case -
 - (i) which entity/contractor carried out the repair works, and
 - (ii) the total cost of repairs, and
- (c) date of sale thereof, indicating the -
 - (i) mode of sale thereof, and
 - (ii) selling price thereof.

Mr Koonjoo: Madam Speaker, regarding part (a) of the question, I have been informed by the Mauritius Shipping Corporation Limited that the M/V Mauritius Pride was purchased by the Government of Mauritius on 19 July 1990 at the price of Rs309 m.

Regarding part (b) of the question, the M/V Mauritius Pride underwent the dry-docking and major repairs every two years to renew its passenger certificate and other surveys to ensure its compliance with IMO, that is, International Maritime Organisation rules and regulations. Since 1990, the M/V Mauritius Pride underwent dry-docking and major repairs for 11 times and the different contractors were Taylor Smith, Elgin Brown & Hamer (Pty) Ltd, Chantier Naval de l'Ocean Indien (CNOI) and Dormac (Pty) Ltd.

As per MSCL available records, the total cost of dry-docking and major repairs incurred and the awarded contractors since 2004 onwards were as follows –

Year	Contractor	Total dry-docking and Major repairs (Rs)
2004	Chantier Naval de l'Ocean Indien (CNOI)	13.6 m.
2006	Elgin Brown & Hamer (Pty) Ltd (South Africa)	25.2 m.
2008	Elgin Brown & Hamer (Pty) Ltd	34.5 m.
2010	Dormac (Pty) Ltd (South Africa)	36.1 m.
2012	Elgin Brown & Hamer (Pty) Ltd	55.2 m. paid out of the invoice figure of 70.2 m.

Information regarding cost of repairs prior to 2004 is not available at the MSCL.

Mr Koonjoo: As far as part (c) of the question is concerned, a sale notice of MV Mauritius Pride was issued on 09 July 2014 and was published in four local newspapers including Consulates/Embassies through the Parent Ministry and the deadline for submission of offers was fixed on 11 August 2014.

The MSCL Board at its special meeting held on 13 August 2014 approved the sale of M/V Mauritius Pride to RJ Maritime Consultancy Limited being the highest bidder at the quoted price of USD 1,080,000. net of any brokerage commission and the transaction was effected on 01 September 2014.

Mr Jhugroo: Can the hon. Minister inform the House whether he is satisfied with the course of action taken by mccl regarding the sale of MV Mauritius Pride?

Mr Koonjoo: Not at all, Madam Speaker.

Mr Leopold: I would like to ask the hon. Minister where matters stand with the replacement of Mauritius Pride and, as he may know, the contract for MV Anna is over now. How is he coping with that?

Mr Koonjoo: As far as MV Anna is concerned, Madam Speaker, the contract has been renewed for another three months and the last date was 12 November.

Madam Speaker: No cross-talking please. Address the Chair.

Mr Koonjoo: So, we have three months and, in the meantime, we are planning to find another vessel.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: The hon. Minister has given a list where the Mauritius Pride was dry-dock. Is the hon. Minister aware that the Mauritius Pride was dry-dock in Singapore? Can he look into it? Because there was no tender. I did ask a question two years ago and there was some wrong doing at that time. Will the hon. Minister see to it what happened when it went to dry dock in Singapore?

Mr Koonjoo: I will definitely look into it, Madam Speaker.

Mr Jhugroo: Being given that the Minister, in his reply, said that he is not satisfied with the sale of MV Mauritius Pride, will he consider sending this request to the Minister of

Financial Services, Good Governance and Institutional Reforms to carry a Financial Audit with regard to the sales?

Mr Koonjoo: Yes. Madam Speaker, the request has already been made in the past and we are waiting for a reaction from the Ministry of Financial Services, Good Governance and Institutional Reforms.

Madam Speaker: Next question, hon. Jhugroo!

MAURITIUS SHIPPING CORPORATION - RECRUITMENT

(No. B/890) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the Mauritius Shipping Corporation Limited, he will, for the benefit of the House, obtain therefrom, a list of the employees recruited thereat over the period July 2005 to December 2014, indicating in each case the –

- (a) post occupied;
- (b) mode of recruitment;
- (c) qualifications held and;
- (d) terms and conditions of employment, including the –
 - (i) salary and other benefits drawn, and
 - (ii) if the employment is on contractual or permanent basis.

Mr Koonjoo: Madam Speaker, the Mauritius Shipping Corporation Limited is a State Owned Private Limited Company. It is governed by the Companies Act of 2001 and has a board of Directors comprising 10 Directors including a Chairman appointed by the shareholders. I wish to inform the House that the Mauritius Shipping Corporation Limited is currently undergoing a restructuring exercise and that the release of confidential and sensitive information may jeopardise the exercise. Although cautions related to internal affairs of the State owned companies should not be answered in a spirit of transparency and for the benefit of the House, I am nevertheless providing the following information submitted by the Mauritius Shipping Corporation Limited -

- (a) Since July 2005, 31 recruitments have been carried out by the Company;

(b) Recruitments have been as follows –

- (i) three officers at Senior Technical Positions have been recruited through head hunting due to scarcity areas;
- (ii) sea drivers living in the vicinity of the former Chairpersons whose contracts have not been renewed;
- (iii) nine posts have been filled either through advertisement or list of employees provided by the Ministry of Labour, Industrial Relations, Employment and Training, and
- (iv) 16 persons have been recruited for minor grade post on a casual basis and thereafter confirm on a permanent basis.

As regards part (c) and (d) of the question, information is being compiled and will be tabled in the National Assembly as soon as practically possible.

Mr Jhugroo: Can the hon. Minister confirm to the House whether most of the recruits come from the constituency of the former Minister?

Mr Koonjoo: This is a fact, Madam Speaker, and I have already mentioned this in Parliament some time back.

Mr Jhugroo: Can the hon. Minister confirm to the House whether most of the recruits have not the required qualifications and, if so, can the hon. Minister consider sending this to the Minister of Good Governance for enquiry?

(Interruptions)

Mr Koonjoo: This is another truth, Madam Speaker. Most of the people employed don't even have a CPE and it is shocking to know that the people without any certificate are drawing a salary of about more than Rs20,000 and some people who simply have SC Certificates are drawing a salary of about Rs75,000 to Rs100,000. So, I am looking forward when the restructuring will be done and we will definitely look into it. As I have said, we have already sent the file to my good friend, the hon. Minister of Good Governance, we let him finish with the big problems first of all and he will take our turn.

Madam Speaker: Last question, hon. Jhugroo!

(Interruptions)

Order please!

Mr Jhugroo: Can the hon. Minister confirm whether one Mr D. K., the Chief Manager of MSC, who is the brother in law of the former Minister, has got five automatic promotions since his recruitment despite his frequent absences from his office?

Mr Koonjoo: Yes, Madam Speaker. I think that was the trend in the last Government.

**MAURITIUS SHIPPING CORPORATION - MEDICAL PRACTITIONERS -
CONTRACT**

(No. B/891) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the Mauritius Shipping Corporation Limited, he will, for the benefit of the House, obtain therefrom, a list of the medical practitioners whose services have been retained thereat, indicating in each case the –

- (a) mode of selection thereof;
- (b) date of retention of services;
- (c) duration thereof, and
- (d) total amount of money paid out thereto, giving a breakdown thereof.

Mr Koonjoo: Madam Speaker, I am informed by the Mauritius Shipping Corporation Limited that it keeps a pool of medical practitioners and sea farers for which they are selected for short term contracts on a needs basis. Their monthly salaries range from Rs35,000 to Rs55,000 per month depending on experience and availability. Prior to the year 2014, hiring of medical practitioners and seafarers was outsourced to Renaissance Maritime Ltée.

I am making arrangement for a copy of the list of medical practitioners with relevant details to be tabled.

Mr Jhugroo: Can the hon. Minister inform the House what criterion is being used for the recruitment of these doctors?

Mr Koonjoo: I have just replied, Madam Speaker. As such, I don't see that there was any advertisement for recruitment of these medical practitioners.

Mr Jhugroo: Being given that we have many qualified doctors who are unemployed, can the hon. Minister give the chance to the doctors who are unemployed to be recruited by MSCL?

Mr Koonjoo: I will look into that matter, Madam Speaker.

FLIC-EN-FLAC - NOISE POLLUTION - COMPLAINTS

(No. B/892) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to Flic-en-Flac and to the vicinity thereof, he will -

- (a) for the benefit of the House, obtain from the *Police de l'environnement*, information as to the number of reported complaints of noise pollution emanating from bungalows mostly found within the residential areas thereof and from private clubs thereat, since January 2015 to date, indicating the outcome thereof, including the number of -
 - (i) contraventions booked, and
 - (ii) fines issued, and
- (b) state if remedial measures will be taken in relation thereto, including considering a review of the prescribed standards for noise emission as are required to preserve and maintain public health and environment.

Mr Dayal: Madam Speaker, with regard to part (a) of the question, I am informed that 23 complaints have been received for noise pollution against bungalows and one against a private club from January 2015 to date. The number of contraventions established to date is 41. These 41 cases are still under enquiry and, as such, no one has yet been prosecuted.

Madam Speaker, with regard to part (b) of the question, noise monitoring is regularly effected during weekends by the Ministry of Health and Quality of Life, which is the enforcing agency, and the *Police de l'environnement*. Moreover, since October 2015, special operations targeting restaurants, nightclubs and bungalows in Flic-en-Flac are being organised by the Divisional Commander of Western Division, involving the *Police de l'environnement*, the Special Support Unit, the Emergency Response Unit, the *Police du tourisme*, the Western DSU and the local Police from 22 00 hours to 06 00 hours on Fridays, Saturdays and Sundays.

Madam Speaker, standards for noise level were based on the guidelines of the World Health Organisation (WHO) and promulgated in 1997.

In the context of the review of the Environment Protection Act (EPA), my Ministry has just carried out wide consultations with all relevant stakeholders, and the issue of revising the standards was not raised.

However, should there be any change in the guidelines of the WHO, amendments will be made accordingly to prevent community annoyance in order to maintain public health and the environment.

Madam Speaker, I would also like to inform the House that amendments are being made to the EPA to provide for fixed penalty of Rs5,000 for playing music above permissible limit and making or causing noise which constitute a nuisance.

Mr Jhuboo: Madam Speaker, I would like to thank the hon. Minister for his answer. I am glad to hear that he is introducing a Rs5,000 penalty. But being given that these bungalows are registered at the Tourism Authority, so they hold a trade licence, could the hon. Minister consider more severe and drastic measures such as cancelling the trading licence in cases of repeated offences?

Mr Dayal: That can be considered.

Madam Speaker: Next question, hon. Dr. Sorefan!

BANK OF MAURITIUS - FORMER GOVERNOR – OVERSEAS MISSIONS

(No. B/893) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Finance and Economic Development whether, in regard to Mr M. B., former Governor of the Bank of Mauritius, he will, for the benefit of the House, obtain from the Bank, information as to the number of official missions he undertook during his terms of office, indicating in each case the cost thereof.

Mr Lutchmeenaraidoo: Madam Speaker, I am advised that, under section 3(3) of the Bank of Mauritius Act of 2004, it would not be appropriate to disclose the information requested.

MAURITIUS FREEPORT DEVELOPMENT - QUAY - OIL SPILL

(No. B/894) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the oil spill which occurred on or about Tuesday 22 October 2015 at the Quay of the Mauritius Freeport Development, he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to -

- (a) if an inquiry has been carried out thereinto and, if so, indicate the outcome thereof, and
- (b) the measures that will be taken to prevent the recurrence thereof.

The Deputy Prime Minister: Madam Speaker, in regard to part (a) of the question, I am informed by the Director General, Mauritius Ports Authority, that on 22 October 2015, at about 06 53 hours, the Port Emergency Services Controlled Room was informed that small patches of fuel oil were observed near the Mauritius Freeport Development Quay located at Latanier River. The Assistant Port Master immediately activated the Port Louis Harbour Oil Spill Response Plan. The team of Port Emergency Services of the Mauritius Ports Authority was promptly mobilised and the fuel oil was circumscribed using barrier booms to prevent its migration. The oil spill was cleared using sorbent pads and dispersant.

I am also informed that an enquiry was carried out by a team from the Mauritius Ports Authority, led by the Assistant Port Master, to identify the cause of the spill and to situate responsibility. The enquiry revealed that the spill emanated from a pipeline in a bunker pit belonging to Messrs Indian Oil and located at the Mauritius Freeport Development Quay. The leakage came from a small hole on the vertical pipeline below the Mauritius Freeport Development Quay. Some provisional caulking had been put in place to mitigate the spilling of any residual fuel oil in the pipeline, and at the same time the pipeline was emptied ashore by using cisterns owned by Messrs Indian Oil.

I would like to inform the House, in line with the polluter pays principle, the Mauritius Ports Authority would pass on the costs for removing and eliminating the polluting substance to Messrs Indian Oil. These include cost of material, equipment and human resources mobilised.

Madam Speaker, as regards part (b) of the question, the Director General of the Mauritius Ports Authority has informed that Messrs Indian Oil has been instructed not to use this fuel oil pipeline for future bunkering activities, until further notice. Furthermore, the company has been requested to carry out a thorough examination of the entire fuel oil pipeline running from the company's depot up to the Mauritius Freeport Development quay. This examination would have to take on board the following -

- a thickness test along the entire pipeline, and
- a hydrostatic pressure test to identify any other potential leaks on the pipeline.

The Mauritius Ports Authority will authorise the use of the fuel oil pipeline after the above tests have been carried out and relevant remedial works are undertaken.

Madam Speaker, in view of preventing the recurrence of oil spill, the Mauritius Ports Authority has requested the four oil companies to carry out a survey of all pipelines running in the port area. Their reports are awaited. In addition, the Mauritius Ports Authority technicians have started a physical inspection of all the petroleum pipelines running under the quays.

Mr Ameer Meea: Can I ask the hon. Minister whether there is an emergency plan if ever there is a disaster, which I hope never happens here in Mauritius? But if ever it did happen, do we have an emergency plan to deal with such type of catastrophe?

The Deputy Prime Minister: Yes, Madam Speaker, I just mentioned that there is the Oil Spill Response Plan which was activated.

FINANCIAL SERVICES - OMBUDSPERSON

(No. B/895) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Finance and Economic Development whether, in regard to the protection of borrowers and the rationalization of charges imposed by banks and other financial institutions, he will state if an Ombudsperson for Financial Institutions has been appointed, as announced in the 2014-2015 Budget Speech, indicating the compatibility of the said Ombudsperson in relation to the responsibility of the Bank of Mauritius.

Mr Lutchmeenaraidoo: Madam Speaker, in order to protect consumers of financial services products, a consultative document has already been prepared for the setting up of an Office of the Ombudsperson for Financial Services. The consultative document has been submitted to the Bank of Mauritius and the Financial Services Commission for their views.

The document provides that the Ombudsperson for Financial Services shall deal with complaints made by consumers of financial services, covering both banking and non-banking sectors.

Madam Speaker, I wish to inform the House that the Banking Act and the Financial Services Act already provide for consumers of financial services to make their complaints against financial institutions to their respective regulators.

The proposed legislation provides that, when complainants do not obtain satisfaction from the regulatory bodies, they may file their complaints to the Ombudsperson for redress. The Ombudsperson, in such circumstances, may convene the financial institution concerned or the relevant regulatory body, before making any award. It is clear that the Ombudsperson will deal with individual grievances of the public against financial institutions rather than

interfering in the regulatory functions of the Central Bank and the Financial Services Commission.

SMART CITIES - LAND CONVERSION

(No. B/896) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Agro-Industry and Food Security whether, in regard to the Smart Cities, he will state the extent of agricultural, of forests and of reserves land that will need to be converted for the implementation thereof.

Mr Seeruttun: Madam Speaker, I am informed that the Board of Investment has received as at to date 17 proposals for implementation of Smart City Projects. According to records available at my Ministry, out of the 17 promoters, seven had already been granted Land Conversion Permits for large plots of agricultural lands prior to 18 June 2015, that is, well before the Smart City Scheme was introduced.

The total area of agricultural lands for which Land Conversion Permits was issued to the said seven promoters by my Ministry is estimated at 2,781 *arpents*, of which conversion permits were granted after 18 June 2015 for only 99 *arpents*. However, at this stage, there are no clear indications as to whether these promoters intend to use all lands issued with conversion permits for implementation of Smart City Projects per se or they would need to secure conversion permits on other agricultural lands for the stated purpose.

Further, I wish to inform the House that my Ministry has so far received one application for land conversion specifically in respect of the Smart City project which was filed by the Omnicane Limited for a land area of 7.36 *arpents*.

In the absence of new applications for land conversion from prospective promoters, I am, therefore, not in a position to give reliable estimates of extent of agricultural lands that will need to be converted for the implementation of Smart City projects.

Madam Speaker, I would also invite the hon. Member to refer to the reply which the hon. Minister of Finance and Economic Development made to PQ B/784 at the sitting of 03 November 2015 dealing with the same subject matter and where additional information has already been given.

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Minister just mentioned that he is not in a position to give the amount of land that has been converted for the implementation of the Smart City projects. May I know from the hon. Minister, bearing in mind the policy of

agriculture and food security, whether at his Ministry or at the Ministry of Finance and Economic Development they have targeted an aggregate amount of land that would be used for Smart City and not beyond that amount? So, if already earmarked, what would be the maximum amount of agricultural land that would be allowed to be converted?

Mr Seeruttun: Madam Speaker, I must say, at this stage, I am not in a position to give that information, given that we have not received, as yet, those applications for land conversion. But probably in the months or years to come, as we get the proposals at our Ministry, we will be in a better position to provide that kind of information.

Mr Jahangeer: Madam Speaker, can the hon. Minister confirm if geotechnical studies have been carried out for deposit of groundwater before granting these lands in view of scarcity of water?

Mr Seeruttun: With regard to water problem on land where there are boreholes that are exploited at the level of the Ministry of Public Utilities - they deal with that issue - and whenever there are requests made for any land conversion, the representative of that Ministry has to give the clearance whether we should go ahead or not with a particular land conversion. So, we do have members of that particular Ministry who sit on the committee to provide any clarifications or clearances once any such application is made.

STATE LAND DEVELOPMENT COMPANY – UNIVERSITIES -CONSTRUCTION

(No. B/897) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the project for the construction of universities, he will, for the benefit of the House, obtain from the State Land Development Company Ltd., information as to-

- (a) the amount of funds invested therein as at to date, indicating the -
 - (i) names of the consultants and of the selected contractors therefor, and
 - (ii) expected completion dates thereof, and
- (b) if the Company is exempted from the application of the provisions of the Public Procurement Act.

Mrs Dookun-Luchoomun: Madam Speaker, I am informed that, in 2011, Government took the decision to decentralised the Tertiary Education infrastructure with the setting up of university campuses at Pamplemousses, Montagne Blanche and Réduit.

In this context, a Special Purpose Vehicle, the Knowledge Parks Ltd (KPL) was created on 15 May 2013, to own and manage the three campuses. The State Land Development Co Ltd (SLDC) was appointed as the Project Implementing Agency.

As regards part (a) of the question, a total amount of Rs476.3 m. has been invested in the construction of the campuses which have reached near completion.

As regards part (a) (i), the Contractors working on the project are -

- (1) Hyvec Partners Co. Ltd for the construction of Montagne Blanche Campus and Pamplemousses Campus;
- (2) Ramloll Bhooshan Renovation & Building Ltd for the construction of Réduit Campus, and
- (3) Luxconsult (Mtius) Ltd for Consultancy and Design Services

As regards part (a) (ii), the expected completion date of the projects at the three sites is December 2015.

As regards part (b), I am informed that SLDC does not fall under the purview of the Public Procurement Act (PPA). However, for this project, the employer is the Knowledge Parks Ltd which does fall under the PPA, and consequently, I am informed that all procurement exercises had been carried out through the Central Procurement Board (CPB).

Mr Rughoobur: With regard to the budgetary problem that we are having these days with the University of Mauritius, may we know from the hon. Minister, even if these projects are not her doing, whether there has been a forecast of what are the resources in terms of manpower and finances that will be required for implementing these projects in the months and years to come?

Mrs Dookun-Luchoomun: Madam Speaker, the question relates to the Knowledge Park of Mauritius and, as far as these three campuses are concerned, the funds are available for the completion of this project.

Madam Speaker: Next question, hon. Rughoobur!

COMESA & SADC COUNTRIES - EXPORTS

(No. B/898) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the small and medium enterprises, he will –

- (a) for the benefit of the House, obtain from the Small and Medium Enterprise Development Authority, information as to the total value of the exports thereof to the COMESA and to the SADC countries for the years ending December 2013, 2014 and as at to date respectively, and
- (b) state the initiatives taken and the support provided to promote such exports.

Mr Bholah: Madam Speaker, I am informed that -

- (i) the total estimated domestic exports of SMEs to the COMESA countries are 679 million rupees for the year ending 2013, 667 million rupees for the year 2014, and 270 million rupees for the period January to June, this year, and
- (ii) the total estimated domestic exports of SMEs to the SADC countries are 918 million rupees for the year ending 2013, 878 million rupees for the year 2014, and 392 million rupees for the period January to June, this year.

Madam Speaker, with regard to part (b) of the question, with a view to promoting the exports of SMEs products to the COMESA and SADC countries, my Ministry, through the SMEDA, provides financial support to eligible enterprises to participate in international fairs, buyers/sellers meetings, contact promotion programmes, and technology fairs held in those African countries. Thus, eligible SMEs benefit from a grant to the tune of Rs200,000 per year under the Participation in International Fairs SME Refund Scheme that aims at providing support to export-oriented SMEs to expand their share of the overseas market and to diversify into new markets. The grant covers the costs of stand, air tickets and hotel accommodation of the participants. This year, a number of 111 SMEs have benefited from financial assistance under this scheme.

I am also informed that 13 companies in the fields of textile and apparel, agro-industry sector, and other manufacturing sector have participated in Contact Promotion Programmes held in Kenya and South Africa.

Madam Speaker, my Ministry also works in close collaboration with Enterprise Mauritius with a view to promoting exports of SME's products to COMESA and SADC countries.

Thus, with the support of Enterprise Mauritius, a number of SMEs have participated this year in the Southern African International Trade Exhibition in Johannesburg, the South

African International Trade Fair in Cape Town, *La Foire Internationale de Madagascar*, and the Kenya International Trade Fair.

Moreover, as part of its support to making SMEs become export-oriented, SMEDA conducts training programmes on import and export procedures. These programmes aim at increasing awareness of the SMEs on, amongst others, trade barriers, trade agreements, regional cooperation and trade, and legal aspects of importing and exporting of goods or products. For this year only, to date, a number of 76 SMEs have followed the course 'Import and Export Procedures'. Similarly, Enterprise Mauritius has, during the course of the year, organised a 'Go Export Training Programme' with the objective of familiarising SMEs with the procedures and processes involved in international trade to enable them to become successful exporters. 60 SMEs have thus benefited from such training programmes offered by Enterprise Mauritius.

Madam Speaker, in line with the coherent and concerted approach adopted at the level of my Ministry for the development of SMEs, the House may wish to know that, this week, we are organising a workshop on Building Export Capacity for SMEs in the African Markets in collaboration with all stakeholders.

This workshop aims at imparting to owners and managers of SMEs the procedures and processes for the export of their products to Africa and the region, to find solutions to the identified problems for access to especially the African markets, and to make them aware of the potentials that those markets may offer for their growth.

My Ministry is benefiting from the assistance of the Ministry of Foreign Affairs, Regional Integration and International Trade, the Trade Division of the Ministry of Industry and Commerce, the Mauritius Chamber of Commerce and Industry, Enterprise Mauritius, Mauritius Revenue Authority and the Freight Academy in that initiative.

Last but not least, we are in the process of commissioning a study for the development of a 10-year Master Plan for the SME sector. The development process will include, amongst others, an evaluation of the current trade support institutions for SMEs and the formulation of an export strategy for the sector.

Madam Speaker, I assure the hon. Member and the House that my Ministry, in consultation with all stakeholders, as I mentioned earlier, is taking all necessary actions for furthering the growth of SMEs and for the development of export-oriented SMEs.

Mr Rugoobur: I have noted from the reply of the hon. Minister that exports to Africa have fallen from 878 million to almost 392 million. I have got two questions: if the hon. Minister might enlighten the House as to the reason why this drastic fall from 878 to 392, and, secondly, whether the collaboration that the SMEs had with Enterprise Mauritius is still on. Because from the website of Enterprise Mauritius, I see that they are promoting business in Turkey, Germany, Australia and Czech until June 2016, but no sign of anything in Africa with the SMEs.

Mr Bholah: It is a fact that, compared to 2013, the figures for 2014 have decreased. I don't have the exact answer. Maybe it is what has been going on on the international scene as well. With regard to SMEs export, I have enumerated a list of measures that will, I believe, be fruitful and will be targeted towards increasing our exports towards the African countries.

MAUBANK - OPERATIONAL

(No. B/899) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Finance and Economic Development whether, in regard to the launching of the MauBank, he will state the –

- (a) amount of nontoxic assets brought in by the National Commercial Bank and the Mauritius Post Co-operative Bank Ltd. respectively, and
- (b) composition of the –
 - (i) Board, and
 - (ii) Management Committee thereof.

