

No. 13 of 2013



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

SECOND SESSION

TUESDAY 25 JUNE 2013

CONTENTS

PAPERS LAID

QUESTIONS (*Oral*)

MOTION

STATEMENT BY MINISTER

BILLS (*Public*)

ADJOURNMENT

QUESTIONS (*Written*)

Members

Members

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

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

Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola	Minister of Business, Enterprise
Roopchand Seetaram	and Cooperatives
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

PRINCIPAL OFFICERS AND OFFICIALS

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

MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 13 of 2013

Sitting of 25 June 2013

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

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

A. Prime Minister's Office –

Certificate of Urgency in respect of the Animal Welfare Bill (No. XV of 2013).

B. Ministry of Finance and Economic Development –

- (a) The Double Taxation Avoidance Agreement (Republic of Rwanda) Regulations 2013 (Government Notice No. 156 of 2013).
- (b) The Customs Tariff (Amendment of Schedule) Regulations 2013 (Government Notice No. 157 of 2013).
- (c) The Virement (Contingencies) Warrant Nos. 1 to 53 of 2012, Virement Warrant Nos. 1 to 79 of 2012 and Retrospective Virement Warrants No. 80 of 2012 (In Original).

C. Ministry of Local Government and Outer Islands –

The District Council of Flacq (renting parking places for vehicles) Regulations 2013 (Government Notice No. 161 of 2013).

D. Ministry of Labour, Industrial Relations and Employment –

- (a) The Attorneys' and Notaries' Workers (Remuneration) (Amendment) Regulations 2013 (Government Notice No. 127 of 2013).
- (b) The Baking Industry (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 128 of 2013).
- (c) The Blockmaking, Construction, Stone Crushing and Related Industries (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 129 of 2013).
- (d) The Catering and Tourism Industries (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 130 of 2013).
- (e) The Cinema Employees (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 131 of 2013).
- (f) The Distributive Trades (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 132 of 2013).
- (g) The Domestic Workers (Remuneration) (Amendment) Regulations 2013 (Government Notice No. 133 of 2013).
- (h) The Electrical, Engineering and Mechanical Workshops (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 134 of 2013).
- (i) The Export Enterprises (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 135 of 2013).
- (j) The Factory Employees (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 136 of 2013).
- (k) The Field-crop and Orchard Workers (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 137 of 2013).
- (l) The Light Metal and Wooden Furniture Workshops (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 138 of 2013).
- (m) The Livestock Workers (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 139 of 2013).
- (n) The Newspaper and Periodicals Employees (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 140 of 2013).

- (o) The Nursing Homes (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 141 of 2013).
- (p) The Office Attendants (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 142 of 2013).
- (q) The Pre-Primary School Employees (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 143 of 2013).
- (r) The Printing Industry (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 144 of 2013).
- (s) The Private Secondary School Employees (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 145 of 2013).
- (t) The Public Transport (Buses) Workers (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 146 of 2013).
- (u) The Road Haulage Industry (Remuneration) (Amendment) Regulations 2013 (Government Notice No. 147 of 2013).
- (v) The Salt-Manufacturing Industry (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 148 of 2013).
- (w) The Sugar Industry (Agricultural Workers) (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 149 of 2013).
- (x) The Sugar Industry (Non-Agricultural Workers) (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 150 of 2013).
- (y) The Tailoring Trade (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 151 of 2013).
- (z) The Tea Industry Workers (Remuneration Order) (Amendment) Regulations 2013 (Government Notice No. 152 of 2013).
- (aa) The Travel Agents and Tour Operators Workers Remuneration (Amendment) Regulations 2013 (Government Notice No. 153 of 2013).
- (ab) The Recruitment of Workers (Amendment) Regulations 2013 (Government Notice No. 154 of 2013).
- (ac) The Recruitment of Workers (Amendment No. 2) Regulations 2013 (Government Notice No. 155 of 2013).
- (ad) The Employment Rights (Registration of Employers) Regulations 2013 (Government Notice No. 158 of 2013).
- (ae) The Employment Rights (Amendment of Schedule) Regulations 2013 (Government Notice No. 159 of 2013).
- (af) The Employment Relations (Trade Union) (Amendment) Regulations 2013 (Government Notice No. 160 of 2013).

ORAL ANSWERS TO QUESTIONS

NATIONAL TRANSPORT CORPORATION – BUS ROUTES

The Leader of the Opposition (Mr A. Ganoo) (*by Private Notice*) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will –

- (a) state why several routes operated thereby have been returned to the National Transport Authority, indicating –
 - (i) the routes concerned therewith;
 - (ii) if the prior approval of the Chairperson and of the Board thereof were sought and obtained therefor;
 - (iii) if prior consultations were held with the employees thereof in relation thereto, and
 - (iv) if the decision therefor will be reviewed, following one employee thereof going on hunger strike;
- (b) for the benefit of the House, obtain therefrom, information as to –
 - (i) when, in 2011, decision to acquire 65 new buses was taken, indicating when tenders therefor were launched and if the contract was awarded and, if not, why not, and
 - (ii) if employees thereof –
 - (A) will be laid off, following the return of the routes, and
 - (B) have submitted representations for salary increase.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, at the very outset, I would wish to remind the House that the National Transport Corporation has, of late, been facing some difficulties. As a matter of fact, public transport operations across the world benefit from the support of Government either financially or through a package of incentives to enable them to be financially sustainable.

Admittedly, the NTC being by far the largest bus operator of the country, faces much greater difficulties to uphold its objectives and provide the best possible transport services; bearing in mind that this organisation assumes a highly critical role in upholding the social obligations of Government towards commuters.

Mr Speaker, Sir, thus in many cases the NTC provides public transport facilities on routes which are not commercially viable.

Despite all the odds, nobody would dispute the fact that the NTC contributes meaningfully in upholding the national public transport requirements.

Mr Speaker, Sir, in regard to part (a) (i) of the question, I wish to clarify that no route has been returned as such to the NTA. The NTC carried out a thorough and methodical assessment of the situation in the light of persistent grievances from the travelling public and some commuters even showing reluctance to board the NTC buses, most probably prompted by negative statements emanating from certain quarters.

This assessment pointed towards the need for immediate, practical and implementable corrective action.

Out of the 519 buses constituting the fleet, around 100 are laid down at any given point in time for various reasons, one of them being lack of spare parts.

It emerges there and then that the most appropriate and workable solution would be to temporarily supplement the consignment of buses on certain routes. In short, it means allowing bus operators who can afford to, to step up and run a few buses along certain specific routes which are presently serviced by the NTC.

Mr Speaker, Sir, I wish to point out that this is a purely temporary arrangement to respond to the present situation and to ensure a satisfactory service to the travelling public. The NTC made a request to that effect to the National Transport Authority and the latter acceded thereto.

Consequently, the following additional buses have been authorised by the National Transport Authority to operate as follows -

Route No.	Description	Additional Buses required
6 & 6A	Curepipe – Rivière des Galets	8 (3 UBS + 5 BOCSL (South)) from the Bus Cooperatives
141	Henrietta – Port Louis	8 UBS
27	Haute Rive – Port Louis	7 BOCSL (North)
122	Camp Levieux – Curepipe	3 RHT
52	Port Louis – Bambous	5 (3 RHT + 2 UBS)
197	Rivière des Galets – Port Louis	5 BOCSL (Cooperatives)

It is important for me to point out that this temporary arrangement does not preclude the NTC from operating the original number of buses on the routes concerned nor does it give a claim to the other bus operators for permanent authorisation to operate along those routes. As soon as new buses are purchased, NTC will restore its position on the routes concerned. The procurement procedure has already been initiated.

Mr Speaker, Sir, in regard to part (a) (ii), I am informed that the NTC Board at its meeting held on 16 May 2013 examined the issue at stake and by way of a majority decision resolved that the proposed arrangement should be implemented. I am further informed that the Chairperson was not agreeable to the proposal but he could not, although acknowledging the difficulties, come with any alternative proposal.

In regard to part (a) (iii), I am informed that the General Manager, at a meeting with the panel of Union of NTC which is made up of all the Unions invariably, informed them of the proposal.

Further, at a meeting held on 21 June 2013 at 11 o'clock, the General Manager clearly explained to workers that the proposed arrangement is expected to take effect soon and reassured them that in no manner whatsoever would their employment be jeopardized.