Mr Lutchmeenaraidoo: Madam Speaker, as announced earlier, the process of merging the National Commercial Bank (NCB) and the Mauritius Post and Cooperative Bank Ltd (MPCB) has started and the new MauBank Ltd. will be operational in the first week of January 2016.

In the meantime, an exercise is being carried out for the transfer of the performing loans and the deposit liabilities of both banks to the new MauBank Ltd. I am informed that the final amount of assets and liabilities to be transferred would be known by the end of this year. However, I wish to inform the House that Government had to inject fresh equity capital to ensure that the banks could carry out their normal banking activities.

Madam Speaker, the merger of those two banks is the major challenge because both the MPCB and the ex-Bramer were, in the past, not managed according to good banking practices and without elements of good corporate governance and transparency. The country

is now aware of the consequences of such reckless banking practices. Government has safeguarded the interest of all the depositors and secured the employment of around 700 employees and the interest of other stakeholders of the two banks.

Madam Speaker, with regard to part (b) of the question, the composition of the Board of MauBank Ltd will be constituted in due course. In the meantime, the MPCB and the NCB will continue to operate under their existing Boards. The Management Committee of MauBank Ltd. will be set up once the Board of MauBank Ltd. is constituted.

Mr Bérenger: When the hon. Minister gave the figure, he made some nasty noises with his microphone. Can we have the information how much money has been injected into or is going to be injected into the MauBank, the figure which he quoted?

Mr Lutchmeenaraidoo: Madam Speaker, we have already injected a total of Rs1.7 billion in both banks and we will inject Rs2 billion more, bringing the total to Rs3.7 billion. That would be our participation to ensure that the MauBank starts on a fresh foot and deliver the goods that it should.

Mr Ramano: Gérard Lincoln, l'administrateur de l'ex-Bramer Bank a rendu public la liste des *toxic assets and toxic loans* de l'ex-Bramer Bank. Est-ce que le ministre est en mesure de nous dire si ce même responsable de l'ex-Bramer Bank ou les responsables de la Mauritius Post and Cooperative Bank, qui sont responsables des *toxic loans* and *toxic assets*, seront les mêmes responsables du MauBank?

Mr Lutchmeenaraidoo: It is clear that in the process of setting up the new bank, we cannot dispose of all the management of both banks. The most toxic Managers have gone. So, we are left now with the Chairman of the Maubank who is Mr Said Laloo, an outstanding gentleman, and the new Board will be made up of professionals mostly. So, to the question of the hon. Member whether we are keeping a large number of those who have been responsible for those losses, I say no. Most of the top management is going or will leave.

Mr Uteem: Following on from the question of the hon Leader of the Opposition, can we have the breakdown, out of the amount injected, how much was injected into MPCB and how much has been injected into Bramer Bank?

Mr Lutchmeenaraidoo: Well, I have a figure. A total of Rs700 m. has been injected in National Commercial Bank and a total of Rs1.53 billion has been injected in MPCB.

Dr. Sorefan: Madam Speaker, the hon. Minister said that 700 jobs will remain secure for MauBank. We have two banks, the NCB and MPCB in Quatre Bornes - I am sure, there will be only one bank in Quatre Bornes, not two? Will the staff of the two banks be in MauBank in Quatre Bornes? I am sure there are other places also where we have two entities that will be merged. How does he reconcile that the 700 jobs will be secured?

Mr Lutchmeenaraidoo: The question is pertinent. In fact, out of the various branches of both banks where there are two branches in villages/cities, one will be specialised in SMEs. This is why we said that there will be 10 branches of MauBank that will allocate its resources specifically to SMEs activities.

Madam Speaker: Hon. Ramano, next question!

MARSHALL PLAN - POVERTY ALLEVIATION – FUNDS

(No. B/900) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Marshall Plan for Poverty Alleviation, he will state the –

- (a) overall costs and timeframe set for the elaboration thereof;
- (b) expected number of families who will be concerned therewith;
- (c) financing aspect thereof, taking into consideration eventual input of funds from the Corporate Social Responsibility, and
- (d) complementary aspect thereof with the Love Bridge Project.

Mr Roopun: Madam Speaker, the total cost for the elaboration of the Marshall Plan on poverty alleviation amounts to USD85,000. The Ministry has contributed a sum of USD30,000, while the remaining amount is being funded by UNDP. The projected duration of the assignment is six months and the plan is expected to be submitted by the end of December.

The terms of reference, *inter alia*, provide for the experts to submit costed proposals together with multi-year plans for the implementation of the proposed recommendations of the said plan. The Marshall Plan will also identify all potential sources of financing from Government, the private sector or otherwise.

Madam Speaker, it will be premature, at this stage, to give details about the expected number of families concerned, the financial aspect, as well as the involvement of Love Bridge Project therein.

Mr Ramano: Madame la présidente, est-ce que le ministre peut nous dire s'il y a une coordination entre son ministère et le *Board* du *Love Bridge Project* ?

Mr Roopun : Madam Speaker, the concept of CSR Funding is under the aegis of the Ministry of Finance. My Ministry has got a representative who sits on the CSR Committee through which the Love Bridge project is looked into.

(*Interruptions*)

There is still a CSR Committee where a representative of my Ministry sits.

Madam Speaker: Hon. Ramano!

Mr Ramano: Le *Board* du *Love Bridge Project* est constitué de M. Makoon, M. Mayer, M. Pradeep Dursun etc., mais il n'y a aucun représentant du ministère de l'Intégration sociale.

Mr Roopun: There are, Madam Speaker: one representative from my Ministry and also one representative from the Ministry of Finance and Economic Development.

Mr Ramano: Dans le document qui a été soumis par le ministre des Finances, il n'y a aucun représentant du ministère de l'Intégration sociale.

Mr Roopun: I may confirm that there is one actually.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: The hon. Minister talked about the experts who are preparing the plan. Can the hon. Minister inform the House who are these experts and how they have been enlisted to come and support the Ministry?

Mr Roopun: In fact, for the elaboration of the Marshall Plan, we have had the support of UNDP who appointed five experts in different sectors, and the UNDP also enlisted the support of one local consultant. All the experts have been selected by UNDP.

Mr Ramano: Madame la présidente, avec l'existence du *NEF*, du *Love Bridge Project*, du *NGO Trust Fund*, est-ce qu'il n'y a pas lieu d'avoir une seule entité pour gérer toute cette question de la pauvreté?

Mr Roopun: All these aspects will be taken care of and looked into within the Marshall Plan.

**MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY AND REFORM
INSTITUTIONS - MS A. B. - TRANSPORT FACILITIES**

(No. B/901) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to one Ms A. B., a visually impaired person and intern under the Service to Mauritius Programme posted in her Ministry since March 2013, she will state why the transport facilities which had been granted thereto since her date of appointment thereat has been discontinued with effect from February 2015.

(Withdrawn)

BAI & CO. – DIRECTORS & OFFICERS INSURANCE COVER - CLAIM

(No. B/902) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the insurance cover for the directors and the officers of the former BAI & Co., he will, for the benefit of the House, obtain from the Financial Services Commission, information as to if any claim has been made thereunder and, if not, why not.

Mr Bhadain: Madam Speaker, I am informed by the Financial Services Commission that the Special Administrator appointed under section 110 of the Insurance Act 2005 has already entered a claim to recover Rs1.2 billion by way of Plaintiff with Summons against Mauritius Union Assurance Limited, in relation to the directors and officers liabilities cover taken by BAI Co. (Mtius) Ltd and its related entities.

The Plaintiff is returnable before the Commercial Division of the Supreme Court on November 16, which is yesterday.

Madam Speaker, as the matter is *sub judice*, it will be prejudicial to the case before the Supreme Court to provide any further detail at this stage.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. Can I know from the hon. Minister of Good Governance whether, before lodging the claim against the insurers, any claim has been made against the directors and the officers to repay whatever amount is due to the companies?

Mr Bhadain: Yes, I am informed by the FSC, Madam Speaker, that there has been a *réclamation* which has been made by the Special Administrator against the directors prior to entering the Plaintiff with Summons.

Madam Speaker: Hon. Uteem!

Mr Uteem: The Plaintiff with Summons, Madam Speaker, refers to the main culprit as being Mr Dawood Rawat and acting through Mr Taher. Yet, the hon. Minister of Good Governance in this House has mentioned that, as far back as 2009, there was a serious misappropriation of funds going on and he cited the report from KPMG. So, in these circumstances, may I know from the hon. Minister of Good Governance why has there not been any action taken to date against the then CEO, Mr Beebejaun? Is it because he has *viré mam* in the meantime?

Mr Bhadain: Well, I am not aware whether he has *viré mam* or not, but I certainly do know that Mr Saleem Beebejaun is co-defendant number ten in the Plaintiff with Summons which has been issued.

(*Interruptions*)

Well, the Special Administrator has included him as a co-defendant in the case as well, *viré* or no *viré mam*!

Madam Speaker: Yes, hon. Uteem!

Mr Uteem: Thank you. Is the hon. Minister aware - and this is from the Plaintiff with Summons - that there is an exclusion clause in the insurance policy excluding deliberate dishonest or deliberate fraudulent act or abuse of powers by the directors? In these circumstances, does he consider it fit that, on the one hand, this Government, itself, has gone on and talked at length about the alleged fraudulent and dishonest act of directors and today they are going to say that there is no dishonest act in order to get the insurance cover?

Mr Bhadain: Madam Speaker, this is an action which has been brought by the Special Administrator of BAI Co. (Mtius) Ltd. and the role of the Special Administrator is to recover as much money as possible to be able...

(*Interruptions*)

to repay the victims of the Super Cash Back Gold Ponzi scheme. So, during that recovery process, it has been identified that these directors had somehow decided to cover themselves with an insurance cover, which was contracted from Mauritius Union Assurance Limited. It is only logical that the Special Administrator tries every possible avenue to recover money so that these victims can be repaid.

Now, on the other hand, the Police, the Central CID and the ICAC are doing their work on the criminal front to establish a case as to the fraudulent acts, the Ponzi scheme which has been perpetrated by these people and they will be brought to task. I have no doubt about that.

Madam Speaker: Hon. Uteem, next question!

PUBLIC BEACHES – TUCKSHOPS - RENT

(No. B/903) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the bidding exercise for the renting of the tuckshops found at Albion, Pereybere and other public beaches respectively, he will, for the benefit of the House, obtain from the Beach Authority, information as to where matters stand.

Mr Dayal: Madam Speaker, I am informed that a bidding exercise for the renting of vacant tuckshops at Albion and Pereybere public beaches was launched through open advertisement on 29 May 2015.

However, the said bidding exercise was cancelled following a decision taken by the Board of the Beach Authority on 17 September 2015 -

- (i) henceforth, to allocate, one tuckshop per bidder per region to be in line with the policy of democratization of the economy, and
- (ii) not to go ahead with the renting of tuckshops found on Albion public beach in view of complete upliftment works being undertaken presently in the context of the implementation of the Blue Flag Programme by the Ministry of Tourism and External Communications.

As such, fresh bidding exercise through open advertisement in the press was launched on 22 October 2015 for renting of vacant tuckshops at Pereybere public beach only with closing date fixed by 24 November 2015 with revised specifications. Thank you.

Mr Uteem: Madam Speaker, on 30 October 2015, the Beach Authority wrote to bidders and stated, and I quote –

“The above bidding exercise has been cancelled; the bid has been re-launched with new specifications.”

May I know from the hon. Minister what are these new specifications?

Mr Dayal: If I have a substantive question on this one, I will answer.

Mr Uteem: I can tell the hon. Minister because I have both tenders and they are identical! So, is it not the case that the only reason why this exercise has been cancelled is because the highest bidder was not one of their people?

(Interruptions)

Mr Dayal: Madam Speaker, I have already answered the question!

(Interruptions)

Mr Uteem: Can, at least, the hon. Minister ask the Minister of Good Governance to look into the operation of the Beach Authority to make sure that there was nothing improper in the cancellation of this tender?

(Interruptions)

Mr Dayal: I will look into it.

(Interruptions)

Madam Speaker: Hon. Leopold!

INDIAN OCEAN ISLAND GAMES 2019 – RODRIGUES – SPORTING EVENTS

(No. B/904) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Youth and Sports whether, in regard to the forthcoming Indian Ocean Island Games 2019 to be held in Mauritius, he will state the number of sporting events that will be held in Rodrigues, indicating if Judo will form part thereof.

Mr Sawmynaden: Madam Speaker, I have to inform the House that the list of sports to form part of the forthcoming Indian Ocean Islands Games will be determined by the International Games Council (CIG) after proposals made by the host country.

The next meeting of the International Games Council (CIG) is scheduled for February 2016. We shall wait for same before proceeding further.

Madam Speaker: Hon. Leopold!

Mr Leopold: With regard to these games, I think it is very good if we can plan ahead so that there is no hassle. As you might know, Madam Speaker, everybody is saying that Rodrigues is the breeding ground for high performance athletes. We have organized three major events in Rodrigues, so we have the experience. We have a swimming pool in Rodrigues with international Olympic norms, which we don't have in Mauritius. Can the Minister inform the House whether he will involve swimming games in Rodrigues?

Mr Sawmynaden: Madam Speaker, as I said, we need to wait for February 2016, then we will proceed further. Definitely, Rodrigues will be part of the organising team, but which event will be held in Rodrigues I cannot answer now. We will definitely have events in Rodrigues.

RODRIGUES - SEISMIC ACTIVITIES

(No. B/905) Mr J. Leopold (Second Member for Rodrigues) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the recent repeated seismic activities which occurred at sea near Rodrigues, he will state the actions taken in relation thereto, giving details thereof.

Mr Dayal: Madam Speaker, earthquakes occurring at the sea in the mid-Indian Ocean ridge located at a distance greater than 300 kms to the east of Rodrigues represent a low risk to the island of Rodrigues with no threat of generating tsunami waves.

I am, however, informed that the National Disaster Risk Reduction Management Centre together with the Mauritius Meteorological Services and other regional international agencies responsible for seismic activities have closely monitored the situation with the Authorities in Rodrigues for any eventual new seismic activity. Earthquakes in the region are monitored by the MMS, which is mandated to inform all authorities concerned.

All preliminary precautions were initiated as per the Earthquake and Tsunami Schemes of the Natural Disaster Scheme (NDS) 2015, which had been released recently.

Accordingly, all first response disaster management agencies were requested to be on alert for any prompt deployment. Furthermore, all authorities concerned were ready to activate their Contingency Plans and Standard Operating Procedures. Press communiqués were issued on the same day to reassure and inform the public on any development of the situation. The Disaster Risk Reduction Committee of Rodrigues which has been trained to take appropriate actions met on the same day and initiated actions as per the Earthquake Protocols.

Members of the House may also wish to note that a tide gauge has been installed at Port Mathurin to monitor changes in the sea level and in case of high waves likely to threaten the island, an early warning system to alert the population is already in place.

Madam Speaker, I wish to inform the House that once I was in possession of all the relevant information, I held a Press Conference on 22 October itself to reassure the public especially in Rodrigues.

Mr Leopold: I would like to ask the hon. Minister whether the Republic of Mauritius is fully equipped for the monitoring of earthquakes, whether he has an emergency framework for that and whether he will organise any pre-training programme in regard to earthquakes.

Mr Dayal: Training programmes have been organised as far as Rodrigues is concerned, and as to whether we have the full potential to deal with earthquakes, I would say “no” at this stage because we are waiting for the Doppler radar to come. In the meantime, we are cooperating and collaborating with Reunion Island and also with regional and international agencies to give us the appropriate feedback for the initiation of appropriate actions in a timely manner.

Mr Leopold: At the level of the Ministry of Environment, Sustainable Development and Disaster and Beach Management, is the hon. Minister doing any research to determine why we are having frequent seismic actions in the vicinity of Rodrigues?

Mr Dayal: We have had a survey carried out by authorities from Reunion Island on this issue. We have a report, and I have already submitted a request to seek the possibility of having research through the numerous authorities to the PMO.

FOOTBALL ACADEMY – SETTING UP

(No. B/906) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the setting up of a Football Academy, as announced by the Rt. hon. Prime Minister in his Speech during the National Sports Award 2014, he will state where matters stand.

Mr Sawmynaden: Madam Speaker, I would like to refer the hon. Member to the reply I made to PQ B/164 wherein I informed the House that consultations on the setting up

of the Football Academy in Mauritius are still ongoing with several Football Academies or well-known Soccer Clubs. Proposals are still being received from other well-known foreign academies and clubs.

Madam Speaker, all these efforts are being undertaken with a view to ensuring that the Academy that would be set up would be of the required standard and would lay the foundation for the revival of the football at all levels. However, we need to examine all proposals carefully before proceedings since we do have financial implications as well.

Besides, as I have already informed the House, that all *écoles de foot, Centres Techniques Régionaux et Centre Technique National François Blaquart* are already operational since August this year.

The House may also wish to be informed that I am also coming up with Regulations to give a legal framework to the operation of academies of team sports in Mauritius. Regulations have already been transmitted to the State Law Office for vetting.

Mr Quirin: En effet, Madame la présidente, j'avais adressé une question pratiquement identique à l'honorable ministre il y a huit mois de cela. Et là, je constate que dans sa réponse les choses n'ont pas beaucoup bougé et que son ministère est toujours au stade de consultation. Peut-on savoir, de façon à ce que cela ne passe pas pour un bluff, est-ce que le ministre peut déposer copies des correspondances échangées avec les clubs concernés, à l'époque, il avait cité West Ham, Celtic et Bastia. Peut-on savoir si ces clubs sont toujours partants ou bien il y en a d'autres ou bien c'est simplement quelque chose qui a figuré dans le discours-programme et repris par l'honorable Premier ministre lors du *sports awards* dernier ?

Mr Sawmynaden: Madam Speaker, this Government is not a bluff. This Government means business. We have got many correspondences from many teams. We need to examine everything. We need to meet them. At the time I am talking in this House, I have got clubs coming from France today itself to meet me tomorrow morning. So, we need to examine everything.

Mr Quirin: Madame la présidente, le ministre vient d'affirmer qu'il y a des correspondances qui ont été échangées et qui sont en sa possession. Peut-il, de ce fait, déposer ces copies sur la table de l'Assemblée, afin que les membres puissent prendre connaissance ?

Mr Sawmynaden: Madam Speaker, I think the hon. Member will agree with me that it is not correct to give information from other clubs; to make it public.

(Interruptions)

I think it is not rubbish, we are talking about football.

(*Interruptions*)

Madam Speaker: Order!

(*Interruptions*)

Hon. Jhugroo!

(*Interruptions*)

Hon. Jhugroo, please, you are interrupting the House!

(*Interruptions*)

Hon. Shakeel Mohamed, please!

(*Interruptions*)

Please proceed, hon. Minister of Youth and Sports. Order in the House, please!

CENTRE TECHNIQUE NATIONAL DE FOOTBALL FRANÇOIS BLAQUART -
OPERATION

(No. B/907) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to *Centre Technique National de Football François Blaquart*, he will state if same is fully operational and, if so, indicate the -

- (a) age group and respective coaches thereof, and
- (b) if weekly training sessions are held thereat and, if so, indicate the days and time thereof and, if not why not.

Mr Sawmynaden: Madam Speaker, I would like to refer the hon. Member to the reply that I made to the PQ B/396 where I informed the House, among others, that the *Centre Technique National de Football François Blaquart* is operational as from beginning of August this year.

Madam Speaker: Can we have some order in the House, please! The hon. Minister is replying to his Parliamentary Question.

Mr Sawmynaden: As regards parts (a) and (b) of the question, I am circulating the information requested for.

Mr Quirin: Madame la présidente, le ministre peut-il confirmer que le Centre Technique National de Football François Blaquart fonctionne à plein régime?

Mr Sawmynaden: Madam Speaker, *le Centre Technique National de Football François Blaquart* is functioning, but we should take into account that, for the last six or seven years, there was no activity at all. We started from scratch.

(*Interruptions*)

Mr Quirin: Madame la présidente, ...

(*Interruptions*)

Madam Speaker: Hon. Jhugroo, please!

Mr Quirin: L'honorable ministre devrait aller s'enquérir pour voir à l'époque qui sont ceux qui avaient fermé le Centre Technique National de Football François Blaquart. Malheureusement, s'il le savait, il n'aurait pas affirmé ce qu'il vient de dire.

Madam Speaker: Your question, please!

Mr Quirin: Ma question, Madame la présidente: puisque le ministre dit que le centre fonctionne, peut-on savoir s'il y a un comité de direction et, si tel est le cas, qui est la personne à la tête de ce comité et les personnes formant partie de ce comité ?

Mr Sawmynaden: Madame la présidente, le centre a été rouvert au mois d'août. C'est maintenant que tout est mis en place, et les élèves commencent à intégrer le centre national pour pouvoir exercer la pratique du football.

(*Interruptions*)

Il n'y a pas de comité de gestion. Pour l'instant, le ministère...

(*Interruptions*)

Madam Speaker: No interruptions, please!

(*Interruptions*)

Have you finished, hon. Minister?

Mr Sawmynaden: Actually, it is run by officers of my Ministry.

Mr Quirin: Madame la présidente, peut-on savoir aussi s'il existe une commission technique qui travaille sur le projet de formation, incluant les membres de la MFA et aussi les entraîneurs du centre? Est-ce que cette commission existe et, si tel est le cas, de nous dire qui en est le responsable ?

Mr Sawmynaden: *Madam Speaker, I have just answered that at the moment there is no comité de gestion, parce que ce sont les officiers de mon ministère qui s'occupent du centre pour le relancer. La MFA, avec tous les soucis qu'ils ont eus au niveau de la FIFA, devait le faire depuis le mois de janvier - on est entré que pour le bien du foot -, mais la MFA va entrer après que tous les problèmes soient réglés.*

ENTENTE SPORTIVE DE GOODLANDS & THE GOODLANDS YOUNG STARS

VOLLEYBALL CLUBS - RECOGNITION

(No. B/908) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the *Entente Sportive de Goodlands* and the Goodlands Young Stars Volleyball Clubs, he will –

- (a) for the benefit of the House, obtain from the Association Mauricienne de Volleyball, information as to if they have participated in the National Volleyball Championship Division 1 which was held recently, and
- (b) state if they are recognized by his Ministry.

Mr Sawmynaden: I am informed by the *Association mauricienne de volleyball* that *Entente Sportive de Goodlands* has not participated in the National Volleyball Championship Division 1 in 2015 as it is not affiliated to the Federation. As for Goodlands Young Stars Volleyball Club, its men's team has participated in the National Volleyball Championship Division 2 while its women's team played in the National Volleyball Championship Division 1.

I am further informed that Goodlands Young Stars Volleyball Club is affiliated to the *Association mauricienne de volleyball* for many years.

As regards part (b) of the question, my Ministry does not recognise *Entente Sportive de Goodlands*, as it has already been deregistered by the Registrar of Associations.

An application for recognition from Goodlands Young Stars Volleyball Club has only been received on 03 November 2015 at the level of my Ministry. The application is still being processed.

Mr Quirin: Madame la présidente, selon la section 11 du *Sports Act*, tout club doit avoir la reconnaissance du ministère avant d'aller vers le *Registrar* et éventuellement vers la fédération concernée. J'ai en ma possession une copie d'une correspondance adressée à Madame Christelle Parsooramen par le *Registrar of Associations* qui avait sollicité le *Registrar* afin d'avoir certaines informations précises concernant ces deux clubs qui, comme je l'affirme dans ma question, avait participé à certains championnats, et d'après la réponse du *Registrar*, les deux clubs en question ne sont plus reconnus par le *Registrar*. De ce fait, le ministre peut-il nous dire - vu ce qui est stipulé dans le *Sports Act* de 2013 - comment se fait-il qu'un club, en particulier le *Goodlands Youngstars*, qui a participé à un championnat de volleyball au niveau national, qui n'est plus reconnu par le *Registrar*, qui je suppose n'a

même pas reçu la reconnaissance de son ministère, a été reconnu par la fédération ? Quelle est la responsabilité de la fédération et son ministère dans toute cette affaire ?

Mr Sawmynaden: Madam Speaker, this club has been recognised since 2008 and, as per the federation, once they have given recognition, they never received any correspondence stating that the registration of Goodlands Youngstars Volleyball Club was struck off in 2013. So, for them, there was no issue until they received a correspondence from another club stating that their affiliation was struck off. It is just now that my Ministry received that correspondence.

Mr Quirin: J'aimerais que le ministre nous précise si la section 11 du *Sports Act*, qui fait référence au certificat de reconnaissance, est toujours appliquée, et si tous les clubs doivent passer par son ministère avant d'aller vers le *Registrar* et éventuellement vers leurs fédérations respectives.

Mr Sawmynaden: Yes, I confirm the law is still the same. But, as you know, there were so many anomalies in the Sports Act that the Ministry has become lenient and let the sports continue. Otherwise, all of them should have closed down.

TOURISM INDUSTRY - FOREIGNERS - EMPLOYMENT

(No. B/909) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to the foreigners employed in the tourism industry, he will give an updated list thereof, indicating in each case the -

- (a) post held;
- (b) name of the employing establishment, and
- (c) duration of the contract of employment.

The Deputy Prime Minister Madam Speaker, the information sought has been requested from the competent Authorities, namely the Ministry of Labour, Industrial Relations, Employment and Training and the Board of Investment and will, upon receipt, be placed in the Library of the National Assembly.

Madam Speaker, I would like to take this opportunity to inform the House that since July 2015, a Ministerial Committee has been set up under my Chair to look into the issue of

employment of expatriates. The main task of the Ministerial Committee is to devise an appropriate policy with a view to encouraging the employment of expatriates in scarcity and priority fields whilst leaving other areas where sufficient trained labour is available to locals. As a starting point, we have caused the list of scarcity areas and parameters in the Tourism and Hospitality Industry as well as construction sectors to be reviewed so as to unlock employment prospects for local job seekers.

As a result of representations received from some quarters, the list of scarcity areas in the Tourism and Hospitality sector is being further reviewed, in consultation with stakeholders, whereby a new set of guidelines governing the issue of work permits and occupation permits will be established to ensure a clear rule-based approach to this matter.

Madam Speaker, the employment of expatriates is being closely monitored.

Mr Bhagwan: Has the Deputy Prime Minister received representations regarding discrimination, even racial discrimination against qualified Mauritians for employment in the tourism industry, not only at managerial level, but also at high management level?

The Deputy Prime Minister: I don't recall receiving any specific complaint, Madam Speaker, but I will look into it. But the view of Government in the tourism sector, Madam Speaker, is that there is room for encouraging Mauritius talent to grow at all levels of the industry and that the attitude of employers varies from hotel group to hotel group, from hotel to hotel. Some are very good, some are less good, and the point of the whole policy is to encourage those who are not sufficiently giving training and *formation*, etcetera, to Mauritians who are able to rise, encourage them to have a proper training policy so that these people can rise to their potential.

Mr Bhagwan: One last supplementary question. Can the hon. Deputy Prime Minister inform the House whether he has a case where one qualified Mauritian is at the head of one of the major five-star hotels or even whether there has been an increase in the number during the past years?

The Deputy Prime Minister Whether four-star, five-star, Madam Speaker, there are some hotel groups which have very few foreign expatriates. Others have 3 or 4 or 5 %. So, we are looking at it. I don't want to take into any particular case. We are looking into that and we are genuine in that we want Mauritians to have better scope within the tourism industry because they have the potential and also, Madam Speaker, to encourage wages to rise because

the whole point of Government also is to encourage prosperity within the labour force, and that is also the policy of Government.

Mr Bhagwan: Can the hon. Deputy Prime Minister check and inform the House whether certain hotels have given permits to recruit gardeners? I want the hon. Deputy Prime Minister to check and inform the House. This is a very specialised job, but we have many well qualified Mauritians working in the sugar sector and they could have obtained employment in the hotel sector. Can the hon. Deputy Prime Minister check and see whether this is true? At least, Mauritians could be given priority.

The Deputy Prime Minister We have now a list of priority sectors and I can assure you there are not gardeners on there. A number of issues will be looked at, including the total ratio of foreigners to Mauritians. Personally, we would not be in favour of just gardeners, but anything that can be done by Mauritians should be done by Mauritians in priority.

Madam Speaker: The Table has been advised that the following PQs have been withdrawn. PQ No. B/913, B/933, B/934, B/935, B/936, B/937, B/938 and B/939.

AIR MAURITIUS LTD - GUARANTEED LOANS

(No. B/910) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Finance and Economic Development whether, in regard to Air Mauritius Ltd., he will state the number of loans guaranteed by Government thereto, indicating in each case, the –

- (a) quantum thereof
- (b) date on which the loan was guaranteed, and
- (c) terms and conditions of the guarantee.

Mr Lutchmeenaraidoo: Madam Speaker, in view of the fact that the hon. Member has not specified the period for which information is being sought, it will be difficult to provide an answer. However, I am informed that over the period 2001 to 2010, Government has guaranteed 17 loans of Air Mauritius Ltd, amounting to some Rs12.7 billion. As at to date, all these loans have been repaid by Air Mauritius Ltd.

I am tabling the list of loans guaranteed by Government along with all the details.

Mr Bhagwan: Can I know from the hon. Minister whether, within the past years, Government has guaranteed loans to Air Mauritius for hedging purposes, the guarantee, and the amount?

Mr Lutchmeenaraidoo: I cannot give the information. I am only circulating the loans which have been guaranteed by Government.

MINISTRY OF YOUTH & SPORTS - MR R. M - EMPLOYMENT

(No. B/911) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to Mr R. M., he will –

- (a) state the capacity in which he has been employed in his Ministry, indicating the;
 - (i) date of employment and;
 - (ii) terms and conditions of employment thereof and;
- (b) for the benefit of the House, obtain from the Mauritius Sports Council, information as to if he has been appointed member thereof and, if so, indicate;
 - (i) since when, and
 - (ii) the quantum of the fees payable thereto.

Mr Sawmynaden: Madam Speaker, Mr R. M. has been employed as Adviser on Public Relations Matters in my Ministry with effect from 11 May 2015. He is employed on a yearly contract basis.

He is being paid a monthly basic salary of Rs19,025.

He is entitled to travelling allowance and gratuity according to regulations in force. So far, as leave entitlement is concerned, he is not eligible for the first year of contract. In the event of renewal of his contract, he will be eligible for a leave as per regulations in force.

As regards to part (b) of the question, R. M. has been appointed as Board member of the Mauritius Sports Council with effect from 20 March 2015 for a period of two years. He is being paid an allowance of Rs850 per sitting plus Rs220 as travelling, in accordance with regulations in force.

Mr Bhagwan: Can I know from the hon. Minister whether, prior recruiting that person, he has had Police clearance through the Prime Minister's Office?

Mr Sawmynaden: All clearance has been obtained, and I can assure the hon. Member that he has no Police case.

Mr Bhagwan: Can the hon. Minister then confirm whether that person was arrested on 12 December 2013 and was detained at Moka Detention Centre for assault on Police and was released on bail on 11 February?

Mr Sawmynaden: As far as I know, that person has not been convicted, but I think the hon. Member is well aware because he was a member of the MMM at that time.

(*Interruptions*)

Mr Bhagwan: I am not asking whether he was a member of MMM. I am asking the hon. Minister whether that person, who is an adviser ...

(*Interruptions*)

Madam Speaker: Can we have some order, please?

(*Interruptions*)

Order, please!

Mr Bhagwan: I am asking my question, and I don't know why the hon. Minister is so excited. I know he is a good friend of his.

(*Interruptions*)

I know he is a good friend of his! But my question is: how can the Government - I am going to ask him the question through the Prime Minister - employ somebody who is on bail, who has assaulted Police, as an adviser to the Minister?

Mr Sawmynaden: The information is completely wrong. That person is not on bail and there is *la présomption d'innocence*. He has not even been convicted. *Il a été acquitté en cour.*

(*Interruptions*)

MINISTRY OF HEALTH & QUALITY OF LIFE - RETIRED DOCTORS - EMPLOYMENT

(No. B/912) Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien) asked the Minister of Health and Quality of Life whether, in regard to the doctors who have retired from the public service, he will state the number thereof who are presently reemployed in the public service, indicating in each case, the terms and conditions of the contract.

Mr Gayan: Madam Speaker, there are eight doctors and 17 specialists who have retired from the service and who have been reemployed. The information regarding the terms and conditions of their contract is being tabled.

Mr Hurreeram: Madam Speaker, will the hon. Minister consider eventually to replace those retired doctors, whose contract is coming to an end, by young graduates?

Mr Gayan: Madam Speaker, it is the policy of the Ministry to ensure that, as far as possible, new doctors are recruited. But there are some areas where we still need specialists, and this is why these people have been reemployed.

FLIC EN FLAC - PRIVATE CLINIC - OPERATION

(No. B/913) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to a private clinic actually operating in the region of Flic en Flac, he will state the -

- (a) date on which the application for the issue of an Environment Impact Assessment licence in relation thereto was received at his Ministry, indicating the date of issue thereof;
- (b) date of coming into operation thereof, and
- (c) distance of the -
 - (i) building housing same to the nearest residence, and
 - (ii) standby generator, indicating if it is compliant with the recommendations and regulations applicable therefor in each case.

(Withdrawn)

RING ROAD PROJECT - REPORT PROGRESS

(No. B/914) Mr J. C. Barbier (Fifth Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Ring Road Project, he will state if it is ongoing and, if so, give details and report progress thereof.

Mr Bodha: The reply to this question, Madam Speaker, is in the affirmative. With regard to the status of the project, I am informed as follows -

- The contract for Phase 1 of the project was awarded to Joint Venture Rehm-Grinaker-Colas on 03 November 2009 and was practically completed on 31 January 2013 with a further one-year defects liability period.
- During a pre-final visit effected from 20 to 24 January 2014 (within the defects liability period) the Consultant, Arab Consulting Engineers (ACE), notified the contractor, Joint Venture Rehm-Grinaker-Colas, of defects noted during the preceding one-year period, namely -
 - (a) eight cracks and settlement observed over a stretch of about 75 m of road in a high fill zone supported by a reinforced earth retaining wall, which collapsed;
 - (b) a longitudinal thin crack, about 25 m long, noted in the asphalt of the road at the end of Zone 4, and that crack was repaired by Rehm-Grinaker-Colas in November 2013 by redoing the top wearing course. However, this repair was not accepted by the RDA and the consultant, and new repair works were designed by ARQ.
- The remedial works are 38% complete till date and are expected to be fully completed by 31 March 2016. The scheduled completion date has been extended on several occasions due to delays on account of exceptionally rainy period from December 2014, breakdown of unique equipment on site and unavailability of equipment in this region, and poor contractor's planning has also contributed to the delay to some extent.

Madam Speaker, as regards Phase 2 and Phase 3 of the Ring Road Project, I am informed that the RDA is in the process of launching a request for proposals to hire the services of a Consultant to propose the concept designs for the Ring Road Phase 2, that is, the tunnel, and that of the Ring Road Phase 3 projects, and to prepare the bidding documents. The consultant will, in addition, amongst other services, assist the RDA in the procurement process and carry out project management and supervision of the works. It is expected, Madam Speaker, that the consultant will start his assignment in February 2016, and the total cost of the project is estimated at Rs5 billion for the Phase 2, that is, the tunnel, and Rs2.9 billion for Ring Road Phase 3.

Mr Barbier: Madam Speaker, I think now the hon. Minister has got all information to establish who are the culprits for all these wrongdoings which we have witnessed throughout the region of Pailles and even Verdun. Will the hon. Minister now see to it that these same contractors, these same consultants are not taken on board for future projects, for road works?

Mr Bodha: The hon. Member is right. We know what has been the cause of failures for the Ring Road and the failures at the Terre Rouge-Verdun. The most important factor, I think, is that there has been no preliminary testing before the design. I am also convinced that the RDA did not do the supervision works that they should have done. So, we are going to take all this in perspective. I am also more and more convinced that the figures which have been presented by Maynard as regards the cost of the infrastructural works for the tunnel and the viaduct have been highly exaggerated. I am convinced that we can build the tunnel and the viaduct for less than what has been so far.

Mr Mohamed: Madam Speaker, the hon. Minister has spoken about the issue of the Ring Road and Phase 3, if I am not mistaken, as well. Could he inform the House if, at any stage, there has been any consultation with the inhabitants living on the road called Boulevard Victoria in Vallée Pitot? When did those consultations take place in order to explain to them, following what was said by the hon. Minister Soodhun who was replacing him last time week, if I am not mistaken, that there would be an elevated sort of viaduct carrying this highway across Boulevard Victoria, which would clearly, therefore, pass before houses of individuals? When have these consultations...

Madam Speaker: Hon. Mohamed, we have understood your question. Please, allow the hon. Minister to reply.

Mr Bodha: The social aspect as regards the squatters has been taken care of by ...

(Interruptions)

the Vice-Prime Minister. We have also realigned the road in such a manner that we have saved the problem of another 70 squatters because we have changed the alignment.

As regards the viaduct, one of the assignments of the consultant will be, in fact, to work out a design which will be accepted by the people along that Victoria Boulevard.

Dr. Sorefan: Madam Speaker, may I know from the hon. Minister whether he is aware that, with regard to Ring Road Phase 1, recently it has been reported that new cracks have appeared further down the road? We did raise the question before. We had the crack going down and that was vertical, but we never talked about the longitudinal crack underneath, going through the Ring Road. I think that studies have not been done there and that's why we see cracks appearing. Will the hon. Minister look into it?

Madam Speaker: Hon. Dr. Sorefan, we have understood your question!

Dr. Sorefan: Will the hon. Minister look into it?

Mr Bodha: We are going to do a complete check of the reinforced up walls over the whole project. I think, I, myself, have mentioned that we have some cracks at the end of the Ring Road Phase I, that is, when we reach the mountain. We have asked them to do the complete test from Soreze to the end of the mountain and the testing is still going on. Works will have to be done in such a manner that they are going to be final works before we start the tunnel.

Mr Bérenger: One question! There have been sanctions against some high officers at the RDA. The hon. Minister, himself, has been very critical of the RDA, and yet, it is confirmed that we are going ahead. First time, building a tunnel, estimating it at this stage at Rs5 billion. Now, is the RDA equipped? We have seen in this case that both the consultants and the contractors have failed the country. Is the RDA, now, equipped to go into this major first time tunnel job?

Mr Bodha: Not at all! I don't think that the RDA is equipped with the works we are going to do for the first time, that is, the viaduct, the tunnel and grade separators at two levels. In fact, we are working on re-engineering totally the management of the RDA and the management of the project, and to see that we have value for money and the best quality of works. In fact, I had the opportunity in Korea to visit a tunnel and the way it has been done. We will have to have the best expertise at the RDA and the best consultants, so that we have the best design and we can start the work. Also, we will have to see to it that there is no variation in costs, which has been one of the weaknesses in the last projects.

Madam Speaker: Last question, hon. Jhugroo!

Mr Jhugroo: With regard to the several cracks found in the Ring Road Phase I, can the hon. Minister inform the House whether any enquiry had been carried out and, if so, can we know which enquiry and what is the outcome thereof?

Mr Bodha: The testing is still on. The enquiry will lead to what we all know about the Ring Road Phase I, that is, the proper preliminary tests; geomorphological tests were not done before the design was made.

(Interruptions)

Madam Speaker: Hon. Jhugroo, no question from a sitting position, please!

(Interruptions)

PUBLIC SERVICE – RECRUITMENT

(No. B/915) Mr G. Oree (Second Member for Port Louis North & Montagne Longue) asked the Minister of Civil Service and Administrative Reforms whether, in regard to recruitment in the public service, he is aware that many schemes of service as presently prescribed are not compliant with a previous Cabinet decision and subsequent Circular dated 22 November 2012 to the effect that only the highest qualification prescribed in the schemes of service be considered therefor and, if so, indicate if he will take up the matter with the Ministries, Departments, Public Service Commission, Disciplined Forces Service Commission and the Local Government Service Commission for the said schemes of service to be amended in order to be compliant with the said decision.

(Withdrawn)

CITÉ ATLEE - MULTIPURPOSE COMPLEX - CONSTRUCTION

(No. B/916) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Local Government whether, in regard to the proposed construction of a Multipurpose Complex at *Cité* Atlee, he will state where matters stand.

Dr. Husnoo: Madam Speaker, I am informed that a works order was issued on 06 October 2014 by the National Development Unit to Super Builders Co. Ltd. for the construction of a Multipurpose Complex at *Cité* Atlee, which comprises a gymnasium, computer room, badminton court, kitchen and changing room. The project did not kick start in view of the General Election held in December 2014.

I am informed that since the project had not started by April 2015, it was decided to cancel the works order, the more so as the contract was not in order. It is to be noted that the scope of works granted to Super Builders Co. Ltd. pertains to building works, whereas the contractor was for all intents and purposes the zonal contractor for roads and drains.

I am informed that the project is not on the list of projects to be implemented in the current financial year and that it will be taken on board during the next financial year depending on availability of funds.

Mrs Sewocksingh: I would like to thank the hon. Minister for the answer, Madam Speaker. The hon. Minister just informed the House that, unfortunately, this project will not go forward for the time being. Madam Speaker, as we all know, Residence Atlee...

Madam Speaker: Put your question!

Mrs Sewocksingh:...is a landmark. So, I would like to know from the hon. Minister if, by the next budget, he will kindly put this project into the priority side so that we can come forward with this.

Dr. Husnoo: Madam Speaker, as I mentioned, this project was going to be carried out under NDU. So, obviously we will have to send the request to NDU for the next financial year.

Mr Jhugroo: Can the hon. Minister in inform the House for which reasons the working order had been cancelled?

Dr. Husnoo: The working order was cancelled, firstly, because of the election and, secondly, there was a problem about the contractor. This work pertained to building work whereas the contractor, Super Builders Co. Ltd., was for all intents and purposes a zonal contractor for drains and roads, not for building purposes.

Madam Speaker: Hon. Sewocksingh!

CITÉ LA BRASSERIE – FOOTBALL PITCH - CONSTRUCTION

(No. B/917) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to State land, he will state if he has received a request from the National Development Unit for the vesting of a portion thereof situated at *Cité La Brasserie* for the purpose of constructing a football pitch and, if so, indicate where matters stand.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Madam Speaker, in March 2015, my Ministry received a request from the National Development Unit of the Prime Minister's Office for the vesting of a plot of State land at La Brasserie for the purpose of construction of a football ground.

The request of the National Development Unit has been examined and the Planning Division of my Ministry has proposed that an extent of 2 *arpents 47 perches* of State land be vested in the National Development Unit for a football ground.

I have the honour and privilege to inform the hon. Member that immediate action has been initiated for the vesting of the land to the National Development Unit.

(Interruptions)

Madam Speaker: Hon. Sewocksingh!

Ms Sewocksingh: I wish to thank the hon. Vice-Prime Minister for that.

DUBREUIL PRIMARY GOVERNMENT SCHOOL – PASS RATE

(No. B/918) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Dubreuil Primary Government School, she will state –

- (a) the percentage pass rate thereat over the past five years at the level of Standard IV, Standard V and Certificate Primary Education Examinations respectively;
- (b) the schedule and reports of inspections visits thereat, particularly, regarding the level of attendance of the teachers posted thereat, and
- (c) if any survey has recently been carried out to assess the state of the buildings and of the infrastructure found on the premises thereof and, if so, indicate –
 - (i) when, and
 - (ii) the outcome thereof.

Mrs Dookun-Luchoomun: Madam Speaker, with regard to part (a) of the question relating to pass rates at Standard IV, Standard V and Certificate of Primary Education Examinations at Dubreuil Government School, over the past 5 years, I am tabling the information that has been compiled. The CPE pass rate stood at 50% in 2010 and has reached a peak of 74.07% in 2013. Last year, it was 57.14%. However, for Std. IV, Std. V, the pass rate reached a peak level of 81.1% and 72% in 2014.

Regarding part (b) of the question, I am informed that the School Inspectors and Supervisors of the Zone Directorate of my Ministry have been effecting monthly visits at the school as from the beginning of the academic year 2015 for both pedagogical and administrative issues. The report shows that attendance rate of teachers, for both the General Purpose and Oriental Languages, which ranges from 80 to 98% for 2015, are satisfactory.

Madam Speaker, as for part (c) of the question, surveys on the infrastructural state of schools are carried out annually and a list of infrastructural works to be undertaken subsequently identified and prioritised.

I wish to highlight that minor projects are continuously being effected by the maintenance team of the Zone Directorate at the Dubreuil Govt. School. Moreover, construction of additional classrooms and conversion of existing classrooms into a pre-primary unit were carried out and completed in 2014. I am further informed that since the physical state of building is sound, no new major infrastructural project has been identified thereat for this year. However, any request with regard to infrastructural issues which will be received at the level of my Ministry will be given due consideration.

CEB – TECHNICAL STAFF - OVERSEAS MISSIONS

(No. B/919) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the official mission undertaken by the technical staff of the Central Electricity Board in Europe from 03 to 16 October 2015, he will, for the benefit of the House, obtain from the Board, information as to the –

- (a) composition of the delegation thereof and the qualification of each member thereof, and
- (b) purpose thereof.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Madam Speaker, I am informed by the Central Electricity Board that a team carried out a study visit in France from 03 to 16 October 2015.

It consisted of –

- Mr Shamsheer Mukoon, Production Manager

- Mr Asil Lotun, Engineer, Nicolay Power Station
- Mr Bernard Seblin, Engineer, Fort Victoria Power Station
- Mr A. A. H. Damree, Board Member

I am tabling the information on their qualifications.

With regard to part (b) of the question, the team visited two Combined Cycle Gas Turbine plants, one Open Cycle Gas Turbine plant and a LNG Terminal under construction. The purpose of the visit was to follow developments in the design, operation and maintenance associated with such technology.

Mr Jahangeer: Madam Speaker, can the hon. Vice-Prime Minister explain how a member of the CEB Board and a non-technical member attended a technical mission?

Mr Collendavelloo: It was decided by the Board that this member should accompany the delegation and there is absolutely nothing wrong with this.

Madam Speaker: Hon. Jahangeer, next question! You have got a supplementary question?

Mr Jahangeer: Madam Speaker, I am tabling the result of a public bid opening concerning the Expression of Interest for combined cycle gas turbine.

Mr Collendavelloo: Well, I am very sorry, on a point of order. How can the hon. Member do that?

(Interruptions)

Madam Speaker: Hon. Jahangeer, please confirm whether your question is related to part (b) of the Parliamentary Question. Or is it something else?

Mr Jahangeer: Yes, indeed, Madam. The mission was to...

(Interruptions)

Sorry!

Madam Speaker: Ask your question, please!

Mr Jahangeer: Part (b).

Madam Speaker: Ask your question!

(Interruptions)

Mr Jahangeer: Is the hon. Vice-Prime Minister aware that there is a serious breach of the PPA Act and the FIDIC condition and the CEB Act, that a consulting firm in the name of *Électricité de France (EDF)* organised this visit and was also a bidder in the same bid that I am tabling? This is a serious breach in international norm for tendering.

Madam Speaker: Hon. Jahangeer ...

Mr Collendavelloo: Can I answer?

Madam Speaker: Do you wish to answer? Okay!

Mr Collendavelloo: This day is the international rubbish day because that is the greatest rubbish I have ever heard, even greater than what I heard this morning.

Madam Speaker: Hon. Jahangeer, next question!

(Interruptions)

Well, I am sorry; you did not catch my eye. Hon. Uteem, if you have a supplementary, I will allow you.

Mr Uteem: Thank you, Madam Speaker. Can I know from the hon. Vice-Prime Minister whether the visit in Europe and the site visited by these gentlemen from the CEB related to *Électricité de France*?

Mr Collendavelloo: Yes, of course. The presentation was by EDF. Then, there was a presentation on financial and technical aspects of supply and utilisation of LNG, following a study carried out by EDF. The presentation...

(Interruptions)

Please, let me carry on! Then, there was a presentation of a project 'Octopus' currently being developed in Chile and there was visit of the Dunkirk LNG terminal and several other visits.

Now, with regard to Mr Damree, he had been delegated by the Board of Directors to form part of the mission as his independent views would benefit the Board and were, indeed, of great quality.

Mr Ameer Meea: Can I ask the hon. Vice-Prime Minister who paid for the visit? Was it paid by the supplier of the gas turbine or by the CEB and, if it is by the CEB, how much has been the total cost of this official mission?

Mr Collendavelloo: I would need notice for that. I don't know.

Madam Speaker: Hon. Jahangeer, next question!

HIGHWAYS – STREET LIGHTING SYSTEM

(No. B/920) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the highways, he will state the lighting segments of the street lighting systems thereat which are presently defective.

The Minister of Local Government (Dr. A. Husnoo): Madam Speaker, with your permission, I shall reply to this question.

Based on the information submitted by the local authorities, the main cause for the defective segments of the street lighting network on the highway is the loss of underground street lighting cables.

I am accordingly tabling the information requested for regarding the segments of the highways where the street lighting network is defective.

With a view to ensuring a better management and maintenance of the street lighting network across the island, the Government is working on the setting up of a National Unit which would be responsible for the financing, installation, management and maintenance of the street lighting networks for the motorways across the island. In the meantime, the local authorities would explore the possibility of making use of the resources available at their end to carry out necessary repairs to restore street lighting on the segments which are affected.

Mr Jahangeer: Is the hon. Minister aware that for the past seven years, the segment of Plaine Magnien has been in the dark and it is a danger to all drivers' safety?

Dr. Husnoo: Yes, as I mentioned, there is a problem. The local authorities are looking into it. There is some problem, as I mentioned, about the theft of underground cables and they are going to sort it out. In the long term, I think, we will need a national unit to take care of the whole motorway system in Mauritius.

Madam Speaker: Hon. Jahangeer, next question!

BATIMARAIS – HOUSES – ASBESTOS

(No. B/921) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard

to the proposed pulling down of houses containing asbestos, especially in Batimarais, he will state where matters stand.

The Minister of Environment, Sustainable Development and Disaster and Beach Management (Mr R. Dayal): Madam Speaker, I wish to inform the House that the Ministry of Housing and Lands had identified 64 houses containing asbestos materials which were in a depleted state during a previous survey carried out some years back. However, according to records, no action was initiated or taken.