Therefore, Mr Speaker, Sir, it is obvious that the employees of the NTC have constantly been kept informed of the developments.

As for part (a) (iv), I see no reason why the decision should be reviewed because this temporary arrangement effectively responds to the needs of the travelling public without jeopardising the employment of NTC workers.

Mr Speaker, Sir, as for part (b), I wish to inform the House as follows -

- the decision to acquire 65 new buses was taken at the NTC Board meeting held on 27 October 2011;
- after the relevant tender documents were prepared and finalised, the NTC cleared the documents with the Central Procurement Board (CPB) in May 2012;
- bids were invited on 20 July 2012 through national open advertised bidding with closing date of 30 August 2012;
- no contract was awarded because the tender exercise aborted on the grounds that the CPB informed the NTC that following the evaluation of the three bids by the Bid Evaluation Committee, no award had been approved by it, as the price quoted by the only compliant bidder was substantially above the estimated cost by nearly 46%.

Mr Speaker, Sir, as for part (b) (ii) (A), I have already explained earlier that there will be no laying off of employees in the wake of the temporary arrangement of supplementing the number of buses along certain routes.

As for part (b) (ii) (B), I am informed that early this year the Staff Unions have made representations for a salary review.

In response they were informed that in the present situation the NTC was not in a position to accede to their demands.

The Unions have referred the matter to the Commission for conciliation and mediation. In parallel, the Unions also made a submission to the Ministry of Labour, Industrial Relations and Employment which has referred the matter to the NRB on 26 April 2013.

The matter is now awaiting determination.

Mr Ganoo: Mr Speaker, Sir, I have listened attentively to the hon. Vice-Prime Minister. He has started by talking of the difficulties of the NTC. He has admitted the tough times the NTC has been going through these past years. Can I put it to him that, in fact, the reasons which have led to the NTC

forsaking these routes to private operators, be it on a temporary basis, have been, in fact, caused by the way the NTC has been managed, la *politique de petits copains*, the collapse of sound management, the high level of corruption and lack of competence and manifest negligence and laxism at the head of the NTC?

Mr Bachoo: Mr Speaker, Sir, I have time and again been informing the House that as Minister I give directives of general nature. This is number one. Number two, for the past almost one decade, new workers have not been recruited at the NTC. Therefore, this question of '*petite politique*' or '*politique des copains*' does not arise because we have never allowed this to prevail at the NTC. Unfortunately, the NTC already has a surplus number of workers, not since yesterday or before yesterday, but that was way back before 1990 and we have to carry all of them together with us.

In addition to this, the NTC has got its own Board. It has got a General Manager. I personally believe that the main problem that is causing so much of problem at the NTC is the aging fleet of buses that we have. That is the reason why so far we have been able to procure 114 Japanese buses and we are in the process of procuring another 65 buses or it may be more than 65 buses. So, slowly we are trying to renew the fleet of the buses.

Another issue, which has created problem - and I would like at the very outset to inform the House - is that we have got problem in procuring spare parts. We have taken all actions to see to it that we get original spare parts, but despite all our efforts, I get the feeling that there are certain makes of buses where spare parts are not easily available. These are the reasons which have led to the deterioration in the situation at the NTC. But, once more, I would like to make a solemn affirmation to the House that my Ministry does not poke its nose in the day-to-day administration of the NTC.

(Interruptions)

Mr Ganoo: The hon. Vice-Prime Minister talked about negative comments from different quarters in his substantive reply, but may I put it to the hon. Vice-Prime Minister that during the past four weeks during which the NTC has been the subject matter of PQs in this very House, he, himself, has stated on many occasions and I quote "that the situation at the NTC is delicate", "we have to do certain things to save the NTC", "the quality of service has to be improved", "we have to look at the whole management of the NTC", "not enough investment has been made in the buses of the NTC", "with regard to the top level management, we are taking serious steps in order to avoid such mishaps". Therefore, Mr Speaker, Sir, the negative comments seem to have emanated from the hon. Vice-Prime Minister, himself !

But may I put it to him also, Mr Speaker, Sir, although, he has agreed that the Chairman of the NTC has expressed his reserves with regard to this decision of handing over the routes to private operators, may I ask him why the employees were not consulted before this decision was taken? And if that has been done - they were kept informed after, but why not before - the employees would have been in a better position to propose an alternative solution which would have avoided this taking over by private operators on these routes which are, by the way, the most profitable?

Mr Bachoo: Mr Speaker, Sir, it is true, it is a fact that I have been speaking nothing, but the truth to the House, that the NTC has certain problems. I have already spoken about it. Earlier, there was a question asked to me regarding the restructuring plan of the NTC which has been approved by the Government, where we have decided that Government is going to help us to procure another 150 buses, smart cards will be introduced and old buses will be scrapped. All these things I have been saying. I was not painting anything which was black. But let me inform the House – I don't say that the Members have to agree - it is a fact that the hon. Leader of the Opposition has made a statement in the public, condemning the CNT buses as '*corbillard*.' Just imagine the amount of negative impact ...

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

Silence, please! Proceed hon. Vice-Prime Minister!

(Interruptions)

I say silence now!

Mr Bachoo: Mr Speaker, Sir, words coming ...

(Interruptions)

Mr Speaker: Hon. Bhagwan!

Mr Bachoo: *To lé mo kozer!* Mr Speaker, Sir,...

(Interruptions)

Bé mo assizer! I do not have to answer!

Mr Speaker: Proceed, hon. Vice-Prime Minister!

Mr Bachoo: Mr Speaker, Sir, such words coming from the mouth of responsible people! We have to understand, Mr Speaker, Sir...

(Interruptions)

Mr Speaker: Hon. Jhugroo, do not compel me to warn you!

(Interruptions)

Mr Bachoo: Mr Speaker, Sir, I have just mentioned that we have got...

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: We have 2,200 employees at the NTC.

(Interruptions)

Mr Jhugroo: Mr Speaker, Sir, on a point of order!

Mr Speaker: Yes.

Mr Jhugroo: I want to know whether the hon. Minister Deva Virahsawmy

(Interruptions)

Yes, he told me '*gros barrique*'.

(Interruptions)

Mr Speaker: Silence! There is a point of order. Yes, what is your point of order?

(Interruptions)

Silence!

Mr Jhugroo: I want to know whether the word '*gros barrique*' was mentioned to me.

Mr Speaker: What is the word?

Mr Jhugroo: '*Gros barrique*'.

(Interruptions)

Mr Speaker: Well, first of all, I have not heard the words.

(Interruptions)

I have not heard those words being pronounced here. Therefore, I have to put the question to hon. Minister Virahsawmy whether he has uttered the words. And if he has uttered them, he has to withdraw them.

Mr Virahsawmy: No, Mr Speaker, Sir, I did not mention...

(Interruptions)

Mr Speaker: Silence!

Mr Virahsawmy: I did not utter any words.

(Interruptions)

Mr Speaker: Yes. Let us proceed!

Mr Bachoo: Mr Speaker, Sir, as I was mentioning, the NTC has 2,200 workers and any statement that we make, we have to be very careful, because we do not want to repeat history as to what happened to Vacoas Transport and Moka/Flacq Transport in the past, where workers were compelled to commit suicide. So, as a responsible Government, it is our duty to see to it that all those who are working there, that their jobs are secured permanently. Therefore, any such statements can lead to catastrophic results because if the passengers will stop travelling by our buses, what will be the need of keeping the NTC?

Secondly, everyday in the morning through the private radios, we hear that in such and such places, buses are missing concerning our school children, I have got hundreds of letters which I have received from the Managers, Directors and Rectors of different schools and institutions, telling openly that they are helpless and desperate and they do not know what to do, the children are coming to schools half an hour and one hour late. I have got letters from different quarters which have been pouring and as a result of which we had no other alternative than to take this short measure. I have already given assurance. I would like to add up again that I also received the representatives of the unions, though I do not poke my nose in the day-to-day, but when I was told...