My Ministry has now set up a High-Level Technical Committee to look into the problems and make recommendations for implementation. The Technical Committee tasked a survey team to carry out site visits at the housing units made up of asbestos materials. The team has already surveyed the 64 houses identified by the Ministry of Housing and Lands located at Triolet, Grand Gaube, Petit Raffray, Pamplemousses, Montagne Longue, Amaury, Lallmatie, Argy, Olivia, St. Julien d'Hotman, Camp Diable, Benares (Batimarais), Surinam, Bel Ombre, l'Embrasure, La Rosa, Riche en Eau, Old Grand Port, La Chaux, Verdun, l'Agrement, Telfair and La Ferme.

The survey has already been carried out and it revealed that four units out of the 64 were untraceable; 29 units are occupied; 24 are unoccupied, and seven have already been dismantled and the asbestos materials carted away.

It was also estimated that the 60 housing units surveyed contained about 64 m³ of asbestos materials.

With regard to Batimarais, there are some 10 units that contain asbestos materials, out of which five are unoccupied.

The High-Level Technical Committee has recommended that priority of consideration for the pulling down of the houses be given to the unoccupied housing units. For occupied housing units, a Plan of Work has been drawn up enumerating the activities that need to be carried out for the removal and disposal of asbestos materials as follows –

- (i) consent forms to be signed by owners of the houses;
- (ii) medical examination to be conducted for all personnel of SMF and other relevant authorities to be involved in the operation;
- (iii) awareness and training of officers involved in the exercise by the Ministry of Health and Quality of Life, Ministry of Labour and Industrial Relations and

the Occupational Health & Safety Unit from the Ministry of Civil Service and Administrative Reforms;

- (iv) placing of enclosures around the houses prior to the dismantling exercise;
- (v) procurement of personal protective equipment, and
- (vi) SMF to dismantle the houses.

This is what is on.

Madam Speaker: Yes, hon. Jahangeer! On this question B/921, do you have any supplementary? Because time is almost over.

Mr Jahangeer: I got the answer.

Madam Speaker: Hon. Leopold has a question. I'll allow him.

Mr Leopold: May I ask the hon. Minister how and where he will dispose such noxious substances?

Mr Dayal: We have a scheme at La Chaumière. We have identified a site. As a matter of principle, we can even dig and put it inside, there is no risk. But the problem is we have identified a site at La Chaumière where we are taking all hazardous materials. As asbestos is hazardous material, we have a site identified where we are putting all hazardous materials at La Chaumière.

Madam Speaker: Yes, hon. Ganoo!

Mr Ganoo: With regard to the answer that the hon. Minister gave, the crux of this matter of pulling down asbestos houses is a question of funding. Is the Ministry envisaging to subsidise the occupiers of these houses? Because the question of demolition is one problem. But then, who will be rebuilding these houses?

Mr Dayal: The issue of dismantling is two-fold. First, we are studying the possibility of having the SMF involved and, at the same time, we are also studying the possibility of having contractors to those jobs under the supervision of the SMF provided they have the skills and equipment. Second, we are in the process of finalising how we are going to reconstruct houses, where we are going to reconstruct, and what will be the modalities. That will be taken care of by my colleague, the Vice-Prime Minister, hon. Showkutally Soodhun.

Madam Speaker: Time is over!

MOTION

SUSPENSION OF S.O. 10 (2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

STATEMENTS BY MINISTERS

(4.42 p.m.)

LAND RESEARCH AND MEDIATION UNIT – SETTING UP

The Deputy Prime Minister: Madam Speaker, my statement relates to the recommendations of the Ministerial Committee set up in February 2015, under my Chairmanship, to review the recommendations of the Truth and Justice Commission. The Ministerial Committee has recommended amongst others the setting up once again of a Land Research and Mediation Unit previously called Land Research and Mediation Commission, which will be responsible to investigate and advise complainants on the cases of land dispossession mentioned in the report of the Truth and Justice Commission.

I am pleased to inform the House that the Land Research and Mediation Unit has been set up and is now situated at the 6th Floor, Baroda Building, Sir William Newton Street, Port Louis. The Unit comprises –

- Mr Mahmad Rehan Mandary, former Deputy Chief Surveyor, Head of the Unit;
- Mrs How Man Yoon Koo Yuk Cheong, retired Deputy Registrar, Registrar General's Office;
- Mr Hunchun Gahesh, Attorney, on a part-time basis, and
- Mr A. A. Andoo, Land Surveyor, seconded by the Ministry of Housing and Lands on a part-time basis.

The Unit has started work yesterday, 16 November.

Madam Speaker, I have previously informed the House in reply to parliamentary questions that the previous Land Research and Monitoring Commission had carried out research on the 224 cases of dispossession of land mentioned in the report of the Truth and Justice Commission. It has submitted an interim report in April 2015. In this report, it is

mentioned that there are 42 cases, that is, 27 in Mauritius and 15 in Rodrigues, where there is sufficient evidence of dispossession of land.

Upon recommendation of the Ministerial Committee, these 42 cases of alleged dispossession identified in the report of Mr Mandary have been submitted to the Attorney General's Office for advice and the way forward. I understand that the Solicitor General has set up a team of two lawyers to study same and to tender legal advice.

Given the legal difficulties involved, the new Land Research and Mediation Unit will give priority in the first instance to mediation between all the parties concerned.

There are, Madam Speaker, 91 remaining cases which require further investigation in addition to 131 cases mentioned in the report of the Truth and Justice Commission which had not been investigated on account of late submission of requests. These cases will all now be investigated by the Land Research and Mediation Unit.

The setting up of this Unit is a positive step to help those who have been dispossessed of their properties to have the necessary advice and assistance in their quest to recoup back their land. Those who have been victims of dispossession of land and whose cases are mentioned in the report of the Truth and Justice Commission can therefore now contact the Land Research and Mediation Unit.

Madam Speaker, the Ministerial Committee continues to review the recommendations contained in the report. The Ministry of Arts and Culture is looking for land at Le Morne to construct the Museum of Slavery. The Ministry is also purchasing exhibits to be exposed in the Museum. On the other hand, the Ministry of Social Integration and Economic Empowerment is addressing the issue of economic empowerment of descendants of slaves and indentured labourers in the Marshall Plan which is under preparation.

PUBLIC HEALTH INSTITUTIONS - NATIONAL IDENTITY CARD

The Minister of Health and Quality of Life (Mr A. Gayan): Madam Speaker, I wish to make a statement on the use of the National Identity Card in public hospitals.

Over the past weeks, queries have been raised and also hon. Dr. Joomaye asked a parliamentary question as to whether it is mandatory for patients to produce their National Identity Card while attending public health institutions. I wish to bring certain clarifications and enlighten this House on the matter.

Since many years, notices have been affixed in registration areas of public health institutions asking patients to bring along their National Identity Card for identification and medical follow-up purposes. The casualty card has a designated space to record the national

identity card number. However, this requirement is not strictly followed at the level of hospitals and is also not adhered to by patients.

Henceforth, all the information requested on the casualty card must be submitted relating to the particulars of the patients namely: the surname, other names, address, sex, age, marital status, telephone number, National Identity Card number, next of kin (for minors). I am tabling a copy of the casualty card.

There have been problems regarding identity of patients. For example, at the Brown Sequared Hospital, in the past, patients have been left after false names and wrong addresses were given by those accompanying them. At present, the National Identity Card is required by the hospital authorities in the following cases –

- (a) issuing a notification of birth to a woman who has delivered a new-born baby;
- (b) issuing a medical certificate or a certificate of attendance;
- (c) issuing a certificate of cause of death, and
- (d) when relatives come to collect discharged patients at Brown Sequared Mental Health Care Centre.

In order to further modernise the health service, my Ministry is embarking on the e-health project, which will provide a health history *en temps réel* of all patients attending public health institutions. In this connection, the production of the National Identity Card by patients while attending public health institutions is necessary. The National Identity Card will be used as the unique identifier. This project will reduce duplication of services, wastage of pharmaceutical products and waiting time for consultation.

Madam Speaker, I wish to inform the House that an assessment carried out shows that around 5,000 foreigners, including expatriate workers, attended public hospitals in the month of September 2015 alone. With the increasing healthcare costs and in order to ensure the continued sustainability of the free health services, it is high time to review the policy regarding access to public health services for foreigners. Expatriate workers who are contributing to the National Pensions Fund will not be affected. Foreigners will have to produce their passports, which will be used as a unique identification document. I am informed that amendments have been brought to the Economic and Financial Measures (Miscellaneous Provisions) Act 2015 to enable the Passport and Immigration Office to generate an identification number for all foreigners over the long run.

Allow me to mention that for this current financial year the budget of my Ministry is Rs9.7 billion, out of which the sum of Rs8.1 billion is spent on hospital services, which

represents 84% of the budget. I also wish to inform the House, just for indication, that the cost of attendance for basic treatment per patient is approximately Rs400 and it may go up to more than Rs800 if tests and further investigations are required. The cost of hospitalisation per day per patient is Rs2,400. A CT scan and an MRI in the public sector cost approximately Rs1,900 and Rs4,300 respectively. The cost of a caesarean section is around Rs19,000. Cost per bed in the Intensive Care Unit is around Rs8,500 per day. As far as specialised medical services are concerned, a cardiac surgery costs over Rs155,000.

Therefore, it is imperative for my Ministry to use the National Identity Card for identification and entitlement purposes as we have universal healthcare. My Ministry relies on the understanding and collaboration of patients regarding the presentation of the National Identity Card with a view to facilitating healthcare delivery and optimising hospital resources.

I wish to emphasise that patients requiring emergency care and treatment at the Accident and Emergency Department will not be denied services in case they are not in possession of their National Identity Card. However, for non-urgent and routine cases attending other departments of public health institutions patients will be required to preserve their National Identity Card.

As the House is already aware, Madam Speaker, service providers in various sectors of the Mauritian economy request users to produce their National Identity Card in order to have access to the services and there is full compliance.

I trust that this will help in understanding of the rationale of the use and relevance of their National Identity Card at the hospitals and other health institutions.

I thank you, Madam Speaker.

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

At 4.50 p.m. the sitting was suspended.

On resuming at 5.53 p.m. with Madam Speaker in the Chair

PUBLIC BILLS

Second Reading

THE PUBLIC HOLIDAYS (AMENDMENT) BILL

(No. XIV of 2015)

Order read for resuming adjourned debate on the Second Reading of the Public Holidays (Amendment) Bill (No. XIV of 2015).

Question again proposed.

The Minister of Youth and Sports (Mr Y. Sawmynaden): Madam Speaker, it is with great honour and deep sense of patriotism that I intervene on the Amendment Bill presented by the Rt. hon. Prime Minister, Sir Anerood Jugnauth.

We should not forget that during his previous mandate as Prime Minister he had already proposed to legislate on the matter. Actually, the Bill provides for public holidays for the Abolition of Slavery, the Arrival of Indentured Labourers and alternate calendar for Blessed Virgin Mary and All Saints Day. These changes result from various representations made by different constituent elements of the Mauritian population.

First of all, I would like to say that this Government, fully aware of the fact that Mauritius is a land of settlement, seeks to do justice to our historical background when it legislates the Abolition of Slavery and the Arrival of Indentured Labourers as two dates for remembrance.

Mauritius owes a lot to both categories of settlers who have given their sweat for the development of some kind of society here, and slavery being one of the harshest experiences of human exploitation which the world has known. We are duty bound to honour the memory of all those who have contributed to the development of this country.

In addition to the Memorial at Le Morne, we hope that the endeavour of slaves is being granted today also a fitting “*devoir de mémoire*”. For the indentured labourers, let us not forget that indentured was a worldwide phenomenon which started in the 19th century in the wake of the abolition of slavery. It was initiated by the British in Mauritius and was considered as an experiment. After the abolition of slavery, the British brought labourers to work in the fields and most of them came from India. Indentured involved the mass migration of workers from India, China, Africa and South East Asia to labour-importing colonies. Many people do not realise that Mauritius was the first country which had recourse to indentured labour.

Madame la présidente, alors que le chaos règne dans d'autres pays où la cohabitation entre diverses ethnies débouche sur des guerres et font des milliers de victimes innocents, notre pays, lui, la nation arc-en-ciel, est cité en exemple partout ailleurs. L'exemple d'unité

dans la diversité, la capacité de respecter l'autre et de travailler main dans la main avec les autres communautés. Ce sont là les ingrédients du miracle mauricien. Ce projet d'amendement est un pas de plus pour la paix sociale qui a été le socle sur lequel nous avons édifié la prospérité de l'île Maurice.

Avoir un jour férié pour chaque célébration aurait été certes bénéfique à toutes les cultures, mais vous le savez mieux que quiconque - ce gouvernement responsable - que cela représente un coût et un impact sur l'économie mauricienne.

Voilà pourquoi l'alternance est la solution la plus juste. On se rappelle il y a quelques mois la MTTF avait fait une demande pour que Cavadee et Varusha Pirappu soient jours fériés en alternance, mais le nouveau *Board* en a décidé autrement. Alors, le Premier ministre vient avec l'amendement déjà circulé, et avant de conclure, je tiens à féliciter et à remercier le Premier ministre pour ce projet de loi.

Merci.

(5.57 p.m.)

Mr S. Mohamed (First Member for Port Louis & Port Louis East): In fact, on the first list, I was supposed to address on the eighth position and I guess there has been a change.

Madam Speaker, I have read with a lot of interest history when it comes to issues of public holidays. A lot of youngsters, a lot of Mauritian citizens, a lot of people, including myself, were totally unaware of what exactly was the situation during colonial days, what exactly was the situation during those days with regard to public holidays, how things have evolved, how the element of a public holiday, the recognition of each community in Mauritius having the right, as enshrined in our Constitution, to practice their own religion, but also to celebrate such holidays that have, through time, become national public holidays. It shows how we have, together as one nation, managed to take pieces from various continents, wherever we come from, and bring it together. We have harnessed energy to really come a very long way ever since prior to independence until 2015.

I have had a lot of pleasure going through Hansard as far back as 1957, Madam Speaker. And it is with pride, just as the previous orator, the hon. Minister for Youth and Sports, also with pride addressed this august Assembly on this particular piece of legislation,

that I refer to a document of 1957. In 1957, late Sir Abdool Razack Mohamed, in a Private Member's Motion, came up with the following motion.

He said he begged to move the motion standing in his name 'that this Council is of the opinion that the Muslim and Hindu festival days, numbering eight in all for each community, be considered and declared public holidays, to allow Muslims and Hindus of this colony to celebrate their religious festivals in the same way and with the same facility as enjoyed by the Christian brother.'

He goes on –

"(...) that the days for the Muslims would be Eid Ul Fitr, Eid Ul Doha, the 10th day of Muharram and the prophet's day."

The 12th day of Rabi Ul Awal, as I read in Hansard. Four days for the Muslim community was what he provided for in his motion.

But he went further. The same motion, as he was then in debates No. 8 of 05 November 1957, Sir Abdul Razack Mohamed came up with the second part of his motion which talked about the four holidays for the Hindu community. Sankranti is what he argued for, he also argued for Holi, which is precisely part of the amendment I am coming forward with today, and he also argued for Deepavali and the last but not least, a lot of people have not even realised that this forms part of history, it is he who came with the motion that Cavadee should be a national public holiday. Because before those days, none of those eight holidays that I have just mentioned were public holidays. This is history, and he explained in those days. The funny thing, Madam Speaker, is whatever he explained in 1957 seems to be the case today, and sometimes I ask myself, yes, we have evolved, we have progressed as a nation, our country has progressed indeed, be it economically or financially, infrastructurally, but then again there are certain issues that occurred in 1957 - that he made reference to in his motion - that still exist today.

Allow me to explain and to refer to what he said in those days. He explained why he came up with that motion. He says, I quote –

"There have been occasions, Sir, when Heads of Departments have refused permission to be off duty on those days to persons belonging to the Hindu or Muslim

communities on the grounds that their presence was required in the office and therefore whatever may happen they could not be allowed to absent themselves”.

He goes on to talk about another event that indeed occurred in 1957 and keeps occurring today. A school refusing the right to a student to absent himself for the celebration of Bakreet, Eid Ul Doha, and the letter that was written in 1957 is same of what is written today. The letter reads, I quote –

“Dear parent, I write to say that I am unable to give permissions to pupils to absent themselves from the examination. I have told the pupils many weeks ago that examinations would begin (...)"

But the last sentence is important, in which she says –

“I must point out that these are the half-yearly examinations and of great importance and count towards promotion and prizes”.

He goes on to explain when he was informed of that, and people knew they could make exceptions, they could not then celebrate those religious holidays of importance. He goes on to explain after this motion was seconded by Mr Koenig in those days, in 1957. He goes on to explain why it was important to come up with those holidays. He talks about how people have to live together in peace and harmony, how it is important to recognise those important holidays. We may come from various continents, but we have not come up empty-handed. We have come with part of who we are, our DNA lives on those cultural heritages, our religion, to celebrate those holidays, and this is precisely, Madam Speaker, what Government and successive governments have allowed people to do across the years, even pre-independence and post-independence.

I move on to another time, the time of 1968, 11 June. Hansard described us, at the Public Holidays Bill No. 18 of 1968, how Sir Veerasamy Ringadoo - he was not knighted in those days, but hon. Ringadoo - because the hon. Prime Minister - funny enough - was not present, stood up and presented the Bill in place of the hon. Prime Minister, just as hon. Duval presented the Bill in place of the Rt. hon. Sir Anerood Jugnauth who was not here.

So, history repeats itself where in 1968, after independence, hon. Ringadoo in those days said how the fervour of independence was now over and, therefore, they have waited for the fervour independence to be over and they've talked about a Committee that was set up in

order to review the number of public holidays and it was important to bring it down, and the excuse of the justification, depending the way we look at it, the justification for the reduction in the number of public holidays, Madam Speaker, in 1968, was precisely the need for economic progress, the need for the population to work, the need to increase productivity. That was what was put forward in 1968, but lo and behold in 1972 - I see the hon. Leader of the Opposition smiling, but that is history and we cannot really change what happened.

At one point in 1968, there was a move by the then government to bring down the number of public holidays, but all of a sudden in 1972, I find a move on the part of the then Prime Minister to increase the number of holidays. Of course, a lot of people then said this is not right, you are increasing the number of holidays, and this will not help the country as far as economic progress goes, as far as increasing productivity goes. But in those days, in 1972, the then Prime Minister maintained his position and he said that it was important not to leave out communities, but to bring them in, bring all other communities and to ensure that every one of them does not feel left out.

So, I have started from the days, Madam Speaker, of 1957, and yes, I am proud that I happen to be the grandson of the person, hon. Mohamed, who came forward with those motions, and I am proud that he did that in the name of national unity; holidays, including Cavadee, Holi, Deepavali and all the other holidays I have just mentioned.

Now, we have reached 1972 and it is another story altogether. But things evolve, and it was not only those two times or three times that the public holidays issue was debated in the Assembly. We go now to 1982, in 1983 actually, the Rt. hon. Prime Minister, as he was then and is now, came up with the Public Holidays (Amendment) Bill, and when I read the Hansard as to what was said by the hon. Prime Minister then in 1983, I may quote, he said -

“The present list of 23 public holidays has been reviewed at various times in the past as the necessity of making a reduction in the number of public holidays has been felt since quite a long time. The primary reason for the necessity of such a reduction is that we are in Mauritius presently faced with serious economic difficulties and that every effort should be made by one and all for the economic recovery of the country”.

So, once again, just as in 1968, there was this move in order to ensure that there was a reduction. And reduction there was as from 1983! But there was one issue that remained pending, which was addressed by the then hon. Leader of the Opposition who is the Leader of

the Opposition today, but the fact remains that history is so interesting. History is so interesting when I read what were the issues that were raised by the then hon. Leader of the Opposition. The issues were about a reduction. If there is in any way a reduction in the number of public holidays in the interest of the nation to increase productivity and to get Mauritius to get up to work and to ensure that economically we could do better, there was the necessity, therefore, - because that was what was brought up during consultations - to compensate workers, and that was the issue that was brought about.

On the issue of having to compensate workers, there was a proposal that was defended very strenuously by the then hon. Prime Minister: that there was going to be what we call a special leave, a holiday for all those workers who had to go to attend, for example, Eid al-Adha or Holi; that they could still take time off and they would be granted that time off.

When going through this piece of legislation of 1983, I read the very, very good intervention and remarks by now the hon. Vice-Prime Minister, hon. Collendavelloo, who, in those days, was also speaking with intent, as he is now, and who also was raising his hands in all directions, I guess, in those days, as he is doing now. That was a very interesting speech, which I admire, which hon. Collendavelloo then made.

(Interruptions)

I am saying congratulations for the speech I read of 1983. So, now that I am congratulating you, you may smile. And what I read in that Bill, Madam Speaker, is the following. Hon. Collendavelloo, in 1983, came with an interesting issue. He made this House recall what exactly were the lacuna that he found in the Bill, because there was a risk in those days that, even if someone decided that he did not want to take advantage of that holiday and did not want to go, there was the issue of maybe he was not going to be paid. At some stage, hon. Collendavelloo went as far to say yes, the MMM was for a reduction in the number of holidays - was for a reduction. But, hon. Collendavelloo, in a matter of speaking - if I use and I try to be diplomatic about it - tried to tell the then Prime Minister that he should do everything, but not do it in the workers' back. And he was right, because he was drawing the attention of the Rt. hon. Prime Minister then that it was necessary - and to use the words that he was using then when he talked about the causal relationship between leave and public holidays - to compensate the reduction in public holidays by a certain number of days which are called here special leave. He said -

“Let us not quarrel about the words. It is clear that both Government and Opposition have once again agreed on one principle, that is, that public holidays form part of the acquired rights of the workers of this country and that the acquired rights of the workers of this country, just as the rights of everyone in this country, cannot be removed without just compensation.”

And he goes on to say, as I explained, that nothing should be done in the back of the workers. He said -

“I am, therefore, saying that, by all means, let us reduce public holidays, by all means, let us to do so, by all means, public holidays are excessive in Mauritius.”

And he goes on -

“We agree with that principle and we are going to vote for the principle embodied in the Bill, but let not that be done on the backs of the workers.”

Because he was of the view, in those days, that what was being done by the Government led by the Rt. hon. Sir Anerood Jugnauth was at least dangerous, and he wanted clarification; that it was being done on the back of workers. But the Rt. hon. Prime Minister came in the summing-up and said no, he is ensuring that amendments be brought at Committee Stage and people could take on those holidays for Bakr-Eid, for Holi and all those other days that were reduced but were important religious festivals.

At least, the intention of the legislator in those days, as led by the Rt. hon. Prime Minister, the Leader of the House then, Leader of the House today, was that he believed in the importance that those public holidays should be celebrated. The Rt. hon. Prime Minister believed and showed, through his intervention in Hansard, that it was necessary to bring together the importance of economic development, productivity, but it was also important not let go the issue of celebrating a public holiday of religious importance. So, he came up with this issue of calling special leave.

But, in 1987, there was another piece of amendment that was brought to that law, the Public Holidays (Amendment) Bill, and that is when those two days were purely and simply struck off the list. That compensation that hon. Collendavelloo thought should be made to the workers, should be given to the people of Mauritius in compensation for taking away the number of holidays that were reduced, since we are reducing it, hon. Collendavelloo then

stood up in Opposition, proudly, and I agree with what he said: compensation was required. The Rt. hon. Prime Minister also said that he believed in it and he brought the necessary amendments to ensure that it was there, but in 1987, it was simply obliterated by an amendment.

What was the justification? I am not going to play party politics on this, but there was a justification. The justification brought about and mentioned by the Rt. hon. Prime Minister then was that it seemed as though whenever everyone was taking those holidays, it was tantamount to the same thing that everyone was on holiday and it affected the economy. So, the Rt. hon. Prime Minister in 1987 said –

“We should not go on with the special leave it. We have to delete it from our books.

Workers should not be allowed any more to take those special leaves and we should contend ourselves with what we have, which is a reduction without compensation”

A reduction without compensation! I am all for the compensation, but ever since 1987 that compensation was not there anymore.

(Interruptions)

That has nothing to do with that. I have learned that it has nothing to do with what hon. Benydin just said, because I learned my trade from him when he was a trade unionist. He was right in showing me that workers have to be protected, and I am sure he still believes in that. I am sure that he still believes in that principle that we should not do anything on the workers' back.

What I am trying to get at here is that hon. Collendavelloo at one point in time said certain things, which I believed, and now what I am calling out for, Madam Speaker, is for the same hon. Collendavelloo, who stood up in 1987 and came up with this very valid remark that those workers should be compensated. I was not a Member of Parliament; I was only leaving in those days for my studies to the United Kingdom. The Rt. hon. Prime Minister was on the same aircraft as I was and showed me the way and helped me on that day when I was leaving Mauritius in 1987.

But what hon. Collendavelloo said in those days was right, and what I am calling out for today is a very simple thing. At one point in time, we heard from various quarters, be it from the Labour Party in 1968, be it from the MSM, the PMSD and the Labour Party

Government of 1983, that there was a need to bring down the number of public holidays, supported in a Ministerial Committee that was set up in 1982. Why? For economic reasons. But, in 1987, the economic reason was no longer there because we were doing very well economically. And this is precisely what was said by hon. Collendavelloo in his speech in 1987. He said that the reason for removing those days, which act as a compensation, is not there anymore. The reason for reducing is not there anymore because in 1983, yes, we were not doing well economically and we had to stand up together as one nation and try to rise up, but in 1987 that was not there anymore. But, in spite of that, it was removed.

It is an opportunity today; it is not a question of whether we are reducing the number of holidays or not. But the fact remains ever since 1987. As I said, the issues raised in 1957 still exist today. What are those issues? I have seen, and many of you must have seen, that in the private sector there are people who cannot go and celebrate certain important religious holidays simply because they are not allowed in law to do so. Just as in 1957, hon. Mohamed then said: you cannot accept a situation where we need the permission of our employer in order to go and celebrate a religious festival.

The fact is it applied in 1957. In 1987, it started applying again. The only time when this did not apply was between 1983 and 1987 through the amendments brought by Sir Anerood Jugnauth as Prime Minister.

So, ever since 1987 until today, if someone wants to celebrate Holi, he wants to celebrate any other festivals such as Eid Al Doha or any other religious festival that is of importance to him, he cannot do so unless he obtains the authorisation of his employer. I am not in any way laying the blame at the feet of this Government at all. No, it is not a blame game! It is a fact that this is the situation today, and what I am asking and pleading for is that we should address this. Unfortunately, the Deputy Prime Minister, hon. X. L. Duval, at the last occasion, said that Government is not interested at all to increase the number of public holidays. But what I believe the hon. Leader of the Opposition did, he showed wisdom in his proposal. He said “if”, following the amendment I proposed myself, there was any way of even considering it, he thought that a Select Committee would be the wise thing to do because it is a very sensitive issue.

Madam Speaker, my plea to the Rt. hon. Prime Minister is as follows: that, ever since 1987, there are people who, time and time again, have not been able to go and celebrate a very important religious holiday because their employers have not allowed them to do so. In

each and every Member's constituency there are people who have not been able to celebrate religious holidays, because the law, as it is today, does not allow them to do so. And that special leave that existed in 1983 until 1987 does not exist anymore!

My plea to you, today, hon. Members of the majority, is that, we, together, can - yes - bring a correction to that lacuna. Do we not want people of all communities to be able to celebrate their religious holidays? Is this a way of coming together and recognising the importance of one another's culture? Isn't this a way of recognising that this does not bring the country apart, but brings it together as one nation? And if we are just for a second to recognise the importance of that, my plea to the hon. Members of Government is to consider the proposal of the hon. Leader of the Opposition to set up a select committee in order for us to look at it again.

I am all for one concept - and I would say it -, which is to let each community have a national holiday and no more than one national holiday for each community. No one should be left out. No one! *Aucune composante de la société mauricienne arc-en-ciel*, like we all love saying, should in any way feel that they are not part of *cet arc-en-ciel*. I am all for a national holiday for each community, but I am all for a religious or cultural holiday, which will not be a public holiday, but which will be only a possibility for each community to celebrate an additional one, but the country keeps on working.

So, there is a possibility of a re-think, re-looking at the whole process, and this is the opportunity because out there people feel aggrieved, Madam Speaker. People feel aggrieved! Had people not felt aggrieved, I would not have come with any proposal for an amendment. What I am saying is this is an opportunity, here, for us to try to bring the country together and to correct - let me call it so - *une anomalie*. *Une anomalie à laquelle, peut-être, on n'a pas pensé en 1987. Une anomalie qui, de ce fait, entre 1987 et 2015, Madame la présidente, crée une situation où plusieurs personnes de différentes communautés ne peuvent pas célébrer des fêtes religieuses d'importance. La constitution peut dire que* you have the right to practice your own religion, but they cannot. Just imagine a person who has to stay at work during a holiday that is important to him! Why not put our minds together and do it? Because what we are proposing here, Madam Speaker, does not address *le problème fondamental*. *Le problème fondamental* is that we have an opportunity to address it. I believe that it would be sad for us not to take that opportunity, *Madame la présidente*. It would be sad for us to say, 'Let's do this and then later on we'll see it'. Because a lot of people have been saying 'later on' ever

since 1987! Ever since 1987, many, many years have gone by and nothing has been done. Can you imagine that, in the US, the President recently declared ‘Divali’ as a public holiday!

(Interruptions)

Yes! Go to the internet!

(Interruptions)

Go to the internet! It is now! Can you imagine the argument of productivity is always put forward! I have come across many articles in order to research *la correlation - si jamais il y en a - entre* the number of public holidays and productivity, because a lot of people, ever since 1968, even 1957, have said that when you increase the number of public holidays, productivity goes down. But nowhere have I ever come across a report prepared in Mauritius that shows this is factually how many rupees and how many cents, we, as a country, are losing because of public holidays. What we do is to always rely on what the Mauritius Employers’ Federation tell us. The Mauritius Employers’ Federation prepares a list of documents and says, “Well, we are losing money”. But is that true? I fail to see it because I have come across a newspaper report in ‘The Guardian’, dated Friday 05 June 2015. And the article is called ‘The French take more holidays and work less; but does it matter?’ In that article - and I verified the figures - the author goes on to say that the French worker, on average, works 1,500 hours per year.

The French worker, Madam Speaker, works on average about 1,500 hours per year. Among OECD members, only employees of the Netherlands, Germany, Norway and Denmark work fewer hours than the French. However, the number of hours of work tells only a partial story. At the other end of the OECD rankings, Madam Speaker, workers in Greece clock more than 2,000 hours a year on the job. In terms of productivity, the Greeks - according to the figures of the OECD - work 500 hours a year more than the French or the Germans or the Dutch or the Norwegians or the Danish. The Greeks work minimum 500 hours more a year! Does it mean that the Greeks are more productive? Of course, not! Facts and figures and history have shown that the Greeks are not more productive because they work more than the French.

I have come towards another article that is written by Mr James Doren, August 08, 2013. China, the most productive emerging economy on earth, a prime example with regard to this correlation at all of public holidays, number of days off and productivity! China has

more mandated public holidays than any other country in the world. Workers in the People's Republic of China get a staggering total of 28 days of national public holidays a year, according to this article.

Productivity *per capita* may be much higher in the United States where there are, contrary to popular belief, absolutely no national holidays in the true sense, not even Christmas and 04 July, but productivity growth is way behind China. Why is it that China has more days off and more public holidays than the United States of America, but China has higher productivity, as opposed to United States of America with no holidays whatsoever, but productivity is down?

(Interruptions)

The hon. Minister of Good Governance believes that the whole equation is about the number of people who work. We are talking about productivity per head; we are not talking about the number of people who work. We are talking about the productivity per unit...

(Interruptions)

Madam Speaker: Order, please!

Mr Mohamed: ...as though, this article supported by the OECD in the measurement of productivity does not make any sense, as though what I am saying here and the OECD are just inventing those facts. And the hon. Minister of Good Governance is totally against what they say. It is his right! But I believe what the OECD is saying is precise. What it says here as...

(Interruptions)

Madam Speaker: Please, don't make comments which are not required! Please! We are losing the time of the House. Please continue!

(Interruptions)

Mr Mohamed: This is what I am doing.

(Interruptions)

But you should follow.

(Interruptions)

Madam Speaker: No cross-talking, please! Hon. Mohamed, please continue with your speech!

Mr Mohamed: I am trying to adopt an attitude which is not conflictual in any way, and this is what I have done. I am trying to say, please, to the Rt. hon. Prime Minister, to listen to my arguments and to consider the possibility of changing the law and addressing this anomaly where people cannot celebrate important holidays, where this compensation I was given in 1983 no longer exists.

I am trying to establish, Madam Speaker, that the argument that more holidays decreases productivity does not hold because the figures of the OECD show clearly that in certain countries where they work less, productivity is more. There are other means of ensuring economic productivity. What means, we have to sit down with human resource experts to try to address each sector how do we increase and improve productivity. It would be very simplistic to say, “Well, it is only because of public holidays that productivity has gone down.” That would not make any sense whatsoever. I am reading one last article here that has also referred to the number of holidays around the world. The United Kingdom has paid vacation days around the world of 28; France: 25; Greece: 25; Germany: 20; United States: zero paid vacation. Zero! And the OECD goes on to say - and the ILO - when measuring productivity, the country that comes the last is the United States of America with no paid vacation as opposed to the United Kingdom, France, Greece, Germany, Japan, Mexico and China.

(Interruptions)

So, what I am trying to say here is that this has nothing to do; they don't have paid vacation. The debate is not about having paid vacation. The debate is about giving the option and the possibility to those people to celebrate those holidays.

It precisely brings me to the reason why I have circulated an amendment. I am out here to find a solution. People have come to see me and said there are certain holidays that not only are important religiously, there are certain holidays that are important also for opening our country towards the interest the tourists show to certain festivals, cultural tourism.

I remember I celebrated Holi when I was a kid. I remember the beautiful colours being thrown around. I remember the exchange of smiles, the exchange of beautiful gifts. I remember those days when I was still a kid, 8 years old. Today, Holi is not celebrated with

the same fervour, simply because it is not a national holiday. If it were a national holiday, as it was in the late 70s, as it was in the early 80s, things would have been different.

When I talk about Easter Monday, people say, “Well, why do you want Easter Monday?” Logical! As it stands, today, Madam Speaker, Easter is not a day that is in the middle of a week. That’s logical, it is celebrated on Sunday. Many countries in the world, as far as even Malaysia and Singapore, provide for Easter Holiday, Monday. Why? Because when you look at the situation in Mauritius, the fact remains; let’s look at the facts and look at the figures. How many brothers and sisters celebrating Easter on Sunday take time off on Monday? So, the fact is: does it, in any way, change the reality of things? No! Because, in any way, they are taking time off on that Monday. They are taking that time off. So, in what way would it, in any way, take productivity down if they were to have time off on Easter Monday?

When we come to Eid-ud-Duha, it’s the same thing. Everyone knows the importance of that religious festival to the Muslim community. Everyone knows the importance of the sacrifice of Abraham for the Muslim community. As it stands, today, there are many who cannot celebrate the sacrifice of Abraham within the Muslim community because they do not have time off from their employers. If certain Members of this august Assembly believe that time off should be obtained as a matter of right, that is not true. In 1983, hon. Collendavelloo said it. You cannot obtain time off *simplement parce qu'on demande*, you have to wait for it to be given, and if you are not taking it, it is refunded.

What I am saying, today, here, Madam Speaker, is that when people want to celebrate religious festivals, amongst others, be it Holi, be it Easter Monday or be it the celebration of Eid-ud-Duha, you do not want to be paid a salary on that day. You can forego the salary, but you want to be able to be with your family, you want to be able to celebrate that holiday. So, what I would like to ask the Government to do through those proposals is very simple. Maybe it would not be the best solution, but there is a possibility of re-thinking this whole project of giving the possibility to people to celebrate those holidays, which they don’t have the possibility today. If one person cannot celebrate any one religious holiday that is important to him because his employer does not allow him to do so, it is a Cardinal tragedy, and this is what I am trying to get at. It is not a game of politics, Madam Speaker.

What I am simply requesting, in the name of national unity, is in order to bring together the need for a country to rise as a nation and to be economically stronger, what we

should do is put up that Select Committee that has been requested by the hon. Leader of the Opposition, which is a language of wisdom. We put it together. We put our minds together, just as they did in 1968, just as they did in 1982. Do it again! So many years have passed by. Let's do it again, let's sit down, let's analyse it, and let's see! Maybe, there are possibilities that could be put forward that I myself do not have the secret to. I do not know, maybe others could help and bring solutions to this debate, but in the absence of any will on the part of Government to come forward with that solution of a Select Committee, people will say, "Well, obviously, we are going to vote against this amendment that you are going to move for." Vote against it, this is the right of every single Member. But what I am asking for here is, instead of me, I would want us to go for the Select Committee. If the Government wants to vote against this law, do it, but it would be a chance that we have missed out. We have missed out an opportunity to put our minds together on an issue of national importance.

Thank you very much.

Madam Speaker: Hon. Gayan!

(6.39 p.m.)

The Minister of Health and Quality of Life (Mr A. Gayan): Madam Speaker, I have been listening for the last 30 minutes to the...

(Interruptions)

No, about this particular tragedy, Cardinal tragedy which the hon. Member has mentioned, about the Mauritians are not able to get time off to celebrate those very important holidays. But for the last five years, Madam Speaker, where was he? He was in Government!

(Interruptions)

How come?

(Interruptions)

And he was Minister of Labour!

(Interruptions)

Minister of Labour! And how come in 2015, it dawns upon him that there is such an injustice being caused to employees? What was he doing when he was Minister of Labour? What did he do when his party was in power for the last 10 years? What did they do? And, today, they

come as though they pontificate in this House, as though they are God's gift to the English language!

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Hon. Jhugroo!

Mr Gayan: Madam Speaker, what this Bill simply does is to incorporate in the Schedule two holidays which had been proclaimed otherwise. This is all that it does, but I am happy to say that when we come to this House, Madam Speaker, we have a duty to be honest to history...

(Interruptions)

and honest to everything. I don't want to speak about arms trafficking...

Madam Speaker: Hon. Shakeel Mohamed, you had the opportunity to intervene! Now it is his time, allow him to intervene.

(Interruptions)

Mr Gayan: Yes, I don't want to speak about arms trafficking! Madam Speaker...

(Interruptions)

I also have done some reading before addressing this House on this Bill. It is true what he said, that - and I am sure the Rt. hon. Prime Minister will be aware of this - before 1953, only the Christians were entitled to public holidays. No Hindus, no Muslims were allowed any public holidays and it was thanks to the work of Mr Sookdeo Bissoondoyal...

(Interruptions)

and also Sir Abdool Razack Mohamed.

(Interruptions)

But I think it is a mistake in this House just to pass over the contribution of Mr Sookdeo Bissoondoyal in this fight for justice for the Hindus and the Muslims.

(Interruptions)

Madam Speaker: Hon. Rutnah, please, you will have time to intervene!

(Interruptions)

Mr Gayan: Madam Speaker, let me quote the exact words of Sir Abdool Razack Mohamed in 1972 in this House on the Public Holidays Bill, and he said: “Sir, much has been said by various orators concerning the question which is at present before us regarding the increase of holidays. This just reminds me that there was a time when holidays were granted to communities other than the Muslim and the Hindu ones”.

It was only after 1953 that my friend who just spoke before me and the friend who spoke before him was Mr Sookdeo Bissoondoyal:

“(...) and I both joined hands together. We fought for our rights with the result that we were fortunate in getting holidays to celebrate our festivals. When I say ‘our’ I mean Hindu and Muslim. Before 1953, Sir, I had been trying for years and years but I never succeeded. It was only after 1953 when there were enough people in the then Council to vote for the Motion that we succeeded with the result that today our communities are happy.”

So, it was a long fight. It was a long colonial fight, but this is why I think that when hon. Mohamed speaks about history he should give the full picture.

(Interruptions)

In fact, I quoted the exact words of Sir Abdool Razack Mohamed. But he, himself, recognises the contribution of Mr Sookdeo Bissoondoyal, and I think it is important that for this debate...

(Interruptions)

Madam Speaker: Hon. Mohamed, please do not interrupt the hon. Minister! You had all your time to intervene. Please allow him to intervene now!

(Interruptions)

Order, please!

Mr Gayan: Madam Speaker, we are a multiracial society. It is always a problem when we talk about which public holiday should go to which communities. It is the debate which has been going on since 1968 when Mauritius became independent. It may help, especially for the young Members of the House who may not know what went on then. It is important that I read a few extracts from what happened in 1968. In fact, hon. Mohamed is

right. It was Mr Ringadoo who moved the Bill in 1968. And do you know who rose and seconded the Bill? Mr Jugnauth!

(Interruptions)

It was a debate that took place after a committee had been set up of religious authorities, of all the stakeholders, Government and other people, and it was only after the recommendations were made that the Bill was presented to the House and the Bill was debated.

I am sure that hon. Mohamed would be interested in knowing what his father said then. His father, Mr Yousuf Mohamed, a good friend of mine, was quoting from *La Vie Catholique* – *La Vie Catholique* has a very wide circulation. I read the following –

“Tout le monde se réjouira de la réduction du nombre de congés publics, leur prolifération était devenue indécente.”

And Mr Mohamed is quoting with approval of *La Vie Catholique*.

“Seulement, peut-être certains se demanderont-ils si la répartition a été bien faite. Après réflexion, nous pensons que oui, les fêtes choisies ne pouvaient pas ne pas l'être, le 1 janvier, le 12 mars, le 1 mai étaient indispensables. Quant aux fêtes religieuses et traditionnelles, il n'est évidemment pas possible de donner un nombre qui soit exactement proportionnel à l'importance numérique de chaque communauté, mais la répartition des trois fêtes pour les Hindous, deux pour les Chrétiens, deux pour les Musulmans et une pour les Chinois semble raisonnable. Nous aurions, donc, tort de nous plaindre, même si nous avons dû sacrifier quelques fêtes traditionnelles. »

And Mr Mohamed goes on to say –

“This article goes on approving this list of public holidays which has been set up by the committee of responsible people, and this article mentions, among other words, this conception of sacrifice.”

It was in that spirit of sacrifice that the list of public holidays was decided on in 1968. It was the then Labour Government of Sir Seewoosagur Ramgoolam who presented that Bill. Unfortunately, Madam Speaker, in between 1968 and 1972 there was the sugar boom and, with the sugar boom, Chessworth came – I think it was Sedgwick or one of the Salary Commissioners...

(Interruptions)

Lots of increases in salaries were given to everybody and people thought that the boom was going to be with us forever and ever, and then we know what happened. After every boom there was bust and it was during that boom in 1972 - because the elections were about to come! It is important that we bear history in mind. In 1972...

(Interruptions)

Yes!

(Interruptions)

Non! The last elections were in 1967, and normally there should have been elections in 1972. Normally! Then the coalition comes! In 1972, Sir Seewoosagur Ramgoolam presents an amendment to the Bill, and I quote –

“I know Sir, there has been some criticism and controversy about this Bill in the public and maybe that Members of this Assembly are still labouring under some misunderstanding on the purpose of the enactment that Government thought proper to present to the House.”

It was election looming in the head! First of all, years ago, the number of public holidays were 16, eventually it increased to much more than that, and later on when a committee was appointed to look into it, it would reduce the number of holidays to 11.

Maybe it is good that we remember that there was a time when we had about 30 holidays and if a holiday fell on a Sunday, the Monday following was also a holiday.

So, it was the situation which had to be addressed, but, unfortunately, in 1972, instead of building on the good work done in 1968, the trend was reversed and there was an increase of 12 public holidays! It went from 11 to 23 public holidays and that was the beginning of the economic decline. That is why, in 1982, drastic measures had to be taken to reduce the number of holidays again.

I will invite all my colleagues to read that debate because there are lots of things which are said, words like '*bourgeoisie*', and Sir Seewoosagur Ramgoolam said –

“We are aware of the difficulties that we may have in front of us but I would like to point out that so far criticisms of this Bill have come from a class of people which have always opposed progress and reform in this country.

They are the leisured class and they think nobody else has the right to enjoy a leisured life. It is the purpose of this Government to create a society which everybody has all that the Government in a country can offer. The *bourgeoisie* in this country must understand that life has changed for everybody, not for themselves only. Therefore, I recommend (...)"

That was in 1972, the boom. The mood had changed. But he did not realise that he was preparing the downfall of the country because within a couple of years, we had 70,000 unemployed people. We had two devaluations. Then, there was the first 60-0 with the Rt. hon. Prime Minister and the hon. Leader of Opposition leading the fight with Harish Boodhoo. That is history. This is the legacy of the Labour Party.

Unfortunately, today, we see the same thing happening. But let me say that hon. Yousouf Mohamed did not speak on that Bill in 1972. From my notes, I do not see anything that he said. But, Madam Speaker, the debate at that time was very acrimonious. When Sir Seewoosagur Ramgoolam spoke of the *bourgeoisie*, Mr Lesage mentioned this – I am just saying this so as to understand what was happening in the House at that time – and I quote –

« *Il y aura aussi la question de loisir, c'est cela qui m'effraie* ».

Because this is going against birth control.

« *Ce gouvernement qui se dit justement : or, un relâchement de birth control risque de provoquer un problème démographique (...)* »

(*Interruptions*)

I do not need to comment on that.

This was the kind of rhetoric that was being used in the House during that time. And then we come to 1983.

(*Interruptions*)

In 1983, after the 60-0, the break-up of the Government, then, the Bill comes to amend the number of holidays and it was Rt. hon. Sir Anerood Jugnauth who brought the Bill to the House. Of course, hon. Mohamed has quoted extensively from what hon. Collendavelloo said.

(Interruptions)

Yes, in the debate!

But the crux of the argument of the Members of the Opposition, including the hon. Leader of the Opposition and hon. Cuttaree and everybody who spoke on the Bill, was with regard to compensation and not with regard to the number of public holidays. Everybody agreed that the number of public holidays had to be reduced.

In fact, there had been a Ministerial Committee in 1982 which had worked on it and decided that we needed to get the economy back on track and it had to be done. And this is exactly what happened.

Let me finish on this one, Madam Speaker. Hon. Mohamed, third Member for La Caverne and Phoenix - there again, we have come to a time when the Opposition is now the present Opposition - who was with the Labour Party, is now with the MSM Government and the Labour Party in power, and this is what happened in the House. I quote hon. Mohamed -

“Mr Speaker, we are talking about trade unions, increasing the power of trade unions. I am not against, but we also have to take into consideration that in this country, a few years ago, we have had trade unions used and abused by a political negotiator (...)"

I wonder who that is!

“It is dangerous to have a trade union built up for the purpose of the politics of one man or one party and we have witnessed that sort of situation before. I am talking of 1979 when strikes were actually truly illegal and where trade unions and workers were used for the political ambition of a certain person, for the political hunger of a certain person. With the result that in spite of warning given by the then Minister of Labour (...)"

Your humble servant who was hon. Mohamed - it seems to run in the family - Minister of Labour all the time.

“(...) no one was allowed by this man, thirsty for power to take heed of that warning and the net result was that we have many persons who have lost their jobs, two bus companies closed their doors".

And then he goes on, and then there is something else. But then, let me come to what concerns our Bill. He fights with the hon. Leader of the Opposition about what went on in 1979, but I am going to pass over that because it is not relevant to the Bill today. I would like to say one thing more before I end. That is not how I end, but hon. Mohamed ending. I quote –

“It is regrettable that we have to go to the process of reducing the number of public holidays. It is regrettable, but this is being done in the context of our present economic difficulties. I realise it. I feel very bad about that. After having gone through a great deal of ordeals in the colonial days, especially before independence to obtain that all the festivals of various communities should be public holidays, the main festivals today. It is a very sad thing indeed. I realise that it is going to be Eid-Ul-Fitr. We won’t have Yaum-Un-Nabi, it was the last public holiday”.

Yaum-Un-Nabi is the day on which the birth of a holy prophet is celebrated. This was the preference of his dad, hon. Mohamed in 1983.

(Interruptions)

But anyway! I am just going through this, Madam Speaker, to show that this kind of debate, which had taken place in the past regarding the public holidays, will always be a matter where people can have different views. But hon. Mohamed also said one thing in 1983 and in 1968 as well. He said it because some of the Members of the Opposition were saying: why should Rodrigues, which is 98% Christian, have a public holiday for the Muslims or for the Hindus? Why should they celebrate that? And hon. Mohamed said after 1968, we need to build this Mauritian nation. He said: when it is Eid, people come from various communities to say: ‘Eid Mubarak’ to me. And it happens today.

The process of public holidays which is celebrated by everybody is a building block for the nation. And he was right in saying that. What we are trying to do in this Bill, Madam Speaker, is to show that there is a balance that needs to be struck between the national priorities and private preferences. I was looking at what has happened in Uttar Pradesh two days ago. Uttar Pradesh is a State of India.

(Interruptions)

In Uttar Pradesh, the UP Government has declared a holiday on 17 November, on the occasion of Chhath Puja. With this, the total number of public holidays in the State has touched 40. One of the highest in the country! This year, the Samajwadi Party, which is the party in power in Uttar Pradesh, is thinking of including as public holidays the birth anniversary of former Prime Minister Chandrashekhar, Mahrana Pratap, Maharishi Kashyap and Maharishi Jayanti, Hazrat Ajmeri Garib Nawaj, Karpoori Thakur and lots of other things. So, if we do not have a limit on public holidays, this is a rot that will inevitably happen.

I am all for a system where we have public holidays which are celebrated as national public holidays, and this is important for nation-building. In fact, I was listening to hon. Mohamed - one can sense that this debate will be carried out in the public - saying that we have not accepted his amendment or even the proposal for a Select Committee.

He is very clever, he has included in his amendment Ougadi, Eid, Holi and Easter Monday. This is pure demagogic, and let me quote what the Rt. hon. Prime Minister said in 1983 when he was summing up the debate. He said –

“Mr Speaker, all the speeches from the Opposition on this Bill which I have heard and listened with close attention cannot be described any less as demagogical”.

We have not moved from 1983 to 2015, and this is why Madam Speaker, the amendment being proposed by hon. Mohamed cannot be accepted, because it is pure demagogic. We cannot in this House play politics with the economy and with the national interest.

Madam Speaker: Hon. Gayan, the hon. Member has the right to put an amendment. You have the right to have your opinion, but please refrain from saying that this is demagogical.