(Interruptions)

It is my duty as a Minister! I had to give them the guarantee that this measure is a temporary one. They should not be scared of this measure because what is important for me, firstly, is the security of the workers and secondly, reliability of those buses on the roads, when we have seen lately for the past two months that there has been plenty of breakdowns on the roads and that also creates a bad image for the NTC. So, that is why we deemed it wise to remove those buses and to have them replaced temporarily by the private companies and other companies until such time that we are going to procure buses. Most probably by the month of December, we will start receiving the new buses.

Mr Ganoo: The hon. Vice-Prime Minister seems to take objection that the word '*corbillard*' has been used, but we hear recently that CNT buses are catching fire everyday and the passengers have to flee by the back door or rush by the front door and their lives are being put at risk. How many cases of CNT buses catching fire have not we heard recently, Mr Speaker, Sir? Isn't there a case for describing these buses as '*corbillard*'? May I put it to the hon. Vice-Prime Minister that the routes that have been taken over by private operators are the most profitable ones? I have a list of them, Mr Speaker, Sir, the routes of Rivière des Galets/Port Louis, Chemin Grenier/Curepipe and so on.

(Interruptions)

All the routes are the most viable ones. Can the hon. Vice-Prime Minister give the undertaking to this House that this taking over will be indeed on a temporary basis because in the past, cases have taken place where private operators have taken over routes and these routes have never been returned to the NTC.

Mr Bachoo: Mr Speaker, Sir, the hon. Leader of the Opposition himself is defending my case by stating that there has been plenty of buses which had breakdowns and what should we do as a responsible Government...

(Interruptions)

...we have to take actions.

(Interruptions)

Mr Speaker: I don't want any more interruptions, please!

Mr Bachoo: When we are talking about buses catching fire, there have been two cases. I am aware of this. That's why, to make assurance doubly sure, as I have just mentioned, we had to take a decision. Secondly, we should not forget that NTC is also providing us a social service. We have got

45% of our routes which are non-profitable. And then, we have got long distances, long routes and all these we are serving with whatever support we are getting from the Government. Another issue, I am informed that there were certain routes. Yes, there were a few routes we had to surrender because it was becoming impossible for the NTC to finance, to subsidise those routes. But, at the same time, there were two routes which when I was Minister earlier, we had created, that was from Rivière du Rempart to Rose Hill and from Rivière du Rempart to Curepipe, which is a profitable line which we have maintained. On top of it, on many occasions, I have given assurance to the House - outside, inside and everywhere - and to the workers also that this is a temporary measure and that is the reason why we are procuring 65 buses. And let me add up, when our Prime Minister went to Japan, he also requested the Japanese authorities, including the Prime Minister of Japan, if we can get about 100 buses on line of credit. In fact, we are working very fast in that direction. I hope things will take a favourable turn in the weeks to come.

Mr Speaker: Hon. Jugnauth!

Mr Jugnauth: May I ask the hon. Vice-Prime Minister how come - if he can explain - that the CPB, after extensive discussions with the NTC, gives its approval to go ahead with the tender with regard to the 65 buses on 18 July 2012 and then, the CPB on 23 August 2012 writes to the NTC to request them to inform all the prospective bidders that an addendum regarding amendments will be issued by the NTC and to submit urgently the addendum regarding those amendments? Can the hon. Vice-Prime Minister explain that?

Mr Bachoo: Yes, Mr Speaker, Sir. In fact, the CPB is responsible for all the tender exercises. Here, the Ministry has nothing to do with it. In fact, discussions were held with CPB and the NTC. Discussions went on, there were corrections made on the bidding documents. At the last minute, there were proposals to change the bidding exercise, that is, the bidding documents had to be changed and certain amendments had to be introduced. I am told that these should have been approved by the Board. To start with, I am informed that the Chairman of the Board was not free. Secondly, when the Board was called, it did not get the quorum and that was almost on the eve of the closure of the bidding exercise. The Chairman and the General Manager rushed to the Ministry. I did not poke my nose. I requested...

(Interruptions)

So, let me speak the truth. I requested...

(Interruptions)

To croire, to pas croire, it is the truth!

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: Mr Speaker, Sir, then the Supervising Officer of my Ministry was compelled, because there was no alternative, to preside a meeting. I have got a copy which I am going to lay on the Table of the House. He presided the meeting, issues were discussed and it was also stated that being given it is on the eve, therefore, it was impossible to accept any amendment, let the bids be opened -I am laying a copy on the Table of the Assembly - and let the CPB take its decisions. When the bids were opened, it was found that there was only one responsive bidder.

Mr Speaker, Sir, as I am telling, let us say if there were plenty of time before the opening of the bids, the bids were opened and X, Y or Z would have been included, they would have said, we got pressure from X, Y and Z and that's why we have done such a thing.

Mr Speaker: Hon. Leader of the Opposition!

Mr Ganoo: I come back again on this tendering exercise for the 65 buses. Does the hon. Minister agree with me that since - he has himself said that since October 2011, the Board of the NTC took the decision to purchase 65 buses? It dates back to October 2011, we are now in June 2013 and according to the hon. Minister, himself, he said the 65 buses will be delivered in eight months' time. And this is the result of interference in this bidding process which was launched in October 2011. I have with me the copy of the Board Meeting of the NTC which I am going to table, Mr Speaker, Sir. I quote what the Chairman says -

“However, once the race is on, it is not proper to change the rules of the game. One such query from one *soumissionnaire* (...)”

I don't want to name the *soumissionnaire*.

“(...) was not even a query, but a request and should not have been entertained in the first place. There were now attempts to amend the technical specifications.”

The Chairperson reiterated that, at this stage, it would not be right to try to modify the specifications.

I can go on. And at this meeting, the representative of the Ministry of Labour, Industrial Relations and Employment supported the Chairman. The representative of the employees also agreed with the Chairman to the effect that there should be no change in the specifications, that this exercise should not be called off and it should be allowed to proceed because according to the Chairman, the specifications were

the same as in 2009, 2010, 2011, where buses were delivered and they were functioning properly on our routes.

Mr Bachoo: Mr Speaker, Sir, the hon. Leader of the Opposition, has himself, on my behalf, answered the whole question. When the Chairman has stated that the race is on, we cannot change anything. CPB wrote letters and insisted that according to the law, at any time prior to the deadline for submission of bids, the purchaser may amend the bidding documents by issuing addendum. Any addendum issued shall be part of the bidding documents and shall be communicated in writing to all those who have obtained the bidding documents directly from the purchaser, to give prospective bidders reasonable time in which to take an addendum into account. The Chairman of the CPB, himself, wrote a letter where he condemns all the allegations made by the Chairman to such an extent that the Chairman of the CPB also wrote a letter to the Chairman stating that the CPB takes strong exception to the gratuitous allegations against the CPB made by you. And the CPB reserved the right to take whatever actions it deems necessary to protect and vindicate its integrity. This means the Chairman thought that he is making use of the Board to say this is the last minute, we cannot change. CPB, in its wisdom, wanted the specifications to be more open. I am not here to defend the CPB. The CPB does not fall within my Ministry. But I am like any other person, of course, being a Minister I wanted to know what is going on. But - even my Ministry - I have just submitted a copy of the statement and even the meeting chaired by my Supervising Officer also came to the conclusion that because it is too late, there is no need for us to change any specifications, let it go like that. So, the bid was open. Unfortunately, there was only one bidder, others were non-responsive and the price had been about 46% higher. So, where is the fault of the Ministry?

After that, Mr Speaker, Sir, another question which was asked by the hon. Member was: but what did we do after that? Of course, the decision we had taken was that we have to go for procurement over again. A fresh exercise had to be carried out and all the tender specifications were revised by the Committee which was set up. After that, unfortunately, in December 2012, Government decided to bring the threshold for international bidding from Rs400 m. to Rs100 m. It means we should have gone for international bidding. We had to wait and after that - it was recently - that Government decided to bring it back to Rs200 m. But, it was a month ago or a few weeks ago, we had decided that the international tendering should be after Rs200 m. We are waiting for that. We have already sent all our documents to the Procurement Office and now, we have requested the CPB just to carry on with the tender exercise.

Mr Speaker: Hon. Leader of the Opposition!