(Interruptions)

Mr Gayan: Madam Speaker, I take your point, but I was just reading from Hansard of 20 December 1983 what the Rt. hon. Prime Minister said. And I say it again. After he had listened with attention to whatever the Opposition had said, he described them as demagogical.

(Interruptions)

Madam Speaker: No cross-talking, please, we will lose the time of the House. Please!

Mr Gayan: Madam Speaker, I don't want to take any more time of the House, but let me say that this particular debate is fruitful. It is fruitful because we need, as a nation, to live in harmony with all the communities, we are a multiracial society, we need to understand the festivals of other communities and we need to live as a Mauritian whether we are hindu, muslim, christian or whatever, when it comes to public holidays, these public holidays are our public holidays and there should be public holidays for everybody. I thank you very much.

(7.02 p.m.)

Mr A. Ganoo (First Member from Savanne & Black River): Thank you, Madam Speaker. As we have seen, Madam Speaker, and as we have heard, the objective of this Bill is two-fold. Firstly, the purpose of the Bill is to provide for the commemoration of the abolition of slavery and the arrival of indentured labourers. In fact, we are, through this Bill, regularising a situation with regard to the abolition of slavery and the arrival of indentured labourers.

In fact, Madam Speaker, I have a copy with me of the two proclamations that the President of the Republic then, Mr Cassam Uteem, in 2001, Proclamation 01 of 2001, whereby the then President of our Republic proclaimed 01 February 2001 to be a public holiday. I have with me also a second proclamation which has been published in the Government Gazette dated 18 August 2001, whereby His Excellency Mr Cassam Uteem, then President of the Republic, proclaimed Friday 02 November 2001 to be a public holiday. This, as we all know, to commemorate the arrival of indentured labour. So, these were the two proclamations issued by the President then, and we are today correcting a situation - by including in the Public Holidays Act these two public holidays - which was not done in the past, and we are bringing the necessary amendments in the law to enable in the future by way of regulations to proclaim public holidays.

The initial objective of this Bill, as we have heard, is to offer a solution. An amendment has been circulated today, Madam Speaker, which comes and amend the Second Schedule as proposed in the Bill today, but be that as it may, in fact, we are today also - by way of this Bill which is being proposed and the amendment which has just been circulated -

proposing a solution to one component of our society, to the Catholics. In fact, the amendment does not now apply to the celebration of Thaipoosam Cavadee which was in the initial Bill, but which has been removed today by the amendment just circulated.

So, therefore, the new amendment is only proposing that the day of celebration of assumption of the Blessed Virgin Mary or all Saints Day be a public holiday next year and the issue with regard to the tamil community has been removed, Madam Speaker, by way of this proposed amendment. There will be no alternative public holiday in year 2016 as far as the tamil community is concerned, from what I can understand from the new amendment that has been circulated today in this House. So, in fact, these are the two objectives of the Bill, Madam Speaker; one to regularise the situation with regard to 01 February and 02 November and, secondly, this question of alternative public holiday for the catholics in this country and this alternate public holiday proposed to the tamil community, but by way of the amendment proposed today, it is no more the case.

Madam Speaker, I do not want to repeat what my friend, hon. Mohamed, and hon. Minister Gayan had done to go back in history. It was, of course, an interesting exposé by both Members of what took place in our society, in our country, during the last decades. But suffice it to say, Madam Speaker, because I have done some reading as well, I have gone to Hansard as well, and as pointed out by both the orators before me, firstly, it was not only the case for Mauritius that the national holidays, at that time, in the 1950s, were almost exclusively in recognition of Christian religious festivities. In fact, it was the case in all the ex-colonies, Madam Speaker, the national holidays then were almost exclusively, as I said, in recognition of Christian religious festivities because this was the religion of our colonisers. So, it is logical that it was like that. In fact, the only public holiday besides these religious festivities in those days in the colonies was the Queen's birthday.

So, be it, Madam Speaker, with the passage of time, things have evolved and when I was reading Hansard also, it was not only interesting from the historical perspective, but it was also saddening, Madam Speaker, when we go through these debates and, for example, hon. Gayan just gave an example of one Member in the Opposition of that time who was saying that public holidays for such and such community should not apply to the Rodriguans because 95% of Rodriguans belong to such and such religious denomination or in other debates during those days, when discussing about public holidays, one Member was saying this component of the hindu community deserved a specific public holiday to commemorate

such and such religious festival. What I mean to say, Madam Speaker, is that, in fact, we had to go through these days. This was the evolution of our society when, in this very House, the debates were sometimes acrimonious, “communal” or “communalistic”, whatever qualification we can give to it, but this is part of our history.

But let us be happy today, Madam Speaker, that we are in a plural society and, during the course of all these decades that have flown by, there has been a plethora of policies which have been put up by different governments to consolidate our national unity. Measures of a cultural, linguistic, religious dimension have been initiated to consolidate our nation building process.

In this plethora of policies, a key policy initiative of all governments has been precisely to give national recognition to, and celebrate our plural, multi-ethnic, multicultural nature of our society by making cultural festivities and religious events national holidays, and this has been a positive step, Madam Speaker. With the passage of time, many of the ethnic, cultural, religious holidays have even been embraced by a large majority of our citizens, and it is now, for example, very normal to see the various ethnic groups participate in the cultural activities of each other. Christmas, for example, even Diwali, Madam Speaker, and Thaipoosam Cavadee also are celebrated not only by the particular ethnic or specific component which used to celebrate it.

Today, things have evolved and rightly so, and this national recognition of ethnic and cultural diversity has cultivated, over time, a sense of national unity. And besides national recognition and besides all these measures that have been taken by different governments, national recognition of the freedom from slavery, the arrival of indentured labourers, the struggle of the workers which has been celebrated on 01 May in our country, our independence, Madam Speaker, have also been symbolic and emotional markers, helping to build our national identity.

So, Madam Speaker, the Public Holidays (Amendment) Bill which is before us today, as my different colleagues have said before me, has been before this House on five occasions, and we were just given the dates: 1968, 1972, 1983, 1987, 1991. I will not repeat what has been said before me. At one time, there were 16 public holidays, reduced to 11, increased back to 23. All this was done at some time in the name of the imperatives of our diverse and plural society. As hon. Gayan reminded us, in 1982, there was a Ministerial Committee which approved a list of 13 national public holidays and the principle of two optional

holidays and, in December 1983, the Public Holidays (Amendment) Bill was amended to that effect, that is, to reduce the number of public holidays, after a consensus was reached in the House, Madam Speaker.

So, I don't want to go back into *les méandres de l'histoire*, Madam Speaker, but suffice it to say that we have reached a consensus in this country. Of course, no community is hundred per cent satisfied. Each community would have liked to have another public holiday. This is normal. In the Hansard, I can't remember who said it, I think it was the former former Prime Minister or it was hon. Sir Veerasamy Ringadoo who talked about the grumblings of the different communities because we can never be satisfied. But what I want to say, Madam Speaker, the situation has been stabilised; a new order has been established in this country as far as public holidays. For years now, there has been a give and take, 'sacrifice', as the word was used in the Hansard, a mutual understanding, and this has been generally accepted in the country, save, of course, for some communities who are still complaining strongly for such and such day to become a public holiday like the Tamil community who has been strenuously campaigning that the Varusha Pirappu becomes a public holiday, Madam Speaker. But, generally, a new order has been established in our society. We have struck the right balance, I think, and we must thank all other previous politicians of this country who have helped to do that, those who were before us and those who are still in this House; the Rt. hon. Prime Minister, the hon. Leader of the Opposition who were in this Ministerial Committee of 1982, and the law was adopted in 1983, Madam Speaker, to come up with 13 public holidays, as far as I remember.

This is why, Madam Speaker, the amendments of hon. Shakeel Mohamed should be viewed with a lot of caution. I do not endorse. I will not use the same word that hon. Gayan has used, but by proposing to increase the number of public holidays like the hon. Member has done - he has circulated his amendment - he is just dishing out public holidays to three communities; the Easter Monday for the Catholics, day of celebration of Eid al-Adha for the Muslim community, day of celebration of Holi for the Hindu community. He is just dishing out public holidays to three important communities of our country, but this proposal is fraught with difficulties. Why not dishing out to the Tamil community? They have been asking for Varusha Pirappu for so long. So, what about the Tamil component who have been claiming a public holiday for so long for their New Year? This is a long-standing request from our brothers and sisters of the Tamil community. This is why I say we must be very careful. We cannot just fiddle and we must refrain from opening the Pandora's Box.

Madam Speaker, this is my point of view on this Bill, but before I sit down, I just want to draw the attention of the Rt. hon. Prime Minister to a major flaw in this Bill. It is a major flaw. In the Schedule, we see the number of public holidays, and the public holidays are spelt out. But I think there is one which has been missed out by the Rt. hon. Prime Minister. I am not proposing the increase of a public holiday, but Number 4 is Day of celebration of Independence Day on 12 March. But we are a Republic also. I think it should have been ‘Day of celebration of the Republic and Independence Day’. In 1991, we amended the Constitution to make our country a Republic and we were so proud of it. And there are four major events in the history of this country: the Abolition of Slavery, which is a public holiday today, the Arrival of Indentured Labourers, which is a public holiday today, thirdly, Independence, which is a public holiday today, and the final accession of Mauritius to the state of Republic was the fourth landmark in our society. In 1991, the Constitution was amended, and I remember I was a Member of Cabinet in those days; I was the AG in those days. The hon. Prime Minister, the hon. Leader of the Opposition decided in Cabinet. I remember that clearly, as if it was yesterday, that we should not choose another day for Republic Day, we should coincide Independence Day and Republic Day. That is why we kept 12th of March to be not only the Independence Day, but also Republic Day. So, I think this is...

(Interruptions)

Yes. So, I think we should correct that error, Rt. hon. Prime Minister. I am sure, during Committee Stage, the Rt. hon. Prime Minister can just amend the Schedule by adding the word ‘Republic’. So, it should read ‘Day of celebration of Republic and Independence Day’. This question of public holidays, Madam Speaker, is a complex issue which has not only destabilised at one time our country, but also many other countries.

Madam Speaker, in India, you know how many public holidays there are? I am not talking about the States. Hon. Gayan mentioned 40 public holidays in one State, but I am mentioning Central Government. There are seven! They are Republic Day, Annual Closing of Banks, Eid-ul-Fitr, Independence Day, Mahatma Gandhi Jayanti, Dussehra or Vijayadashami and Christmas Day. Seven Indian public holidays in a country with so much cultural diversity and huge as India! This is why, Madam Speaker, to end, the only appeal and the only spirit that we should adopt when discussing about such complex issues and sensible issues as the Public Holidays Bill, is to be very *serein* and patriotic

because *l'une des grandes bases de notre réussite dans notre République de Maurice a été, sans doute, Madame la présidente, notre capacité collective d'évoluer dans un environnement de paix et d'harmonie sociale.*

When we look at what just happened in France, Madam Speaker, all of us, I am sure, are very grateful that we are born in this small plot of land which is called Mauritius.

Notre ambition de construire et d'affirmer notre sens d'appartenance à une nation, Madame la présidente, doit continuer à nous guider. Il nous faut sans relâche, Madame la présidente, dénoncer ceux, qui, à chaque occasion, succombent à la tentation de déstabiliser notre cohésion et harmonie sociale. Il nous incombe, Madame la présidente, de rester toujours animés par des valeurs républicaines, afin de continuer à bâtir une nation autour des valeurs universelles. I have done.

Thank you, Madam Speaker.

(7.23 p.m.)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Madam Speaker, allow me to thank the Rt. hon. Prime Minister for bringing the Public Holidays (Amendment) Bill to this House. I have listened to all our hon. Members who have just made their speech before me and the summary they made on the debates that were held in this House many years back. They were very interesting, very informative, and I have learned a lot only the last few hours.

Madam Speaker, after a micro survey I conducted myself with different age groups in my district, I surprisingly found out that not many people realise and know that a public holiday is a holiday generally established by law and usually a non-working day during the year. However, as we know, Madam Speaker, they do vary by country and may vary by year also. Normally, in Mauritius, the public holidays are generally days of celebrations like the anniversary of a significant historical event, like the Abolition of the Slavery, like our Independence Day or can be a religious celebration, for example, Christmas, Eid-ul-Fitr, Cavadee, Divali, which we all celebrate as one nation.

Madam Speaker, as we live in a multicultural society having different religions which co-exist in harmony, I can proudly say that there are not many countries in this world where so many people from different religions live as one community, and everyone - no matter

what religion they belong to in this country - can freely express his opinion without any hindrance.

Madam Speaker, I have to congratulate this Government for sorting out this issue which was long overdue. I am sure that several bodies have had the opportunities to voice out their preferences after consultation with the Members. I do respect the demand of the different communities with regard to the requests they have made to decree their festival days to be a public holidays. This brings me, Madam Speaker, to the amendments proposed by hon. Shakeel Mohamed, requesting that Easter Monday, day of celebration of Eid Al-Adha and day of celebration of Holi be included in the list of public holidays.

Madam Speaker, I am confident that, at Committee Stage, this House will give due regard to the above proposals and take the appropriate decision after having studied the pros and cons. Madam Speaker, it would have been idealistic if we could have a public holiday for each and every important religious festival of the various religious communities in this country but, unfortunately, realistically, a choice has to be made so as not to disrupt *la bonne marche du pays*, be it as regards to the economy or education and even public services.

To conclude, Madam Speaker, I welcome the inclusion of section 7(a), whereby the Bill entrusts powers to the Minister to make such regulations as he thinks fit and amend the Schedule as deemed necessary. This, once again, proves the sense of democracy of this Government by allowing a certain leeway to the Minister to respond to the wishes of the population. Madam Speaker, after all, this is '*l'Alliance Lepèp*', *pour le peuple*.

I thank you, Madam Speaker.

Madam Speaker: Hon. Baloomoody!

(7.27 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. Madam Speaker, for all those who have spoken before me, the objects of this Bill are very clear. It has, in fact, two main objectives. Firstly, to render a public holiday the Abolition of Slavery and the Arrival of Indentured Labourers. In fact, we have been practising these two days as public holidays following the decision taken by the then MMM/MSM Government in 2002 and, today, we are having it in the Schedule as a public holiday.

With regard to the second one, is either the day of celebration of Assumption of the Blessed Virgin Mary or All Saints Day be public holiday in the alternative. And this again has been the practice since 1998; following an agreement with the Church, of course, it has been going on smoothly since 1998. But the only addition in that Bill was either the celebration of Thaipoosam Cavadee or Tamizh Puttaan̄tu (Varusha Pirappu) to be observed on the alternative - that was in the original Bill.

On the day when the hon. Deputy Prime Minister, that is, 03 November 2015, was addressing the House, was presenting that Bill at Second Reading, he said that we are coming to this amendment following a request received from the Mauritius Tamil Temple Federation. And this was when the hon. Deputy Prime Minister spoke to this House on 03 November 2015, and when the hon. Leader of the Opposition was addressing the House after the hon. Deputy Prime Minister, he rightly pointed out that we don't have any problems with the others, except with this one where there were some controversies outside. In fact, there were because of lack of communication. It is unfortunate that, on this issue, there has been much confusion in the community, lack of communication, and decision has been taken *au petit bonheur*. Let me be clear.

We know, from a letter addressed to parliamentarians yesterday from the Federation, that well before 03 November there have been representations made to the Prime Minister's Office, saying that the majority of the community don't want that alternate between Cavadee and Varusha Pirappu. There has even been a meeting with the Chief Adviser of the Rt. hon. Prime Minister. But, unfortunately, when the Deputy Prime Minister was addressing the House, he seemed not to be aware of this communication between the Prime Minister's Office and the meeting which there has been in the Adviser's Office. And what is worse! There were two issues which were canvassed by the Government vis-à-vis the Tamil community. One: this was one of the themes of the campaign during the municipal elections, especially in certain areas. Those who said it know what I am talking about. They promised the Tamil community, because Cavadee next year will be on a Sunday, that Varusha Pirappu will be made a public holiday. This was the only issue, which apparently the Tamil community agreed. There was no Board.

My good friend, the Minister of Youth and Sports, said that there was a change of Board. There was never a Board meeting. There was never consultation with the Board. Probably, with one or two Members of the Executive, but the majority of the Executive were

not aware that Government intends to come forward with the law having alternate Varusha Pirappu and Cavadee as a public holiday. So, following that confusion, there has been representations made yesterday and now we are back to square one.

There is an amendment today. Let us look at the amendment! What does the amendment say? Originally, section 3, subsection (3) of the Bill says –

“3. Public holidays

(3) In the year 2016 –

- (a) the day of celebration of Tamizh Puttaandu (Varusha Pirappu); and
- (b) the day of celebration of Assumption of the Blessed Virgin Mary,

shall be observed as public holidays.”

That was in the original.

Now, today, Government is circulating an amendment which deletes the original section 3, which was supposed to proclaim Varusha Pirappu and Assumption of Blessed Virgin Mary public holiday next year; we delete this section and we put a new section which is only that in the year 2016 the day of celebration of Assumption of the Blessed Virgin Mary shall be observed as public holiday, which means - and I hope the Rt. hon. Prime Minister will clarify the matter - that next year Varusha Pirappu will not be a public holiday. Am I right? As per the amendment circulated, it won't be a public holiday. And this is contrary to the promise made by Government on several occasions. Although Ministers were supposed not to address religious ceremonies, we know every time they are there and, especially, vis-à-vis the Tamil community, they have informed the community that next year, because Cavadee is a Sunday, it will be a public holiday, and even more than that.

(Interruptions)

For the election and every time they are in the activities where the community is present.

Government goes even further, Cabinet decision *le 12 juin 2015*. Cabinet has taken note of the list of public holidays for the year 2016 and, amongst the list, we have Tamizh Puttaandu (Varusha Pirappu) Thursday *le 14 avril*. So, by bringing this amendment, they are

creating more confusion. Which day will be a public holiday next year? Varusha Pirappu will be a public holiday?

(Interruptions)

No! But then, Government is going back on its decision. It is a Cabinet decision which they have canvassed all throughout, especially during the municipal election for this community in a specific area. Hon. Gayan knows what I am saying. Hon. Collendavelloo knows what I am saying. Many people know what I am saying. They have used this as an electoral bribe and, today, after taking decision, you are informing...

(Interruptions)

Sorry, hon. Prime Minister!

Madam Speaker: Hon. Baloomoody, address the Chair, please!

(Interruptions)

Mr Baloomoody: Yes.

(Interruptions)

No, no. Sorry! Anyway!

So, we have it today that Government is going against its own Cabinet decision, is going against all that it has promised to the people, especially the Tamil community for next year - not for the alternate, for next year - which shows clearly that because now there has been a change, the community does not want that alternative, Government has decided to penalise them with regard to the promise it has made to that community.

Thank you.

Madam Speaker: Hon. Prime Minister!

(7.36 p.m.)

The Prime Minister: Madam Speaker, I thank the hon. Members for their valuable contribution - and also invaluable - and suggestions with regard to the Public Holidays (Amendment) Bill.

As already stated by hon. Duval on 03 November 2015 during the Second Reading Speech, Government is not in favour of any increase in the number of public holidays, as expressed in certain quarters. In fact, the objectives of this Amendment Bill are to incorporate

the dates of celebration of public holidays which are not of a religious character and give legal status to the celebration of Assumption of the Blessed Virgin Mary or All Saints Day on an alternate basis.

Let me reassure the House that, at no point in time, this Government came up or would come up with a proposal to increase the number of public holidays as this would be in contradiction with our quest for social and religious harmony. The hon. Leader of the Opposition also agrees that increasing the number of public holidays is a sensitive matter and would need careful consideration.

Now, coming back to the various interventions on the Bill, I have made a lot of reflection to come up with an agreed formula acceptable to all religious communities so as to maintain the right balance between our economic imperatives and social fabric.

Madam Speaker, in the past, requests to observe Easter Monday as a public holiday had not been acceded to by the then Government. Besides, any change in public holidays is made following consultations with the relevant religious authorities.

Madam Speaker, I have listened with special attention to the beautiful intervention of hon. Mohamed and I congratulate him for the homework he did on the past proceedings of the National Assembly on public holidays. However, I wish to remind him that the objects of the Amendment Bill are not to reduce the number of public holidays. Instead, since 2001/2002, two additional holidays have been granted for commemorating abolition of slavery and the arrival of indentured labourers.

I also wish to point out that leave entitlement is a legal right of workers who may avail of such leave and stay at home to enjoy festivals of their choice over and above those which are already declared public holidays.

Hon. Mohamed has, by speaking so lengthily on the issue, demonstrated that it is a complex and sensitive issue which has been discussed in this Assembly umpteen times. Hon. Mohamed has taken the example of other countries to show that the number of public holidays does not have a direct incidence on output and productivity. However, Mauritius has its own specificity and cannot be compared outright to other countries. Reviewing the list will create expectation which may not be warranted.

Madam Speaker, my Government had previously agreed on a formula for the celebration of Thaipoosam Cavadee and Tamizh Puttaandu (Varusha Pirappu) on an alternate

basis to accommodate the request from the Mauritius Tamil Temples Federation. It was a request from the Tamil Temples Federation and not an invention of mine. However, the newly constituted Executive Committee has reconsidered the recommendations made by the previous Committee and is no longer agreeable, and is requesting more time to hold further consultations with the Tamil community.

However, such type of request dates as far back as 2006 and ample time was, therefore, available for a consensus. Therefore, we are no longer coming up with this particular amendment. My Government will no longer entertain any such request for change in the future.

Madam Speaker, the amendments proposed by hon. Shakeel Mohamed for Easter Monday and Eid-Ul-Adha to be added to the list of public holidays cannot be considered for the following reasons –

- (i) there should be no consequential increase in the number of public holidays;
- (ii) to ensure the ethnic balance, promote fairness and equity, Government has, through the years, maintained the same ratio of public holidays for each community. As such, the proposal of the hon. Member would not be appropriate, as the request is not in line with the objects of the Amendment Bill. Moreover, it may give rise to a spiral of expectations and result into social and cultural imbalances.

Madam Speaker, the Schedule to the Public Holidays Act 1968 provides for the celebration of only 13 public holidays. With the addition of the commemoration of the Abolition of Slavery and the Arrival of Indentured Labourers, Mauritius is since 2002 already celebrating 15 public holidays.

It is also noted that in line with section 7 of the Act, special public holidays may be declared to cater for special or exceptional circumstances.

As a small economy, Mauritius needs maintain to the strict minimum the number of non-working days and cannot afford to further increase the number of public holidays. This could undermine our competitiveness, as we are called upon to operate within a highly competitive and globalised digital market which requires constant interactions and businesses overseas.

Thus, as a responsible Government, we have to strike the right balance and adding other public holidays to the list would be irrational.

Without further ado, Madam Speaker, I wish to thank hon. Members for their suggestions and for their interest and commitment for the betterment of the country.

I have circulated amendments, which I will move during Committee Stage, and I will move another further amendment, which has not been circulated, to add ‘Republic’ after ‘Independence’.

Thank you, Madam Speaker.

(Interruptions)

Mr Bérenger: Madam Speaker, before we move to Committee Stage, we had a Bill before the House. The hon. Prime Minister circulated amendments and now additional amendments are being circulated. So, I plead that we need, at least, a break, so that we go and compare the latest amendments to those circulated earlier on!

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition, I understand that the amendment which is being circulated relates to the word ‘Republic’ which will be added to the Schedule.

Mr Bérenger: So, you are not going to allow for a break for us to study the amendments that are submitted now?

(Interruptions)

Madam Speaker: It is only the word ‘Republic’ which has been proposed by hon. Ganoo. It is only this amendment which is being circulated, if I understand.

(Interruptions)

That is the only one.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE PUBLIC HOLIDAYS (AMENDMENT) BILL

(NO. XIV OF 2015)

Clauses 1- 2 ordered to stand part of the Bill.

Clause 3 (Section 3 of principal Act repealed and replaced)

Motion made and question proposed: “that the clause stands part of the Bill.”

The Prime Minister: Madam Chairperson, I move for the following amendment -

(a) in clause 3, in the proposed section 3 –

- (i) in subsection (2), by deleting the words “items 1 and 2 of”;
- (ii) by deleting subsection (3) and replacing it by the following subsection

–

(3) In the year 2016, the day of celebration of Assumption of the Blessed Virgin Mary shall be observed as public holiday.

Mr Bérenger: I don't think we can take the amendment to clause 3 that is being proposed. I am going to talk about the three linked amendments at Committee Stage.

Madam Speaker, the point has been made - and I am glad that hon. Duval is back - that, in the course of the municipal elections, a firm promise was made to the Tamil community that next year the Tamil New Year would be a public holiday because Cavadee falls on a Sunday. This was promised. This was a solemn promise. And, when hon. Duval presented the Bill, he was categorical and, rightly so, he repeated that Tamil New Year next year would be a public holiday and then he said, after next year, there would be alternative public holidays in the Tamil Community: one year for Cavadee and the other year for the Tamil New Year. He reacted to something I had said to say that this was being done at the request of the Mauritius Tamil Temples Federation. Now, the amendment which the Rt. hon. Prime Minister is proposing kills this promise that next year Varusha Pirappu would be a public holiday and, in contradiction to what hon. Duval has said presenting the Bill! Why?