Mr Ganoo: Mr Speaker, Sir, can the hon. Minister explain why even the Ministry of Labour's representative said that cancellation of this bidding exercise might lead to another perception, that the NTC has succumbed to pressure? But worse, Mr Speaker, Sir, how can he explain that in two different letters which I have with me, one which states that the CPB has no objection to extend the closing date to *21 septembre 2012* and the bids shall be valid up to *19 décembre 2012* meaning that the closing date will be 21 September 2012. But on 06 September 2012 the same Board sends a letter stating: "I am directed to inform you"; I repeat, Sir, on 06 September - the closing date was fixed on 21 September 2012 - but on 06 September, a letter was sent to say that the bids have been evaluated and no award has been approved by the Board!

(Interruptions)

I table these two letters, Mr Speaker, Sir.

Mr Bachoo: Mr Speaker, Sir, in fact, this is the work of the CPB.

(Interruptions)

Our law is clear. The CNT has no power over that. In fact, concerning the bids, as the hon. Member is saying repeatedly, there was no amendment on the document. Amendments were not accepted; even when it came to my Ministry also, my Supervising Officer together with officers found that because it is too late, it cannot be amended. The CPB wanted it to be amended, the Chairman had made a statement. The race is on, there is no question of amending it. It was not amended at all. We stopped to whatever was there. The CNT stuck to the decision, the Ministry also. It was too late. It was on the eve and, therefore, when there was only one bidder which was responsive, they had rejected it. The CPB had cancelled it and the CPB wrote a letter to the CNT. When the letter was written, definitely, the CNT had to call the Board and showed it the letter. If one representative of a Ministry has not been agreeable to it, we cannot challenge the decision of the CPB. I don't have the right, the Board does not have the right, we have to take cognizance of what decision the CPB has taken.

Mr Bhagwan: In view of the fact that the hon. Vice-Prime Minister, himself, has painted a very dark picture of the CNT, the way the CNT has been managed, would the hon. Vice-Prime Minister agree - at least, the population knows he has been at the helm of this Ministry since 2005, even before - a Minister must assume responsibility. He is paid out of public funds.

(Interruptions)

I think honestly, Mr Speaker, Sir, in the public interest, in the interest of the consumers, those who pay the tickets, it is time for the Minister to go, to resign in the public interest! The way he has managed the CNT, he must resign!

Mr Speaker: Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan, please! Hon. Bhagwan, keep quiet! Hon. Vice-Prime Minister, you answer!

(Interruptions)

Hon. Bhagwan, I am going to warn you! Yes, hon. Vice-Prime Minister!

Mr Bachoo: I am not here to respond to any malicious ...

Mr Speaker: I have said it! Hon. Bhagwan, please, don't interrupt the hon. Vice-Prime Minister!

(Interruptions)

Don't interrupt the hon. Vice-Prime Minister! This is my ruling.

(Interruptions)

Mr Bachoo: Mr Speaker, Sir, I am not naming anybody.

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

I say silence now, I am on my feet!

(Interruptions)

Hon. Assirvaden and hon. Bhagwan, look, we have one minute left, if you go on talking, time will be up! Answer hon. Vice-Prime Minister!

Mr Bachoo: I am not naming anybody, but I don't believe in what malicious tongue people keep on saying. I do my duty selflessly with devotion.

(Interruptions)

Day and night I work!

(Interruptions)

Mr Speaker, Sir, I am loyal to the work that I am doing.

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

Mr Ganoo: Doesn't the hon. Vice-Prime Minister think, Mr Speaker, Sir, that if there had been sound management, adequate investment, proper monitoring and *non-ingérence* in the affairs of the CNT, this body would not have been in this mess! We shouldn't have landed in the situation where we are today! May I ask the hon. Vice-Prime Minister whether he can give a guarantee to this House that there is no hidden motive from some quarters, or worse, there is no conspiracy to allow the NTC to *dépérir*, to deteriorate so that the way is paved, the stage is set, for the eventual privatisation of the National Transport Corporation?

(Interruptions)

Mr Bachoo: Mr Speaker, Sir, privatisation might have been in their agenda, but not here. If that were the case, we wouldn't have spent money in procuring 65 buses.

(Interruptions)

The hon. Member has asked me a question, it is my duty to answer!

Mr Speaker: Hon. Member, you have put a question, you have to allow the hon. Minister to answer! Hon. Minister, answer the question! No interruptions, please!

Mr Bachoo: Mr Speaker, Sir, if the interest of the Government would have been to close down, we wouldn't have approved the restructuring plan of the National Transport Corporation where Government is injecting money in procurement of 150 buses; at the same time, we are introducing the smart card. We are trying to invest massively on the CNT. I would like to give the guarantee to the House and to the nation at large that we are serious about the future of the CNT and we are doing anything which is humanly possible to save CNT from problems.

(Interruptions)

Mr Speaker: Time is up! Questions addressed to Dr. the hon. Prime Minister. Silence, hon. Soodhun! I want some order, please! Hon. Bhagwan, Order! Hon. Bhagwan, cool down! Stop! Yes, hon. Jhugroo!

POLICE - DEPUTY COMMISSIONER (FORMER) - CONTRACT

(No. B/533) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the former Deputy Commissioner of Police, S. R., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the services of the latter have been retained on contract and, if so, indicate in which capacity and the responsibilities held.

The Prime Minister: Mr Speaker, Sir, the PRB Report 2008 recommended that an Officer who has attained the compulsory retirement age may be allowed to continue to serve Government with the approval of the relevant Service Commission up to the age of 65. According to the PRB, this recommendation is applicable to officers of a certain level and in very specialised areas where skills and competencies are not available or are scarce. And there is a number of such cases.

Mr Speaker, Sir, I am informed by the Commissioner of Police that, besides his duties as Deputy Commissioner of Police, Mr S. is also responsible for -

- (a) the Counter Terrorism Unit, against the established post of Director General of that Unit;
- (b) the Very Important Person Security Unit;
- (c) co-ordinating investigations carried out by Anti Drug and Smuggling Unit and the Criminal Investigation Division;
- (d) the Chairing of –
 - (i) the Police Committee of Needs;
 - (ii) the Harbour Border Control Operations Committee, and
- (e) implementing the Mauritius Intelligence Model under the National Policing Strategic Framework.

Mr Jhugroo: While retaining the services of a retired DCP on contract which is a case *sans précédent*, is the hon. Prime Minister aware that this is causing much frustration among other DCPs and ACPs who have to wait for a long time before being promoted?

The Prime Minister: First of all, it is not unprecedented, Mr Speaker, Sir. Perhaps the hon. Member is a bit young, he does not know, but the former, former Prime Minister had appointed a Commissioner of Police, Mr Morvan, on contract. So, he was even higher than him.

Mr Jhugroo: Can the hon. Prime Minister confirm to the House whether DCP R.S was responsible to enquire about the robbery which took place in the bungalow of the hon. Prime Minister at Roches Noires?

The Prime Minister: This question has been answered and he very well knows that it is no. I have just said what his duties are, Mr Speaker, Sir. Let me say something else, that they are the first people to criticise the Police and when you have good Police Officers with vast experience, who have skills and leadership, we have to try to retain these officers and that is what we are doing.

Mr Seeruttun: Merci, M. le président. Est-ce que l'honorable Premier ministre peut nous dire si dans le cas de vol ou un certain Monsieur R. a été arrêté et détenu dans la cellule à Rivière du Rempart, le DCP S. R était mêlé à l'enquête ? On sait qu'après la personne a été retrouvée morte dans sa cellule.

The Prime Minister: Mr Speaker, Sir, I don't know why they are dragging this enquiry into that. They had said so much nonsense, it went to a Magistrate and it was put aside. It was all proved to be false. Now, they want to imply him in this investigation. The investigation went on; those who were involved in the investigation had to do the investigation, including Police from Rivière du Rempart. At one time they were saying it was hon. Bachoo's people who were there. Go and check the facts before they say anything!

Mr Obeegadoo: Mr Speaker, Sir, does the hon. Prime Minister not consider, irrespective of the past, that in the interest of the Police being perceived to be above politics, it would not be correct for the Executive to substitute itself for the Disciplined Forces Service Commission and decide which uniform Police Officer is good and deserving of contractual employment?

The Prime Minister: It was not the Executive. It was the Disciplined Forces Services Commission who appointed him on the recommendation of the Commissioner of Police, not on my recommendation.