I listened carefully to the Prime Minister. The Prime Minister has tried to explain that there has been a change in Committee. No! There has been a change in the attitude expressed by the Chairperson or the Secretary of the Mauritius Tamil Temples Federation. There has been no change factually. There has been no change in the Committee composition; call it Board, call it Committee, there has been no change. There has been a change, and I warned

the hon. Prime Minister - unfortunately, he was not here, but hon. Duval is back. You remembered what I said! I said that there is trouble out there on this proposal to alternate as from - not next year - the year after. I said there is trouble outside. And then I said: I cannot be *plus royaliste que le roi*, being given that the Mauritius Tamil Temples Federation has made that request.

In the meantime, they have changed their attitude. You can say they are wrong to have changed their attitude, but it is most unfair. As a result of a change in attitude of the Mauritius Tamil Temples Federation, it is most unfair. I would say it is even provocative to kill the promise made that next year Varusha Pirappu would be a public holiday. It is unfair! Totally unfair! You are breaking an electoral promise which you made. I repeat, it is even provocative. So, why not keep your word? Why not make, next year, Varusha Pirappu a public holiday and then we come back to what has been in force until now, that is, Cavadee?

(Interruptions)

What I am saying is the simple truth. I see the Prime Minister reacting.

(Interruptions)

It is the simple truth that you promised, and the Tamil Community was fully agreeable to next year Varusha Pirappu being a public holiday. So, my appeal is: keep your word, amend the amendment to the Bill, so that next year Varusha Pirappu is a public holiday, and then we go back to what prevailed until this amendment.

The Prime Minister: Madam Speaker ...

(Interruptions)

Mr Bérenger: I think the normal practice is for the Opposition, and then the Prime Minister speaks on all.

The Prime Minister: I did not know he was going to speak.

Mr Mohamed: On the same issue, Madam Chairperson. It is true that, as we have heard this whole debate from the very outset, and hon. Duval - if I am not mistaken, if my memory serves me correctly - and the hon. Leader of the Opposition and the hon. Prime Minister said these are very sensitive issues. It is a secret to no one that, at some stage, I agree with the hon. Leader of the Opposition that there were promises made.

(Interruptions)

I am aware of it.

(Interruptions)

The Chairperson: Please don't get excited!

(Interruptions)

Hon. Members, please! I am on my feet. Hon. Members, please don't get excited. Allow the debates to go on calmly.

Mr Mohamed: Now, if we want to establish – I mean it is very easy to shoot me down and I will keep quiet and sit down. But the fact remains that you cannot ...

(Interruptions)

The Chairperson: Order!

Mr Mohamed: ... use your numbers and your voices to cover the truth, a Cabinet decision that has clearly said that this will be indeed, in 2016, a public holiday. How do you rub off that truth? So, in the light of what was decided in such an institution as the Cabinet, please in the light of this promise - you can come up with all types of words - that was made during election campaign, which is a fact - When hon. Baloomoody said that earlier on, hon. Gayan seemed to be recognising those promises that were made and he kept very quiet. So, in the light of those promises ...

(Interruptions)

Mr Gayan: Madam Chairperson, on a point of order. I would like to know on what hon. Mohamed is basing himself to say that I am recognising whatever is said.

The Chairperson: Hon. Minister, this is a point of personal explanation.

Mr Mohamed: So, in the light of that - just to try to bring tension down and it is getting late, I am sure everyone would like to be calm and happy and go home - we also plead, we join the hon. Leader of the Opposition to say: let us stick to that promise. And we ask Government to come back to the original proposal that next year, it be indeed, as promised in the Cabinet decision as well, a public holiday.

The Prime Minister: Madam Chairperson, I can assure the House that I never, never in the campaign for the elections, be it for general election or be it for municipal elections, never promised anybody that we are going to change the holiday for the Tamil. Never! My other colleagues also are assuring me that this was never used in the campaign. Now, be it whatever it was.

(Interruptions)

Never mind about Cabinet. Why do you worry about Cabinet?

The Chairperson: Hon. Mohamed, you will have time to intervene.

(Interruptions)

The Prime Minister: You think Cabinet decision cannot be changed. Why I am coming with this amendment is because, previously, there was pressure on us to bring this change. Now, since we have brought this Bill into this House, it is the other way round. The Tamil Temples Federation has written letters to me - I have got the letters here - and other organisations also, saying that they do not want this. What do I do? That is why I say they are not serious people. They do not know what they want. They want consensus from their own people. They had so much time to do it before, they have not done it. Now, they are going to do it, and I am going to sit down and wait for them. That is why I say, so long I will be here, there will not be any change. We are going to stick to what it is now.

Amendment agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 to 7 ordered to stand part of the Bill.

First Schedule

Motion made and question proposed “that the First Schedule stand part of the Bill.”

The Prime Minister: Madam Chairperson, I move for an amendment as circulated -

“(b) in the proposed First Schedule –

- (i) in item 4, by deleting the words “Independence Day” and replacing them by the words “Independence Day and Republic Day”;
- (ii) by adding the following new item –

14. Day of celebration of Thaipoosam Cavadee”

Mr Mohamed: Madam Chairperson, I had circulated ...

The Chairperson: Can I know on which amendment you are intervening?

Mr Mohamed: In fact, I had circulated one amendment. Having listened to the Rt. hon. Prime Minister and the vociferations of all those surrounding him and the attitude of Government, I will no longer insist on this amendment, since Government is totally uncollaborative.

Amendment agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

Second Schedule

Motion made and question proposed “that the Second Schedule stand part of the Bill.”

The Prime Minister: Madam Chairperson, I move for the following amendment -

“(c) in the proposed Second Schedule, by deleting items 1 and 2 and replacing them by the following item –

Day of celebration of Assumption of the Blessed Virgin Mary or All Saints Day”

Amendment agreed to.

Second Schedule, as amended, 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 Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded, the Public Holidays (Amendment) Bill (No. XIV of 2015) was read the third time and passed.

Second Reading

THE ASSET RECOVERY (AMENDMENT)

BILL (NO. XXXI OF 2015)

Order for second reading read.

The Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation (Mr S. Bhadain): Madam speaker, I move that the Asset Recovery (Amendment) Bill (No. XXXI of 2015) be read a second time.

Madam Speaker, the proposed Bill is part of a wider series of reforms being brought by this Government to create an enduring base for economic integrity in our system which will also include the Good Governance and Integrity Reporting Bill and amendments to the Declaration of Assets Act.

The Asset Recovery Act was proclaimed on 01 February 2012 with the objective of providing for conviction based and non-conviction based confiscation of assets. It provided that the Director of Public Prosecutions was the Enforcement Authority for the purposes of the Asset Recovery Act. At that time there was no retroactivity provided for and the onus or burden of proof was on the Enforcement Authority.

Madam Speaker, in the light of the experience gathered by the Enforcement Authority since the proclamation of the Act and in view of certain problems encountered in its implementation, the DPP made representations for amendments to be brought to make the Asset Recovery Act workable.

These amendments included, *inter alia* -

- firstly, making the law retroactive, empowering the Enforcement Authority to confiscate or recover assets for a period going back 10 years from the commencement of the Act (10 years, Madam Speaker, not as far back as 1968 or 1982);
- secondly, removing the onus of proof on the Enforcement Authority and reversing the burden of proof in cases of criminal based seizure and confiscation on the person being investigated, and
- thirdly, emphasising the standard of proof being the ‘balance of probabilities’.

Madam Speaker, in effect, the DPP is the Enforcement Officer who is responsible for an investigation under the Asset Recovery Act and it is the DPP himself, who subsequently decides whether to prosecute the person or not.

Madam Speaker, acting as both judge and party goes against the basic principle of natural justice of ‘*Nemo judex in causa sua*’ - no-one should be a judge in his own cause.

Under section 72 of the Constitution, the DPP has discretionary powers to initiate, to take over and discontinue criminal proceedings, whilst at the same time he also has his own team of forensic investigators, and law enforcement agents working for him. Moreover, the DPP is also empowered to conduct civil recovery in cases of non-conviction based asset forfeiture under this Act.

More importantly, Madam Speaker, as Enforcement Authority, the DPP can under section 48 of the Asset Recovery Act, by written notice, require a financial institution to provide such customer information as it may have relating to a person specified in the notice, in such manner and at such time as he may require, where he has reasonable grounds to suspect that –

- (a) any property in the possession or under the control of a person is proceeds, instrumentality or terrorist property or the person has derived a benefit from any unlawful activity;
- (b) the customer information is likely to be of substantial value to an application or an investigation, and
- (c) it is in the public interest that the customer information should be provided.

These are the powers of the DPP under the Asset Recovery Act as Enforcement Officer. Madam Speaker, the hon. Leader of the Opposition rightly identified the controversial issues arising in late 2013 as reported in *Le Mauricien* of 30 September 2013, and I quote -

« Tout le monde a fait fausse route sur cette question. Le DPP qui connaît la valeur de ses fonctions n'a pas objecté, l'Attorney General, principal conseiller du gouvernement, n'a pas attiré son attention concernant ce viol de la Constitution. L'opposition a également fait fausse route bien que son erreur de jugement découle du fait qu'elle avait été informée que le gouvernement britannique avait lui aussi dissout le poste Assets Recovery Commissioner et était sous l'impression que cette responsabilité avait été confiée au DPP. »

Also in *l'Express* of 07 October 2013, and I quote -

“Le DPP est une institution clé qui doit être au-dessus de tout, ne pas être mêlée à aucune polémiqueIl ne lui revient pas de jouer l'Asset Recovery Commissioner, de récupérer l'argent des trafiquants. Il y aura inévitablement toutes sortes de polémiques et de conflits d'intérêts...Le DPP pourrait se retrouver mêlé à des questions politiques.”

The hon. Leader of the Opposition also referred to –

“une dénaturalisation du rôle du DPP”

(Interruptions)

That is what is said on the newspaper. That is what is written in the newspaper.

Madam Speaker, despite the issues raised by the hon. Leader of the Opposition, the previous government chose to ignore his concerns even though they were contracting an alliance with him in 2014 to create a Second Republic of Mauritius.

Madam Speaker, this Government has decided to pay heed to these proposals as part of the overall reforms which are now being brought to create an equitable, fair and just society.

The British Model is being followed as the National Crime Intelligence Service (NCIS), the then UK Financial Intelligence Unit, merged with the Asset Recovery Agency to co-exist under the Serious Organised Crime Agency (SOCA) which has now been subsumed under the UK National Crime Agency (NCA). Madam Speaker, similar structures exist in Cyprus, where the MOKAS operates both the Intelligence Unit and also the Asset Recovery functions. Also, in the Channel Islands, more precisely in Jersey, the Joint Financial Crime Unit operates in exactly the same manner.

Madam Speaker, this is the essence of the proposed Bill, to create the required level of synergy by merging the Asset Recovery Unit with the Financial Intelligence Unit (FIU) as an Asset Recovery Investigation Division (ARID).

Madam Speaker, the DPP himself stated in a communiqué dated 02 March 2015, and I quote -

“The office of the Director of Public Prosecutions has never expressed any reservation with the decision of Cabinet to transfer the Asset Recovery Unit to the Financial Intelligence Unit. This is an administrative decision within the powers of Government to change by way of legislation.”

The present Bill, Madam Speaker, proposes to amend the Asset Recovery Act to provide that the Enforcement Authority shall, instead of the DPP, be the FIU, which shall take over the functions and powers conferred on the DPP by virtue of the Asset Recovery Act by following the British Model. We are segregating the role of the prosecutor from that of the investigator.

Madam Speaker, in order to be fully effective the Asset Recovery Office has to work closely with other institutions concerned with the fight against money laundering. Existing cooperation between the FIU and the Asset Recovery Unit provided for under section 10(2)

of the Financial Intelligent Anti-Money Laundering Act and 59(2) of the Asset Recovery Act will now be strengthened.

This cooperation which was undertaken by way of official correspondence was not conducive to real time, two-way information sharing. The real risk of dissipation of assets which prevailed will now be reduced under the new structure.

Madam Speaker, section 9(4) of the Financial Intelligence and Anti-Money Laundering Act 2002 guarantees the independence of the FIU.

Madam Speaker, section 9(4) of the Financial Intelligence and Anti-Money Laundering Act 2002 guarantees the independence of the FIU. The FIU has no power to charge or prosecute suspects, which means that any application for a restraining order will be made independently from any other criminal procedure. This segregation between the criminal process and the asset recovery process will lead to a greater protection for the ordinary citizen, as these powers will not rest in the hands of the same person, thus eliminating the risk of arbitrary restraining orders and any potential for abuse.

Madam Speaker, the FIU is also much better equipped to identify criminal assets, due to its powers under the Financial Intelligence and Anti-Money Laundering Act. In this context, the Police, the ICAC and the Asset Recovery Unit regularly solicit the assistance of the FIU to trace criminal assets.

Madam Speaker, in addition, Confiscation Orders, under section 17 of the Asset Recovery Act, can only follow a conviction for a criminal offence by a Court of law. There is, therefore, no risk of any political control or interference.

Regarding civil based recovery, when applying for a Restriction Order under section 27, the FIU will still have to satisfy the Judge that there are reasonable grounds to believe that the property concerned is proceeds of crime, an instrumentality or terrorist property.

The Recovery Order under the Civil Asset Recovery regime can only be obtained after a Judge is satisfied on the balance of probabilities that the property concerned is proceeds of crime, an instrumentality or terrorist property.

It is important to note that, in applying for all these orders, evidence will have to be provided to the Judge in the form of affidavits. It is, therefore, not possible for the FIU to misuse these powers.

Madam Speaker, this Government will leave no stone unturned to uphold the rule of law. What our country needs is a prosecution service which is fearless and protective of its independence and impartiality, which is free of political control and direction that will be a bulwark for freedom and liberty.

(Interruptions)

What we need, what this country needs! We also need a conducive legal framework to consolidate the foundations of our democracy and to safeguard individual liberties.

With the proposed amendments, the prosecution service will certainly be in a much more comfortable position to fully discharge its functions under the Constitution.

Madam Speaker, there is also a very rough calculation which I have made, just by looking at the drug situation in Mauritius, with all the synthetic drugs and everything which is being sold today. If you take any of the constituencies in Mauritius, you have on average about 2,000 drugs users. You multiply by 20 and that's about 40,000. And if everybody spends Rs500 a day buying drugs, you are talking about Rs20 m. a day, and if you multiply Rs20 m. a day, over 365 days, imagine how many billions of rupees you are talking about.

I have checked, since the Asset Recovery Unit came into existence. Of course, it was in 2011 that the House here voted the Bill, which became an Act. Then, it was proclaimed in February 2012, and the law was amended; major amendments were brought in November 2012. What were those major amendments? Retroactivity. So, when the law was passed before this House, there was no retroactive effect. But, then, nine months later, they came back and they said 'now we want to make it retroactive ten years'. And they did! Everybody voted. The Bar Council did not find anything wrong. Then, after some time, they decided that the burden of proof had to be reversed.

So, the onus of proof was on the person, the citizen. Again, the House voted, unanimously. Then, of course, we have had the issue of balance of probabilities and all applications before the Judge. It is said in the law, in the amendments, that they must be considered to be civil proceedings, and they are judged on the balance of probabilities. That's the standard of proof. It is all there in the amendments. But what did the Asset Recovery Unit do from 2012 to 2015? I have just given an example of how much money is floating around when we are talking about drug consumption in Mauritius. I have asked to get a copy of the Annual Report of the Asset Recovery Unit and how much money they have recovered over these years. At the end of the day...

(Interruptions)

Madam Speaker: Hon. Rutnath! Allow the hon. Minister to...

(Interruptions)

Don't lose the time of the House!

(Interruptions)

Mr Bhadain: And it is only this morning that I was given a copy of the Annual Report, which by law had to be tabled by the hon. Attorney General 30 days after the date that the accounts had been audited. It had to be tabled before this House. It has never been done, Madam Speaker. Never!

(*Interruptions*)

Yes. But, let me speak! So, when we look at those figures,...

(*Interruptions*)

Well, you voted the rubbish!

(*Interruptions*)

Madam Speaker: Hon. Bhadain, please, sit down. Everybody will have the time to intervene. So, when you are making your intervention,...

(*Interruptions*)

Hon. Bhadain, I am talking to you! When you are making your intervention, please, address the Chair.

Mr Bhadain: Yes, Madam Speaker. So, just by looking at the figures, only Rs9 m. have been recovered in those three years. *Que R 9 millions!*

(*Interruptions*)

This is what the Asset Recovery Unit has done. Now, if you look at 2015, between January to June, zero has been recovered, and if you look at June to now, it is Rs1 m. something. So, this is the performance of the Asset Recovery Unit and this is why it has to change. This situation has to change. This Government means business. This Government wants to drive results, and we are going to bring these results because that is what we have promised to the people and this is what is going to happen with the reforms that we are bringing forward.

Now, with regard to the specific sections of the proposed Bill, Madam Speaker, clause 3 amends section 2 of the Asset Recovery Act (i.e. the Interpretation Section) to, *inter alia*, delete the definition of “Investigative Agency” and add new definitions for the “Asset Recovery Investigative Division” or “ARID” and “Director” meaning the Director of the FIU.

Clause 4 amends section 4 of the Act, which relates to the establishment of the Enforcement Authority and replaces “Director for Public Prosecutions” by “FIU”.

Clause 5 pertains to amendments being brought to section 5 -

- (i) Reference to Investigative Agency in the section is replaced by Asset Recovery Investigative Division or ARID.

- (ii) Section 5(1) of the Act, which provides for an Investigative Agency within the Office of the DPP, is deleted and now replaced by ARID being set up within the FIU with law enforcement agents as the Secretary to the Cabinet or, as the case may be, the controlling body of a statutory corporation, may designate. It further specifies that the Director of the FIU shall designate the Chief Investigating Officer from one of the said agents.
- (iii) A new subsection is inserted to provide for the Director of the FIU to consult with, and seek assistance from, persons in Mauritius concerned with combating money laundering, including law officers, the Police and other Government agencies and such persons representing banks, financial institutions, cash dealers and members of the relevant professions or occupations.

Madam Speaker, in line with the foregoing, clause 6 amends section 7 of the Act and replaces “Enforcement Authority” by the Director of the FIU while clause 7 amends section 43 and replaces “Investigative Agency” by “ARID”. Clause 8 for its part amends section 59 relating to co-operation agreements which the Director may enter into with a “public body” such that he is provided with such information required for the exercise of his functions and powers under the Act. The definition of “public body” is amended by deleting “FIU”.

Clause 9 repeals section 66 pertaining to the transitional provision.

Clause 10 provides for consequential amendments to the following Acts -

- (i) The Financial Intelligence and Anti-Money Laundering Act is amended to provide for the establishment of the Asset Recovery Investigation Division as part of the Financial Intelligence Unit. Accordingly, in the definition of “investigatory authorities”, the words “Enforcement Authority” are replaced by “ARID”. New definitions are added for “ARID” and for “officer”, which includes a director, an employee, an agent, a legal representative and, in relation to the powers of the ARID under the Asset Recovery Act, includes the Chief Investigating Officer.
- (ii) The Finance and Audit (Recovered Assets Fund) Regulations 2014 are amended, in regulation 3(1) (a), by deleting the words “Public Prosecutions” and replacing them by the words “the Financial Intelligence Unit”.

Clause 11 pertains to transitional provisions, among which -

- (i) The Chief Investigating Officer and every law enforcement agent forming part of the Investigative Agency before the commencement of this Act shall be transferred to the ARID on terms and conditions which are not less favourable. They will also be offered the option of resuming their previous employment.
- (ii) The assets and funds of the former organisation shall vest in the FIU.
- (iii) All rights, obligations and liabilities subsisting in favour of or against the former organisation shall continue to exist under the same terms and conditions in favour of or against the FIU.
- (iv) Any matter which is pending before the Dangerous Drugs Commissioner under the Dangerous Drugs Act shall be dealt with by the Enforcement Authority.

Madam Speaker, the previous regime has been too tolerant towards financial crime and corruption, to the extent that they have promoted a culture of impunity and dishonesty which has seriously fractured the fundamental values of our society. We need to have a zero tolerance policy towards such a culture of dishonesty, which has prevailed during the last decade, and we need to restore those values, those principles and that culture of hard work, of discipline and also of integrity, in short, good governance!

Our mission is to provide the appropriate framework to uphold Mauritius as a jurisdiction truly compliant with the rule of law. The Bill before the House today creates this platform, Madam Speaker.

With these words, I commend the Bill to the House.

Mr Bholah rose and seconded.

Mr Bérenger: Madam Speaker, I move that the debate be now adjourned.

Mr Uteem rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 24 November 2015 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Madam Speaker: The House stands adjourned.

At 8.21 p.m. the Assembly was, on its rising, adjourned to Tuesday 24 November 2015 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

POLICE FORCE – CAPITAL FUNDING AND EXPENDITURE

(No. B/882) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, for period 01 January 2010 to December 2014, information as to –

- (a) the amount of capital funding and expenditure incurred in terms of armaments, technological and/or other equipment, and vehicles;
- (b) the total number of Police Officers constituting same, and
- (c) if an assessment has been made of the effectiveness thereof in the light of the levels of expenditure incurred in relation thereto and of the crime rates.

Reply: In regard to part (a) of the question on the capital funding and expenditure incurred in terms of armaments, technological and/or other equipment and vehicles for the years 2010 to 2014, I am tabling the information.

In regard to part (b) of the question, I have to inform the hon. Member that it would be difficult to apportion the total number of Police Officers among armaments, technological equipment and vehicles, since one Police Officer is called upon to do various Police duties. Also the total budget allocation of the Police Department is not made based on these items only.

The budgeted provision of these items represents around 24% of the total budget of the Mauritius Police Force.

In regard to part (c) of the question, I am informed that a periodic assessment is made on the cost effectiveness of those expenditures, not only in terms of crime rates, but also in terms of the maintenance of law and order, maritime security and preservation of public peace, and providing quality policing service.

For instance, Police vehicles are not only used for the detection and prevention of crimes, but also to attend promptly to requests from members of the public and attending to other emergencies such as road accidents, cases of attempted suicide and public disturbances.

I am, therefore, informed by the Commissioner of Police that it is difficult to make an accurate assessment of the effectiveness of expenditure incurred and its incidence on crime reduction.

INDIA-AFRICA SUMMIT – DELEGATION

(No. B/883) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the delegation which he led to New Delhi, India, to attend the recent India-Africa Summit, he will state the reasons why the hon. Minister of Foreign Affairs, Regional Integration and International Trade was not party thereto.

(Vide P.Q. No. B/878)

CRIMINAL CASES – SURETIES – REFUND

(No. B/884) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the individuals who have deposited money as sureties for suspects in criminal cases, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the number thereof who have not been refunded same as at to date, in spite of the fact that the said criminal cases are over, indicating the reasons therefor in each case.

Reply: I wish to refer the hon. Member to the reply made to Parliamentary Question B/62 at the sitting of 24 February 2015 wherein I informed the House of the various instances that may lead to delays in refunding money deposited as security by a surety.

I am informed by the Master and Registrar that since 01 April 2015, a series of measures, including the introduction of a Surety Book, have been put in place to enable easy retrieval of files in all cases where deposits have been made so as to expedite refund of such money.

As regards the outstanding cases, the Master and Registrar has indicated that an audit trail has to be carried out in all the registries of the different Courts with a view to retrieving, amongst others, information pertaining to –

- (i) provisional charges which have been struck out or transferred to other Courts;
- (ii) formal charges lodged in all jurisdictions, and
- (iii) appeal cases following convictions and acquittal.

Thereafter, the office of the Master and Registrar will be in a position to compile the information requested by the hon. Member.

TROU KANAKA - TOURISTIC SITE

(No. B/922) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Local Government whether, in regard to the Trou Kanaka, he will, for the benefit of the House, obtain from the District Council of Savanne, information as to if it is in presence of a request for the conversion thereof into a touristic sector and, if so, indicate where matters stand.

Reply: I am informed by the District Council of Savanne that no request has been received for the conversion of the region of Trou Kanaka into a tourist site.

NINE YEAR SCHOOLING REFORM PROJECT – PREVOCATIONAL EDUCATION - TEACHERS

(No. B/923) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to future changes in the education system and as far as the Nine Year Schooling is concerned, she will state the impact thereof on the teachers in the prevocational department of the private secondary schools.

Reply: The Nine Year Schooling reform programme provides for the phasing out of the Prevocational Education both in public and private secondary school subsectors.

However, provision will be made for learners requiring additional support to follow a 4-year cycle at Lower Secondary (Grades 7 to 9) and a special class with a reduced class size will be reserved in secondary school where students in the extended cycle will follow the same core curriculum as those in the regular three-cycle, but the pedagogy will be adapted to their specific needs. Such flexibility in the curriculum at Lower Secondary will ensure that students of different abilities and aptitudes can learn at a differentiated pace and develop the essential competencies (basic education).

I wish to reassure the House that all teachers involved in the prevocational classes would be taken on board in the new reform programme and their services would be utilised for teaching and for provision of support in the adaptation of the curriculum, the production of learning materials for the students of the extended 4-year cycle, as well as for remediation.

Appropriate training will be provided through the MIE, as may be required.