Mr Soodhun: Will the hon. Prime Minister inform the House whether Mr S. R. is earmarked for the next Commissioner of Police?

The Prime Minister: That is not for me to say, Mr Speaker, Sir.

Mr Speaker: Next question, hon. Jhugroo!

PMO - ROAD SAFETY - ADVISER

(No. B/534) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr B. B., adviser on road safety matters at his office, he will state –

- (a) his date of appointment, indicating the -
 - (i) terms and conditions thereof, and
 - (ii) his scheme of duties, and
- (b) number of -
 - (i) overseas missions undertaken, giving details thereof in each case, and
 - (ii) reports submitted to his office as at to date.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, Mr B. B. was contractually appointed on 20 November 2009 as Special Adviser on Road Safety Matters in my Office. The terms and conditions of Mr B. B's contract are in accordance with the recommendations of the Pay Research Bureau.

Mr B. B. was in charge of the Police Road Safety Unit within the Traffic Branch for almost twenty years. In his capacity as Special Adviser on Road Safety Matters, he is the Head of the Special Road Safety Unit set up in my Office in November 2009 to carry out the following tasks -

- (i) the formulation of data-driven road safety policies;
- (ii) road safety planning in line with the national road safety strategy;
- (iii) to make recommendations on road safety based on best international practices;
- (iv) to ensure coordination in all road safety activities, and
- (v) to establish a multi-sector communication strategy to raise road safety awareness.

Mr Speaker, Sir, in regard to part (b)(i) of the question, since his appointment, Mr B. B. has undertaken one mission abroad to Canada from 14 to 21 November 2011, in company of the Director of

the Traffic Management and Road Safety Unit of the Ministry of Public Infrastructure, NDU, Land Transport and Shipping. The object of the visit was to explore avenues of cooperation in the field of road safety and getting an insight of best practices in that country with a view to ascertaining whether these can be implemented in Mauritius.

In regard to part (b)(ii) of the question, the Special Road Safety Unit, led by Mr B. B., has spearheaded the formulation of a new National Road Safety Strategy: '*Preventing Road Injuries, Saving Lives*', that is the name of it, in 2011-2020. This Strategy -

- (i) identifies freshly updated priority areas;
- (ii) works out policies and proposals;
- (iii) assigns responsibilities;
- (iv) sets casualty reduction targets, and
- (v) develops monitoring and evaluation frameworks.

Mr B. B. is in charge of the implementation of the project of Driver Education and Testing Centre which aims at providing a formal systematic training and education programmes designed to improve road user skills. The project is currently being implemented by the Ministry of Public Infrastructure, NDU, Land Transport and Shipping.

Mr Speaker, Sir, the Special Road Safety Unit headed by him has made several proposals to increase the effectiveness of the Police in enforcing traffic regulations. These proposals have been implemented and those which have been implemented so far include -

- (i) the creation of a Road Safety Motorcycle Squad within the Police Force Safety Branch. 50 riders of this Squad are responsible for improving road safety by intervening after observing events linked to drinking offences and high-risk driving situations;
- (ii) all Police Divisions around the island have been equipped with devices for the detection of speeding and drink driving. Previously, Mr Speaker, Sir, enforcement activities related to speeding and drink driving were mostly performed by the officers from the Traffic Branch of the Line Barracks in Port Louis;
- (iii) a 'Training for Trainers' programme intended for Police drivers and riders was organised in collaboration with the Mauritius Institute of Training and Development and a team of professional trainers from Singapore. This training programme was part of a comprehensive plan with a view to enabling Police Officers to improve their driving and riding skills and be responsible and safe motorists;

- (iv) an Advance Defensive Riding Course had been conducted for 204 riders to enhance their knowledge on road safety aspect and defensive driving by Singapore Driving Centre Limited last December, and
- (v) a workshop on “New Developments and Effective Strategies to manage Drink and Drug Driving” had been organised in April of this year with the assistance of Dr. Charles Mercier Guyon of the *Centre d’Etudes et de Recherches en Médecine du Trafic* of France.

It must be pointed out that Mr B. B. works in close collaboration with the Traffic Branch of the Police. In this context, a weekly coordinating meeting is held with the representatives of the Traffic Branch and the Special Road Safety Unit to analyse statistics on road accidents and discuss new strategies to address this issue.

Mr Jhugroo: Can the hon. Prime Minister inform the House whether the Road Safety Adviser, Mr B. B. had submitted any report of the accident which occurred in year 2009 at Montebello involving a CNT bus and a lorry, and also the accident of 03 May of this year where eleven passengers were killed?

The Prime Minister: It is not for him to submit reports Mr Speaker, Sir, that is not part of his job.

Mr Baloomoody: Can I ask the hon. Prime Minister whether Mr B. B., the Adviser, was involved and his advice was sought, when the speed cameras were installed by the company Pro Guard?

The Prime Minister: He was working with the Road Traffic Unit, but he is not the one person; there is a whole group of people involved.

Mr Seeruttun: Est-ce que l’honorable Premier ministre peut nous dire depuis que ce B. B. a été nommé comme Conseiller auprès de son bureau, combien d’accidents fatals il y a eu et où il y a eu mort d’homme?

The Prime Minister: One is not connected to the other; it is precisely because we have these problems that we have nominated him.

Mr Fakeemeeah: Will the hon. Prime Minister see to it that - time and again in this very august Assembly I have said that Mr Buntipilly is part of the problem and not part of the solution - this gentleman does not poke his nose in any Police enquiry regarding road accidents?

The Prime Minister: Mr Speaker, Sir, in fact, because the hon. Member mentioned this last time, I checked with the Commissioner of Police. He does not poke his nose, but when there is a major traffic accident he goes to have a look what he can observe. That is all he is doing.

Mr Bodha: May I ask the hon. Prime Minister whether, in the accident at Sorèze, this gentleman, whilst the driver was injured, tried to secure evidence to prove that the accident had been caused by *une erreur humaine*?

The Prime Minister: He is there to do what he is supposed to do Mr Speaker, Sir. So, if he goes and help with the Police. The Police was there, it is not just him who was there. They were all....

(Interruptions)

No, no, that is not correct to say. I don't know where this information comes from. The reason why he is there is, in fact, to try to see how he can prevent all these major accidents that happen on our roads.

Mr Speaker: Last question!

Mr Jhugroo: Being given that the number of fatal accidents since 01 of January of this year to 31 of May is 65 with 80 victims, can the hon. Prime Minister inform the House whether he has submitted any recommendation to remedy the situation?

The Prime Minister: In fact, we are working very thoroughly on these, Mr Speaker, Sir. That is precisely why he is being asked to advise on these matters because he is a man of huge experience and, of course, when he says a few things not everybody agrees with him. That is what we have to do unless we take the bull by the horns, we will sit with the same in hundred years time, that is why we are doing it.

BUS TERMINALS (URBAN) – SECURITY MEASURES

(No. B/535) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the major urban bus terminals, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases of robberies and assaults committed thereat, over the past five years, indicating if –

- (a) consideration will be given for the implementation of new security measures thereat and, if so, give details thereof and, if not, why not, and
- (b) Closed Circuit Television Surveillance System will be installed thereat.

The Prime Minister: Mr Speaker, Sir, with your permission, I am tabling the information requested.

In regard to part (a) of the question, it is to be noted that, in a number of cases reported, the parties involved are students and not criminals as such. Furthermore, CCTV cameras at some bus stations/terminals are leading to higher detection rates. Further, I have impressed on the Commissioner of Police that other means such as Police foot and mobile patrols be strictly and consistently adhered to.

In regard to part (b) of the question, I am informed that the New Transportation Centre, the Victoria Bus Station and part of the Jules Koenig Bus Station are already provided with CCTV cameras. In its plan to extend the CCTV Surveillance to other urban and rural areas, Police is implementing the project for installation of these cameras at the Place Margeot Bus Station and the remaining part of Jules Koenig Bus Station this year.

Mr Speaker, Sir, Police is also working on a project to provide CCTV cameras in the region of Curepipe, and the project will be implemented in the next financial year. This project provides for the Jan Palach Bus Station to be equipped with CCTV cameras.

In the planning of Police, it is scheduled to cover the region of Vacoas with CCTV cameras by 2016.

Ms Anquetil: Being given that Police presence in populated areas like bus terminals will decrease antisocial behaviour, can the hon. Prime Minister state if consideration will be given to deploy *la Brigade des Mineurs* for students at key bus terminals during peak times?

The Prime Minister: We will give this proposal to the Commissioner of Police and let him have a look. I understand that *la Brigade des Mineurs* is present at some places, but I will tell him again.

Mr Obeegadoo: Being given that CCTV cameras are no substitute for immediate timely intervention and assistance by the Police, and the Prime Minister mentioned Curepipe, so he is aware of the problems at Jan Palach, will he consider suggesting to the Commissioner of Police that a physical presence of the Police at Jan Palach be urgently reinforced?

The Prime Minister: I understand that they are supposed to be there, but I will say it again to him, Mr Speaker, Sir.

FACEBOOK - MISS K. B – COMMENTS

(No. B/536) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to one Miss K. B. who was arrested, in or about July 2012, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the charges, if any, preferred against her, and
- (b) where matters stand as to the inquiry carried out in relation thereto.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, on 30 July 2012, one Mr A. R. H. made a statement to the Central CID that comments of racist connotation

against one community had been posted on the Facebook. He averred that the name of Miss K. B. appeared as the author of the comments.

The Police started an enquiry into the matter and on 01 August 2012, Miss K. B. was arrested on a provisional charge of “*Access to a computer system with intent to commit an offence, to wit: stirring up racial hatred*”. She appeared before the District Court of Port Louis on the same day. She was remanded to the Police cell up to 08 August 2012.

In the meantime, on 06 August 2012, Miss K. B. re-appeared before the District Court of Port Louis and was bailed out after furnishing a surety of Rs25,000 and entering into a recognizance of Rs75,000.

During the course of the inquiry, Police have recorded statements from five persons. Also, three other cases linked to the comments made by Miss K. B. have been established by the Police, where six persons have been questioned and their statements recorded.

On 08 February 2013, all the four case files were forwarded to the Director of Public Prosecutions for advice.

On 14 May 2013, the Director of Public Prosecutions advised prosecution against Miss K. B. for “*Using an information and communication service for the transmission of messages likely to compromise public order*” in breach of section 46(b)(iii) of the Information and Communication Technologies Act, before the Intermediate Court.

On 21 June 2013, the main case against Miss K. B. was lodged before the Intermediate Court.

Mr Speaker, Sir, as I have stated before in this House, Government will not tolerate any act of incitement to racial hatred which may jeopardise the multicultural diversity and social harmony through the media, including social networks. The law will be strictly applied to any person, whoever that person may be, who attempts to harm our social fabric.

Mr Ameer Meea: Mr Speaker, Sir, the whole country was utterly shocked by the statement made by Miss K. B., almost a year now. Therefore, can I ask the hon. Prime Minister, why in such a serious matter was Miss K. B. not being charged for outrage against public and religious morality?

The Prime Minister: It is not for me to decide, Mr Speaker, Sir, which charge to put.

Mr Speaker: It is not within the competence of the hon. Prime Minister.

The Prime Minister: Let me say something else; that is why I added the last bit I said. She is not the only one, there are other people who are doing this and they will be apprehended as well.

Mr Uteem: Is the hon. Prime Minister aware that when it comes to Facebook, one of the major problems in investigation, is that there is no Mutual Assistance Treaty between Mauritius and the United States, and Facebook in the circumstances does not voluntarily disclose the name of the IP users who use this programme? So, if you do not get a confession, it is very difficult to prove an offence committed on Facebook. In the circumstances, may I ask the hon. Prime Minister to look into the matter with the Attorney General and the Minister of Foreign Affairs to have a treaty with the US, which would allow us to get information from Facebook?

The Prime Minister: This is generally the case with Facebook. It is not just Mauritius; many other countries have the same problem. India recently had the same problem; I think China as well, if I am not mistaken. They do not want to sign any memorandum – I think both the then Attorney General and the Minister of Foreign Affairs have been involved in this – but they do say if there is something, they do act sometimes, I must say.

POLICE OFFICERS – COMPUTER LITERACY TRAINING

(No. B/537) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the computerisation of the Police Department, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if Computer Literacy Training is being or has been given to the Police Officers and, if so, indicate the –

- (a) duration thereof;
- (b) names of the service providers therefor;
- (c) number of Police Officers trained therefor, and
- (d) if all the Police Stations have been provided with the necessary equipment and with internet connection.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that computerisation in the Police Department started since 1992 with the Passport and Immigration Office followed by the Traffic Branch and the Crime Record Office. The overall objective of the Police is to ensure modernisation and efficiency through IT development.

Mr Speaker, Sir, in order to ensure an adequately IT literate workforce, a Police IT Unit was set up on 28 June 2000 and one of its objectives is to implement a continuous IT training programme at all levels of the Mauritius Police Force.

Mr Speaker, Sir, in regard to parts (a), (b) and (c) of the question, I am informed by the Commissioner of Police that since 2002 to 20 June 2013, 8,807 Police Officers have been trained in computer awareness, IT proficiency course and short-term IT course. Of these, 5,178 Police Officers have followed five half-day sessions; 1,129 followed eight half-day sessions and 2,500 followed 2-months course and the service providers were the University of Mauritius, the Mauritius College of the Air and the IT Unit of the Police.

600 Police Officers are presently following the short-term IT course dispensed by the University of Mauritius.

Mr Speaker, Sir, in regard to part (d) of the question, I am informed that all the 72 Police Stations in Mauritius are provided with computers and printers. Police are implementing the Crime Occurrence Tracking System which aims at creating a data management system on offences and also at reducing paper work by the electronic recording of information, including declarations. The Phase I of the project, covering the Western and Metropolitan South Divisions, has been successfully implemented since November 2012 and is operational round the clock in 64 sites, including Police Stations, ADSU and CID. The Phase II of the project which covers the remaining Divisions will be implemented after the acquisition of the required hardware and network. The bidding document for same is being finalised.

Mr Speaker, Sir, the Police Stations have internet connection through dial up and can access the central server based at the Headquarters at Line Barracks, Port Louis to have information such as criminal and driving licence details, missing persons or vehicle ownership details from the main database hosted in the central server. Tendering procedures have been initiated for the provision of an unlimited broadband connection by the Police Tender Unit to upgrade the connectivity in the Police Stations.

Tenders are being launched, in fact, today and the closing date for the submission of the bids will be on 10 July 2013. The contract is then expected to be awarded by mid-August of this year.

Police Headquarters, including the main branches such as CCID, ADSU and the Traffic at Line Barracks, Port Louis, the Special Mobile Force at Vacoas, the National Coast Guard at Les Salines, the Helicopter Squadron as well as the Maritime Air Squadron have access to internet through Government Intranet System. The remaining branches and units, including Rodrigues Divisional Headquarters outside Government Intranet System perimeter access internet through ADSL.

As for Rodrigues, Mr Speaker, Sir, I am informed that four out of the six Police Stations are connected to internet through ADSL. With respect to the remaining two Police Stations at Rivière Coco and Grande Montagne, no internet facilities could be provided in the absence of internet infrastructure.

I am further informed that the National Coast Guard Post in Agalega has a set of computer without internet connection and one set of computer for use by the Police Station has been shipped to Agalega on 24 June of this year.

Mrs Labelle: Mr Speaker, Sir, the hon. Prime Minister has mentioned, among others, the electronic recording and this is the reason for me to put that question, because Police Officers face a lot of difficulties to record by electronic ways. May I ask the hon. Prime Minister whether he will use his good offices to see with the Commissioner of Police whether the Police Officers do not need a better training, because I have personally witnessed that for six lines one Police Officer can take up to one hour to record it electronically?

The Prime Minister: I will have to say that to the Commissioner of Police - because I gave the number of those who are trained - whether we have to look at what kind of training they are getting.

Mrs Labelle: Mr Speaker, Sir, regarding the equipment that are made available to Police Officers, be it computers and printers, is the hon. Prime Minister aware that in some Police Stations, by times one ink cartridge is being used for, at least, two printers? One Officer takes the cartridge, puts it on the printer, goes back and so on? This is also what I have personally witnessed in Police Stations. May I ask the hon. Prime Minister to see to it that such situations are avoided regarding consumables in Police Stations, because it hinders the work of the Police Officers?