PRIMARY SCHOOLS – STANDARD IV ASSESSMENT

(No. B/924) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Standard IV at the primary level, she will state the body responsible for the setting of the examination papers for the recent end of year examinations therefor, indicating why there has been a mismatch between the examination questions and the syllabus therefor.

Reply: The recent Standard IV assessment has been organised under the Mauritius Examinations Syndicate (MES), which had enlisted the services of paper setters, moderators and resource persons from among the Primary School Inspectors and Asian Language Supervisors of Ministry.

Question papers for the Standard IV assessment were prepared by the panel members under the guidance of the Resource Persons appointed by the MES.

I have indeed been informed that representation has been received regarding one question in the Science Paper, to the effect that a word which is not mentioned in the Standard textbooks has been used in the questionnaire. Normally, pupils are taught to the text, and paper setters refrain from using vocabulary that is not mentioned in the textbook.

I wish to inform the House that necessary arrangements have been made at the level of the schools to adjust the marking exercise for Question 4B of the Science Question Paper.

However, I have instructed that, henceforth, norms and parameters governing paper setting and moderation be strictly complied with to avoid recurrence of same.

MONTAGNE LONGUE HOSPITAL – MEDICATION - DISPENSING

(No. B/925) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue) asked the Minister of Health and Quality of Life whether, in regard to the Montagne Longue Hospital, he will state if he is aware that patients who attend thereto for treatment at night are required to attend the Dr Jeetoo Hospital to be dispensed with medication and, if so, indicate –

- (a) the reasons therefor and;
- (b) if remedial actions will be taken for the patients to be dispensed with medication at the Montagne Longue Hospital itself.

Reply: Long Mountain hospital operates on a 24-hour basis, but pharmacy services are provided from 8.00 hours to 20.00 hours. This is due to the low patient attendance after 20.00 hours.

I am informed that patients attending Long Mountain Hospital after 20.00 hours are not requested to collect medication at Dr. A. G. Jeetoo Hospital. They are given the first

doses of drugs at the Casualty Department of the hospital itself and they are advised to collect same on the next day as from 8.00 hours at the pharmacy of Long Mountain Hospital.

JAWAHARLAL NEHRU HOSPITAL - ANGIOGRAPHY/ANGIOPLASTY UNIT

(No. B/926) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether, in regard to the proposed setting up of a full-fledge Angiography/Angioplasty Unit at the Jawaharlal Nehru Hospital in Rose Belle, he will state where matters stand.

Reply: It is not proposed to set up a full-fledged Angiography/Angioplasty Unit at Jawaharlal Nehru Hospital in Rose Belle for the following reasons -

- (i) presently, there are 10-15 new cases for angiography weekly;
- (ii) these cases are presently being carried out at Victoria and Dr. A. G. Jeetoo Hospitals, and
- (iii) our Cardiovascular Strategy for Mauritius, worked out with the collaboration of international experts and all Consultants-in-Charge of Cardiology in 2012, recommended that two cardiac tertiary centres would be sufficient to serve the whole island. Presently, we have three cardiac tertiary centres. Hence, the need for a new full-fledged Angiography/Angioplasty Unit at Jawaharlal Nehru Hospital does not arise.

CAMP SIAJEE, RIVIÈRE DU POSTE – RIVER RESERVE - ACCESS

(No. B/927) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the river reserves at Camp Siajee, in Rivière du Poste, he will state if he has received a petition from the inhabitants living in the vicinity thereof regarding alleged –

- (a) illegal occupation and cultivation of land forming part of the river reserves situated thereat and
- (b) prevention of access of the public to the river for religious purposes, indicating the actions taken by his Ministry in relation thereto.

Reply (Minister of Agro-Industry and Food Security): I shall reply to this Parliamentary Question, as the Forestry Service of my Ministry is responsible for the management of river reserves in accordance with the Forests and Reserves Act of 1983.

I have received a petition dated 28 October 2015 from the inhabitants of Camp Siajee, Rivière du Poste, wherein complaints have been made to the effect that access to the river

reserve has been blocked by the owner of a plot of land in the vicinity, the river reserve has been illegally occupied, trees have been felled and other crops cultivated thereon. They are requesting that the access be opened unconditionally to the public, that possibility be explored to declare the existing road public and also to consider the seizure and re-afforestation of the reserve land.

The Conservator of Forests was requested to carry out an enquiry into the complaints made and he has advised me as follows -

- (i) the access to the reserve of Rivière du Poste is through a private land owned by a company called Foret Rive de BKG Ltee;
- (ii) the river reserve which is 16 metres long does not form part of the property of the company;
- (iii) the company is using the property for vegetables cultivation;
- (iv) no cultivation is being undertaken on the river reserve and no trees have been felled;
- (v) the land is fenced along the main road and consists of an access through the fence which is closed by way of a wire at a height of one metre;
- (vi) there is no fence along the river reserve;
- (vii) at a distance of about 38 metres from one extreme of the property stands a shrine commonly known as a 'kalimaye' through which access to the river is possible, and
- (viii) there has been no breach of the Forests and Reserves Act on the part of the company.

I am further advised by the Food and Agricultural Research and Extension Unit (FAREI) that the land owned by the company is presently under tomato cultivation and the river reserve is not being cultivated by the land owner. According to the land owner, people have in the past used the private access to the river for picnics and have left all sorts of wastes, thus causing environmental pollution.

The Ministry of Environment, Sustainable Development and Disaster and Beach Management has informed my Ministry that there is no environmental nuisance within the reserve of Rivière du Poste, that the river is clean, and no littering has been observed.

It would appear that the main contention of the inhabitants of Camp Siajee is that they should have access at any cost to the river reserve through the land privately owned by Foret Rive de BKG Ltee. My Ministry cannot legally force the landowner to open this access to the

public. However, the petitioners will be advised to approach the relevant authorities for the creation of a new access to the river reserve near the Kalimaye.

GRAND BOIS – MEDICLINIC

(No. B/928) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Health and Quality of Life whether he will state if consideration will be given for the construction of a mediclinic at Grand Bois on a plot of land situated next to the Grand Bois Police Station, and, if so, indicate the time frame set out for the implementation thereof and, if not, why not.

Reply: The village of Grand Bois has already a Community Health Centre which caters for a population of about 13,000 inhabitants and covers the catchment areas of Bois Cheri, Camp Bananes, Grand Bassin, La Flora and part of Nouvelle France. The Regional Jawaharlall Nehru Hospital is situated some 10 km from Grand Bois and can be reached in about 15 minutes by bus from the above localities. The average yearly attendance at the Grand Bois Community Health Centre is 36,615, that is, an average of 100 daily.

It will not be cost effective to have a Mediclinic at Grand Bois, in view of the relatively low yearly attendance as compared to the other mediclinics and the proximity of the existing Community Health Centre to the Jawaharlall Nehru Hospital.

However, it is envisaged to construct a new Community Health Centre at Grand Bois on the plot of land situated next to the Grand Bois Police Station vested in my Ministry. Added services such as Dental Clinic and Specialist sessions, namely Gynaecology, Paediatrics, Diabetology and Psychiatry would also be provided at the CHC.

SOUILLAC - COURT HOUSE

(No. B/929) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Attorney-General whether, in regard to the Court House situated at Souillac, he will state if consideration will be given for the construction a full-fledge Court House thereat and, if so, indicate the timeframe set out for the implementation thereof and, if not, why not, indicating if measures will be taken for the restoration of the present building housing same for the intended purpose thereof.

Reply: As stated at paragraph 158 of the Government Programme 2015-2019, “Reforms will be brought to the judiciary to expedite determination of court cases and improve services to the public.”

Further, paragraph 163 of the Government Programme 2015-2019 reads, “All District Court premises will be reviewed and upgraded to ensure better services to all stakeholders since the bulk of court cases are dealt with at this level.”

Government, in line with its Programme, will ensure that judicial officers, law practitioners and members of the public have access to well-equipped courts.

The Master and Registrar has informed my Office that the construction of a New Court House at Savanne is not being contemplated since the Judiciary does not have the funds and the experts required to implement such a project.

The Master and Registrar has also informed my Office that the Judiciary has encountered many difficulties for the removal of debris of the old District Court building following its destruction by fire in October 2011. The National Heritage Fund has ever since then objected to the rubble being carted away although the old building was not listed as a historical monument. The Judiciary initially intended to restore the building if funds were allocated in that respect, and provided that experts were appointed to supervise the project.

The Master and Registrar has further informed my Office that –

- (a) the Judiciary's budget for the financial year July 2015 to June 2016 is 10 million rupees (most of which has been earmarked in respect of re-roofing works at Grand Port District Court). These funds are insufficient for the upgrading of courts infrastructure across the island;
- (b) the main difficulty encountered with regard to the upgrading of its buildings is that the Judiciary is dependent on the Ministry of Public Infrastructure and Land Transport and the Energy Services Division to assist in the timely realisation of all its building projects. In order to carry out its projects, the Judiciary will require dedicated units/cells within the relevant Government departments, as well as additional funds to ensure that all building projects regarding the Judiciary can be implemented within reasonable delays.

In addition to the specific issue of the District Court of Savanne, my Office has requested the Master and Registrar to provide inputs on –

- (a) the infrastructural needs of the Judiciary at District Court level and generally, and
- (b) budgetary issues, including constraints, if any, for the upgrading of court infrastructure.

The Master and Registrar has provided comprehensive information to my Office in relation to the needs of the Judiciary in terms of budget and infrastructure and the matter will be raised with the hon. Prime Minister to ensure that adequate support is given to the Judiciary to assist it in carrying out its vital functions for our democracy.

STATE OWNED COMPANIES - HEDGING OPERATIONS

(No. B/930) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Finance and Economic Development whether, in regard to the hedging strategies, he will state if his Ministry is consulted by State owned companies before embarking therefor and, if so, indicate if the services of international specialists or consultants have been enlisted by his Ministry for advice in connection therewith and if so, indicate the total cost incurred for consultancy, professional and/or other fees paid in relation thereto over the period January 2009 to 31 December 2014.

Reply: I am informed that it was not the practice in the past for State Owned Companies (SOC) to consult my Ministry before engaging in hedging activities.

Decision on hedging at the level of the State Owned Companies was usually taken by their Board of Directors and sometimes at their management level.

For instance, I am informed that Air Mauritius Ltd. adopts hedging strategies as part of its risk management framework. Its risk management manual prescribes for a minimum of 30% and a maximum of 70% of exposure to be hedged.

The services of Lazard & Co, an international firm of specialist, were contracted from 2009 to 31 Dec 2014 and the total consultancy fee paid over the period amounted to EUR 929,183.

With the bad experience of hedging and its adverse impact on the financial situation of the Public Sector Bodies, a study will be commissioned to work out a strategy, guidelines and a framework within which the Public Sector Bodies can undertake hedging operations in the future.

MAURICE ILE DURABLE - PROJECTS

(No. B/931) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Environment, Sustainable Development and Disaster and Beach Management whether, in regard to the Maurice Ile Durable, he will state the –

- (a) commencement date thereof;
- (b) names of the key officers thereof, indicating in each case, the remunerations drawn as at 31 December 2014;
- (c) total amount of expenditure incurred in relation thereto as at to date, and
- (d) assessment made by his Ministry as to the effectiveness thereof.

Reply: I am informed that a Steering Committee comprising representatives of various Ministries, the Academia and International Development partners was set up within the Prime Minister's Office on 04 September 2009 to better coordinate the MID Initiative.

On 15 July 2011, the Steering Committee was converted into a MID Commission operating under the aegis of the Prime Minister's Office. The Commission was headed by an Executive Chairman, Mr Osman Mahomed, a Project Coordinator, Mr Sunil Dowarkasing who was also Senior Adviser, and two officers seconded from the Ministry of Finance and Economic Development.

The main responsibility of the MID Commission was to ensure the finalisation of an Action Plan on MID and its timely implementation.

The Executive Chairman was on temporary transfer to the Prime Minister's Office from the Ministry of Public Infrastructure, Land Transport and Shipping where he held the post of Project Manager (Civil Engineering). In addition to his normal salary, he also drew the following -

Allowance	Rs91,500 a month
Entertainment Allowance	Rs6,820 a month
Car Benefit	An official car from the pool
Petrol Allowance	Rs19,680 a month
Driver's Allowance	Rs8,480 a month
Passage Benefit	Two return air tickets (Mauritius-London-Mauritius) yearly in business class
Telephone	Mobile phone value of which did not exceed Rs10,000 and free calls up to a ceiling of Rs2,000 monthly

The Senior Advisor/Project Coordinator was being paid the following -

Salary	Rs102,000 a month
Period of Contract	One year renewable
Car Benefit	An official car from the pool
Driver's Allowance	Rs8,400 a month
Petrol Allowance	Rs11,300 a month
Passage Benefit	5% of annual salary
Gratuity	Two months' salary on completion of 12

months' satisfactory service

Telephone Mobile phone value of which did not exceed Rs10,000 and free calls up to a ceiling of Rs2,000 monthly.

The Lead Analyst and Analyst were on secondment and drew their normal salary, which was paid by the Ministry of Finance and Economic Development.

With regard to part (c) of the question, the expenditure incurred by the MID Commission were as follows -

Year	Expenditure (Rs)
2011	420,720
2012	1,568,183
2013	3,298,131
2014	5,537,026

With regard to part (d) of the question, a decision was taken by the Prime Minister's Office in January 2015 to dissolve the MID Commission because of duplication of work and allow my Ministry and other line Ministries to implement MID projects falling under their respective responsibilities. For example, my Ministry, in addition to coordinating sustainable development initiatives, is implementing three MID projects – the Solar Water Heater Scheme, the Rainwater Harvesting Scheme and the Compost Scheme. The Ministry of Tourism and External Communications is implementing the Eco-tourism for Businesses Project; the Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands is implementing the Sustainable Fisheries Management Project, and the Ministry of Industry and Commerce is implementing the Resource Efficient and Cleaner Production Programme.

GOVERNMENT OF MAURITUS – INVESTMENT PROJECTS - FUNDS

(No. B/932) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Finance and Economic Development whether, in regard to the funds borrowed by Government over the period 2005 to December 2014, he will state the major projects financed therefrom and –

(a) table the details as to where the funds have been applied, and

- (b) indicate if an assessment has been made of the cost effectiveness thereof, indicating if they were good value for money and of urgent national priority.

Reply: With regard to part (a) of the question, the information requested is being compiled and will be tabled in due course.

Concerning part (b) indicating whether an assessment has been made of the cost effectiveness and whether there were good value for money, it will be difficult for me to pronounce thereon. For example, for the multi-billion SSR International Airport no international tendering exercise was carried out. This was the biggest investment project by the previous Government.

Another example is the Bagatelle Dam project for which the initial project value of Rs3.2 billion has almost doubled and the project is still not yet completed.

CUREPIPE – CASINO – RENOVATION WORKS

(No. B/933) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Finance and Economic Development whether, in regard to the Casino at Curepipe, he will, for the benefit of the House, obtain from the Casinos de Maurice, information as to if quotations were received for drywall partition, doors and other related renovation works to be carried out thereat and, if so, indicate-

- (a) the name of the selected subcontractors therefor, and
- (b) which firm submitted report on quotations, evaluation and recommendations for award of contract thereof.

(Withdrawn)

MINISTER OF FINANCIAL SERVICES, GOOD GOVERNANCE AND INSTITUTIONAL REFORMS, MINISTER OF TECHNOLOGY, COMMUNICATION AND INNOVATION - ST PETERSBURG – MISSION

(No. B/934) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to his recent official mission in St Petersburg, he will state the-

- (a) composition of the delegation thereof, and
- (b) outcome of the meeting thereof.

(Withdrawn)

MBC PROGRAMMES - MINISTRY OF FINANCIAL SERVICES, GOOD GOVERNANCE AND INSTITUTIONAL REFORMS, MINISTRY OF TECHNOLOGY, COMMUNICATION AND INNOVATION - PARTICIPATION

(No. B/935) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services, Good Governance and Institutional Reforms, Minister of Technology, Communication and Innovation whether, in regard to the programmes of the Mauritius Broadcasting Corporation in which he participated, he will, for the benefit of the House, obtain from the Corporation, information as to the amount of money spent for the production thereof.

(Withdrawn)

MAURITIUS, RODRIGUES & AGALEGA - “POCHES DE PAUVRETE”

(No. B/936) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the “*poches de pauvreté*”, he will state if his Ministry has carried out a survey for the identification thereof in mainland Mauritius, Rodrigues and Agalega and, if so –

- (a) table a list of the places which have been so identified and the number of families involved;
- (b) indicate the benchmark definition of poverty that has been accepted by his Ministry and that has been used to carry out the survey, and
- (c) indicate if his Ministry has a holistic results-oriented and cost effective strategy for the reduction of poverty and, if so, give details thereof.

(Withdrawn)

POVERTY - INTERDEPARTMENTAL COMMITTEE

(No. B/937) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Social Integration and Economic Empowerment whether, in regard to poverty, he will state if he will consider establishing an interdepartmental committee to deal therewith in a more holistic results-oriented and cost effective manner and, if so, when.

(Withdrawn)

PUBLIC PRIMARY EDUCATION – TEACHERS & STUDENT POPULATION

(No. B/938) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to public primary education, she will state -

- (a) the total number of –

- (i) primary school teachers employed by her Ministry, and
- (ii) the student population thereof
- (b) if there has been a substantial decrease in the admission of pupils in Standard I compared with the intake in the 1980's;
- (c) the ratio of pupil/teacher –
 - (i) presently, and
 - (ii) in the 1980's
- (d) the number of primary schools closed over the past five years due to lack of adequate school population, and
- (f) if any plan for a more effective and efficient use of the teachers employed therein has been worked out.

(Withdrawn)

PUBLIC EXPENDITURE

(No. B/939) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Finance and Economic Development whether, in regard to public expenditure, he will state the -

- (a) current spending thereof as a percentage of our Gross Domestic Product;
- (b) percentage of our current public expenditure that is allocated to –
 - (i) education;
 - (ii) health;
 - (iii) social security, and
 - (iv) public administration
- (c) estimated fiscal deficit for financial year 2015/2016, and
- (d) amount which has already been spent from the capital budget as at to date for financial year 2015/2016, indicating if the total sum voted for capital expenditure will be absorbed by the end of this financial year and, if not, why not.

(Withdrawn)

PAILLES - NURSERY/KINDERGARTEN

(No. B/940) Mrs M. D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the proposed construction of a nursery/kindergarten at School Lane, Pailles, which has been promised for about 28 families, he will state the proposed start and completion dates for the carrying out of the works thereof.

Reply: As per records available at the Ministry and at the National Empowerment Foundation, there have been no requests for the construction of a nursery/kindergarten at School Lane, Pailles.

However, a non-governmental organization had been operating a day care centre in a rented private building in the region from 2009 to 2013. It ceased its operations due to financial constraints. On 02 September 2015, it solicited the help of Government for the re-opening of a day care centre, as it had identified some 28 children of the locality.

A meeting chaired by the hon. Minister of Civil Service and Administrative Reforms and Member of Parliament of the region was held on 09 September 2015 with the non-governmental organization in the presence of relevant stakeholders, including the Ministry with a view to exploring ways and means for the re-opening of the day care centre.

In the meantime, the Ministry has requested for a list of the 28 children with a view to determining their eligibility under the Social Register of Mauritius. This exercise is ongoing.

Once the eligibility of the children under the Social Register of Mauritius is determined, the non-governmental organization, with the support of the Ministry, will be able to enlist the collaboration of the private companies in the region who have shown interest to finance the operations of the day care centre under their CSR Programme.

**MINISTRY OF EDUCATION AND HUMAN RESOURCES, TERTIARY
EDUCATION AND SCIENTIFIC RESEARCH - LORRIES & VANS - BID**

(No. B/942) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the recent bid launched for the provision of lorries and of vans for her Ministry, she will state the -

- (a) names of the bidders therefor, indicating the -
 - (i) respective bid value thereof, and
 - (ii) name of the successful bidder therefor, and
- (b) reasons why her Ministry has decided to disregard the recommendations of the Independent Review Panel in allocating the contract.

Reply: I am informed that in March 2015, four bidders responded to the invitation for bids for the provision of Taxi Lorries/Vans to Zonal Directorates 1-4 on an 'as and when required' basis. Their names and quoted prices are being tabled.

The name of the successful Bidder is Sanjeev Bhurosy.

As regards part (b) of the question, I am informed that an unsuccessful bidder, namely Ramphul Enterprises Ltd, had filed an application for Review at the Independent Review Panel (IRP). I am informed that at evaluation stage, Ramphul Enterprises was found non-compliant to specifications with regard to gross weight of vehicles.

IRP had recommended the annulment of the contract to Sanjeev Bhurosy and the review of Ministry's decision for an award to Ramphul Enterprises Ltd. It is to be noted that for a bidder to be substantially responsive, he should be compliant to both eligibility criteria of participation as well as the specifications. However, IRP stated that Ramphul Enterprises Ltd, which was compliant to the eligibility criteria for participation, had been improperly eliminated. Yet, it is not on this basis that Ramphul Enterprises Ltd was eliminated, but instead on the fact that it did not meet the specifications.

On 17 August 2015, following the IRP decision, the Ministry's comments were sent to the State Law Office for its advice. On 14 September 2015, the latter recommended the Ministry to seek information from Ramphul Enterprises Ltd, as per the IRP decision, as to whether it has vehicles as per items 8 and 9 of the specifications in the Bidding Document.

Information was accordingly sought from Ramphul Enterprises. It is to be noted that, as per the specifications, the bidder is required to provide 12 taxi lorries/vans at a time. On 21 September 2015, Ramphul Enterprises Ltd submitted 12 Registration Books. Same were verified by NTA. Eight vehicles were found non-compliant with the taxi vehicle and weight requirements as follows: six did not have the 'A' Carriers Licence to operate as Taxi Vehicles, one was not of the required weight, and one did not have both the required licence and weight. On 22 September 2015, this information was sent to State Law Office for its advice.

State Law Office responded on 09 October 2015 and requested the Ministry to seek the same information anew. On 13 October 2015, Ramphul Enterprises Ltd resubmitted another set of 12 Registration Books with the required 'A' Carrier's Licences. It is to be noted that five of them still do not meet the requirement of weight and age as follows: two are not of the required weight and three are above 12 years old. As per specifications, vehicles should not be older than 12 years.

As per the legal advice tendered on 16 October 2015 by State Law Office, the implementation of the IRP decision has the following implications:

- (i) an annulment of the existing contract of the contractor which was found to be compliant may entail damages, and

- (ii) in the event the contract is not awarded to the applicant in the IRP case, he may as well claim damages.

I am advised that we are in a situation whereby on one hand the existing contractor is a compliant bidder whereas on the other hand, in spite of the recommendation of IRP for a review of a decision by the Ministry in favour of Ramphul Enterprises Ltd, the latter is again not found non-compliant after re-submission of documents.

Further advice is being sought from the State Law Office as to whether in spite of the aggrieved bidder not meeting the specifications of the bidding documents, the Ministry should invariably implement the recommendation of IRP.

At this stage as matters stand, no final decision has yet been taken.

BAIN DES DAMES - TANK FARM & COMBINED CYCLE POWER PLANT PROJECT

(No. B/943) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the new Tank Farm and combined Cycle Power Plant Project to be implemented at Bain des Dames, he will state if consultations have been held with the inhabitants living in the vicinity thereof and, if so, when and, if not, why not.

Reply: As I stated in my reply to the PNQ on 03 November 2015, I shall reply only with regard to the Tank Farm, as the CEB is still in the process of appointing a consultant for the Combined Cycle Gas Turbine. These two projects are distinct from each other.

I am informed by the Central Electricity Board that the Consultant – VYYAASS Consulting Engineer Ltd – appointed in 2013 to carry out the EIA study, had two consultation meetings on 31 January 2013 and 21 March 2013 with the representatives of fishing community and several inhabitants of Bain des Dames.

BASSIN – FOOTBALL GROUND – CONSTRUCTION

(No. B/944) Mr E. S. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Youth and Sports whether, in regard to the Bassin Football ground presently under construction, he will report progress thereof.

Reply (The Prime Minister): I would like to refer to the reply I made to Parliamentary Question B/122 of 03 March 2015, wherein I informed the House that the contractor for this project was Super Builders Co. Ltd. The contractual start and completion dates for the project were 12 September 2014 and 11 March 2015 respectively. I then informed that there had been a delay in the original completion date due to bad weather and the end of year closure. The project was then expected to be completed by end April 2015.

However, I am now informed by the NDU that the works are still ongoing in view of technical problems encountered on site, and the project is now expected to be completed by the end of January 2016 at the latest.

The problems pertain to the provision of French drains. With a view to identify the required remedial measures, additional site investigations have had to be carried out by the contractor. The results have shown that the ground has a relatively high rock content. Consequently, the initial design of the French drains has had to be modified in order to minimise the risk of eventual water accumulation on the pitch. The modifications to the French drains entail additional works and cost. The initial Works Order value is likely to be exceeded.

It is to be noted that in the present project, there is no provision for retaining wall and fencing. Consequently, had the NDU completed the project in April 2015, the football ground would not have been fully operational.

This is another concrete example of the state of affairs that had prevailed at the NDU previously. No proper surveys and project planning were carried prior to Works Orders being issued.

Procedures are under way for the fencing of the football ground and the erection of the retaining wall.