The Prime Minister: We have a long system of having all these. We've heard the hon. Vice-Prime Minister said about procurement. Even if you have to buy a pencil, you have to go through the system, unfortunately. This is why I would like to change the system, if I could.

Mr Ganoo: I have heard the hon. Prime Minister saying that about 8,000 Police Officers have undergone computer literacy training. This should represent about 80% of the total Police Force. Can the hon. Prime Minister, therefore, liaise with the Commissioner of Police to see to it that statements given by witnesses or accused parties are no longer taken in handwriting so that this might help Counsel, our Courts of Law and in fact the Force itself?

The Prime Minister: That is a good suggestion. I have also made that suggestion. I think he is working on this.

Mr Jhugroo: Being given that we have got very competent and computer literate Police Officers as just mentioned by the hon. Prime Minister, so would he consider to allow these persons to monitor the speed cameras which have been installed all over the island instead of giving it to the private individuals?

Mr Speaker: What is this question?

(Interruptions)

Yes, next question! Hon. Uteem!

AIR MAURITIUS LTD - FINANCIAL SUPPORT

(No. B/538) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Air Mauritius Ltd., he will state -

- (a) the amount of;
 - (i) money, if any, which it owes to Government, and
 - (ii) its debt guaranteed by Government, and
- (b) if the Government proposes to provide additional financial support thereto.

The Prime Minister: Mr Speaker, Sir, in my reply to PQ B/181 at the Sitting of 29 May 2012, I pointed out that Air Mauritius Ltd. is a company listed on the Stock Exchange and any disclosure of information regarding its financial affairs, that is, beyond disclosures required by law to be made in its Annual Report, may affect the price of its shares and the shareholder's value. It would, therefore, not be appropriate for me to give the information requested by the hon. Member.

However, as I had stated in my reply to PQ B/181, Air Mauritius has not obtained any loan from Government. It has only benefitted from bank guarantees from Government and it has always met its obligations.

Mr Uteem: I heard what the hon. Prime Minister has said. What the question relates to is the existing exposure of Government on financing and guarantees given for the purchase of airlines, etc. This will not affect the price of shares of Air Mauritius Ltd because it is already a known fact what the debt of Air Mauritius Ltd is. What we want to hear is: what is the exposure of taxpayer in Mauritius on the exposure taken by Government on Air Mauritius Ltd.?

The Prime Minister: This is sensitive information, Mr Speaker, Sir, because it bargains for the sum that they want to spend on aircrafts, I myself know this for sure. So, that is why we do not disclose it.

Mr Uteem: In relation to part (b), I understand that the hon. Prime Minister does not want to give any information which will be price sensitive but may I know from him whether the Government is committed to support Air Mauritius Ltd. whenever it goes into financial difficulties?

The Prime Minister: I am hoping it will not go into financial difficulties, Mr Speaker, Sir, that is our hope and that is why we are looking for strategic partners as well.

Mr Bodha: May I ask the hon. Prime Minister whether in the given circumstances, Government would be ready to guarantee loans to Air Mauritius Ltd. for the purchase of new aircrafts?

The Prime Minister: I am not aware that they are in the business of purchasing new aircrafts. They are looking at it but they are not in the business because we are in the process of evaluating the

strategic partnership that Air Mauritius Ltd. is keen on and, I think, it should look at. That is why we want to do that as a first step and then we will see.

Mr Speaker: Next question!

CIVIL SERVICE - HIGH RANKING OFFICIALS – CONTRACT

(No. B/539) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the high ranking officials on contract, he will state if Government will consider posting on the website –

- (a) their respective terms and conditions of appointment, and
- (b) the number of boards on which they are members.

The Prime Minister: Mr Speaker, Sir, the terms and conditions of appointment of contract officers are generally set in accordance with the recommendations of the Pay Research Bureau.

As a matter of fact, paragraph 13.5 of the 2013 PRB Report provides, *inter alia*, that the conditions of service of employees on contract employment, save for leave, travelling and car benefits, should be in line with what obtains in the Civil Service.

Furthermore, the PRB has also recommended that the salary of officers appointed on contract against established posts should normally be the salary attached to the established post.

There are also specific recommendations which have been made by the PRB regarding leave, travelling and car benefits as well as gratuity, loan facilities applicable to contract officers.

The PRB Report is already available on the Government Web Portal and therefore the information pertaining to contract officers is accessible to the whole public.

Likewise, information regarding membership of statutory boards and committees and company boards is also already in the public domain, given that the profile of all board directors is normally disclosed in the annual reports of these organisations, as required by the Code of Corporate Governance. Their annual reports are also published on the websites of these entities.

Therefore, Mr Speaker, Sir, the question of information pertaining to contract officers posted on the Government Web Portal does not arise.

Mr Ameer Meea: Mr Speaker, Sir, can I ask the hon. Prime Minister if he is aware that recently the Financial Secretary has posted on the website of the Ministry of Finance his salary, all his perks, his fringe benefits and all the boards where he sits and all the revenue that he gets from Government.

For the sake of transparency, I personally feel that this is a good move that the Financial Secretary has made and this should be extended to all officers who are being employed on contract on the same terms as the Financial Secretary.

The Prime Minister: I have already answered the question, Mr Speaker, Sir.

Mr Speaker: Time is up! The Table has been advised that Parliamentary Question Nos. B/542, B/544 and B/546 have been withdrawn. Questions addressed to Ministers!

BEST CONSTRUCTION LTD. – CONTRACT

(No. B/551) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction projects awarded to Best Construction Ltd., since 2005 to date, he will state the number thereof, indicating the respective contractual value thereof.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the information sought is being compiled and will be tabled.

Dr. Sorefan: Mr Speaker, Sir, as this contractor is enjoying a total of about Rs400 m. contract, will the hon. Vice-Prime Minister inform the House how many contracts have not been completed as per the contractual time and the amount paid in terms of additional works?

Mr Bachoo: Mr Speaker, Sir, I have just mentioned that the information is being compiled because the question asked is for not one or two but eight years. That is why I will take a bit of time to compile and it will be laid on the Table and then the hon. Member can ask me any number of questions.

Dr. Sorefan: Well, Mr Speaker, Sir, recently there has been flooding. May we know from the hon. Vice-Prime Minister how many emergency procurements have been awarded to this contractor after the recent flooding and the total amount paid to the contractor?

Mr Bachoo: As I have just mentioned, the information is being compiled, but it is a fact that there were emergency situations in our country. There had been floods on two occasions and according to the emergency situation, we have given works to the District Contractors, whoever was in the District, but the rate was the one which had been established by the CPB.

Mr Lesjongard: Mr Speaker, Sir, I will get to the question just put by my colleague. What we want to know is after the floods of 30 March, how many contracts have been awarded to that same contractor on an emergency basis?

Mr Bachoo: Being given that the contractor was responsible for four or five Constituencies, above 25 contracts were awarded. I do not have it exactly. They are working on it. In any non-classified road, wherever the need was felt, it was the non-classified road contractors who were given the contracts. Particularly this contractor was given too much of work because he was responsible for Constituency Nos. 5, 6 and particularly 7 where almost six to seven big contracts were given to him under emergency. But the rates were the ones which were worked out by the CPB.

Dr. Sorefan: I will just add 5, 6, 7 and 9.

Mr Bachoo: For No. 9, being given that this year there has not been too much of havoc caused by flood there were two bridges which...

(Interruptions)

But they fall under the classified road and it was through the RDA contractors and not this non-classified road contractor.

Mr Uteem: May I know from the hon. Vice-Prime Minister in relation to the allocation of these emergency contracts after the flooding, what was the procurement method used and how many contractors were awarded the contracts?

Mr Bachoo: Normally, after the big flood which occurred, there was an emergency meeting which was held and it was decided that for non-classified roads all the contractors who are already approved by the Central Procurement Board be given the work, but the rate had been determined by the Central Procurement Board and the contractors were also those appointed by the Central Procurement Board, except in one or two cases where the existing contractor who was appointed by the Central Procurement Board did not turn up on that day, that is, one day after the emergency. Then, the Committee took the decision to hand it over to the next contractor who is also on the list of the Central Procurement Board. Because, Mr Speaker, Sir, as far as emergency is concerned, the work can be entrusted to any contractor but we have not done that. We have preferably gone to the District Contractors appointed by the Central Procurement Board and the rate also was determined by the Central Procurement Board and not by my Ministry.

Mr Ameer Meea: Mr Speaker, Sir, the hon. Vice-Prime Minister did not answer what my colleague, hon. Lesjongard, asked about the number of contracts that have been awarded to this particular contractor on emergency procedures after the flooding of 30 March.

Mr Bachoo: Mr Speaker, Sir, I do not have the exact number; it must have been above 25. I can calculate it. In Constituency No. 7, we have given about six to seven contracts and in Constituency No.6, we have given three contracts. In this way, in different places, contracts have been awarded. I do not have the exact number and I am going to submit it. I got a question and I have to answer for eight years.

It is not a child's play. I have to give you because whatever information you asked, I never shirk from my responsibility, I submit, but that will take me a few days time.

Mr Jhugroo: Can the hon. Vice-Prime Minister inform the House on what frequency he meets these contractors and in presence of whom?

Mr Bachoo: Normally, the responsibility of the District Contractor that looks after non-classified roads befalls under the NDU. But the hon. Member who was himself a Member of this Government knows. When the need is felt, on the request of the PPS, I called them in the presence of the PPS, the Permanent Secretary and the Engineers. We have to hire and fire them at times when there is late delivery of works or when they do not do their works properly.

(Interruptions)

It is my duty because if I do not do it, Mr Speaker, Sir, nobody else will do it.

(Interruptions)

Mr Speaker: Silence!

Mr Bachoo: But these works are always done in the presence of the PPS, the Project Manager, the Deputy Project Manager and the Engineers of my Ministry. We monitor and we also hold meetings almost once a month and when the need is felt, the contractor is called. There is also a case where one contractor was suspended for not doing his job well.

Mr Gungah: Mr Speaker, Sir, in a reply to PQ B/402 of 28 May, the hon. Vice-Prime Minister informed the House that the contract for the upgrading of Belin football ground at Goodlands was awarded to Best Construction Ltd. Can the hon. Vice-Prime Minister inform the House whether the contractor has got the necessary know-how and expertise to carry out such jobs because nearly one year has gone and the works are still at the initial stage?

Mr Bachoo: Mr Speaker, Sir, if the hon. Member comes with a specific question, I will answer. But I am aware of that situation at Belin football ground. There was problem of access on that and then, we have to wait because of the bad weather ...

(Interruptions)

Let me finish!

Mr Speaker: Do not interrupt!

Mr Bachoo: I am talking from memory, whatever I know. If the hon. Member has asked me a question, the intention is to get an answer from this.

(Interruptions)

Mr Speaker: Yes, answer!

Mr Bachoo: Mr Speaker, Sir, then, we had a problem with the sugar estate. Secondly, those who were participating in the Maha Shivaratri festival wrote a letter because they would use that playground. Thirdly, there were amendments to be made on the plan. Fourthly, there were requests made by the inhabitants of the region to put cross drains. All these things had to be done and there had been delays. I do not have all the details with me, but I am telling you from memory. There is a problem on that side and I am looking into it.

Mr Baloomoody: Can I ask the hon. Vice-Prime Minister what is the criteria used to choose the District Contractor and what action is being taken to ensure that one District Contractor is not overloaded with work and that the work is equally distributed to all other contractors?

Mr Bachoo: Normally, Mr Speaker, Sir, I am not going to answer on behalf of the Central Procurement Board. That is their responsibility.

Mr Speaker: Yes, you have the right to. So, I think this question has been sufficiently aired. Next question hon. Mrs Radegonde-Haines!

RAMPHUL LTD. – EX-EMPLOYEES – COMPENSATION

(No. B/552) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security, the Attorney General whether, in regard to the ex-gratia payment made by Ramphul Ltd. to his ex-employees, he will state the terms of the agreement between Ramphul Ltd. and Government in relation thereto, indicating the -

- (a) engagement taken *vis-à-vis* the sugar camp dwellers, ex-employees of Ramphul Ltd., and
- (b) measures taken by Ramphul Ltd. to implement the decisions agreed upon during the negotiations.

Mr Faugoo: Mr Speaker Sir, six sugar entities including Ramphul Ltd which are not members of the Mauritius Sugar Producers Association (MSPA) and which do not fall under the purview of the Sugar

Industry Efficiency (SIE) Act wanted to terminate the employment of their 212 workers following Reform in the EU Sugar regime and the drastic cut in the price of sugar by 36%. Under the then legislation, these workers would have been entitled to a compensation of ¼ month salary per year of service.

In 2011, Government intervened on humanitarian grounds and through difficult and protracted negotiations agreed with these sugar entities to the payment of a cash compensation equivalent to 1.5 months salary per year of service. Towards this effect, Government agreed to contribute 50% of the cash compensation to the tune of some Rs23 m. Subsequently, Ramphul Ltd on 17 May 2011, implemented the Early Termination Contract for 67 beneficiaries who were paid a total cash compensation amounting to some Rs15,479,000, that is, an average of Rs231,000 per employee compared to Rs38,500 that they would have received without Government intervention.

As regards part (a) of the question, I am informed that there are presently 12 camp dwellers at Ramphul Ltd out of which seven opted for the Early Termination Contract (ETC) in 2011 whereas the remaining five dwellers are squatting. Ramphul Ltd took an engagement to allow the existing sugar camp dwellers, to continue to occupy their camps till they find an alternative house. Ramphul Ltd is keen to finding a solution for these camp dwellers, albeit that there is no onus on Ramphul Ltd to allocate land to the dwellers and there is no agreement in that regard.

As regards part (b) of the question, I have been informed by the Mauritius Cane Industry Authority(MCIA), that following a meeting held by the MCIA and Ramphul Ltd, and also, a meeting held yesterday in the presence of hon. Alan Ganoo, Leader of the Opposition and MP of the Constituency, the following were agreed upon -

- (i) the ex-employees will continue to occupy the camps until a solution is found;
- (ii) some five perches of land will be identified by Ramphul Ltd to be sold at a reasonable price to the occupiers;
- (iii) Ramphul Ltd will arrange for long-term loan facilities with minimum monthly repayment and a minimum initial deposit, and also
- (iv) they are agreeable to extend the same facilities to the five squatters.

The MCIA is closely monitoring the matter.

Mrs Radegonde-Haines: Mr Speaker, Sir, I raised the issue regarding the workers who are still occupying the sugar camps and I understand what the hon. Minister replied. But still my concern is whether a Ministerial Committee was set up to assist not only compensations, but also housing problems of the sugar camp dwellers, and if so, what steps have been taken to achieve this agreement?

Mr Faugoo: Honestly, Mr Speaker Sir, there is no agreement between Ramphul Ltd and the occupiers on the issue of houses or land. Presently, as I said yesterday, there was only a meeting between Ramphul Ltd where the hon. Leader of the Opposition was present. They are willing to sell five perches of land to each of the occupiers and this is the proposition made by Ramphul Ltd. But, there is no agreement on the issue of land or houses, Mr Speaker, Sir.

Mrs Radegonde-Haines: Mr Speaker, Sir, allow me to recall the hon. Minister that he made this statement on 22 June 2011 during the cash payment for the termination of employment at Ramphul Ltd, and I quote -

“Ena enn comité ministériel de cinq ministres qui fine réuni pour guette pas ziste coté compensation mais aussi le problème du logement de quelques travailleurs”.

Is the hon. Minister now saying in light of what he just said that this statement is not correct?

Mr Faugoo: I have never said that this statement is not correct, Mr Speaker, Sir. What I am saying is that there was a Ministerial Committee which was looking on the issue of houses and this is where we have asked the MCIA to liaise with Ramphul Ltd to find a solution.

Mrs Hanoomanjee: Mr Speaker, Sir, in fact, I raised that question regarding *logement* of camp dwellers some two years back, having seen the conditions in which they are living right now. Can the hon. Minister say whether he can negotiate with Ramphul Ltd and try to see whether instead of selling land to these people they can benefit, in spite, of the fact that Ramphul Ltd is outside the MSPA, he can give a sort of land compensation same as has been given for VRS and now ERS?

Mr Faugoo: I have spoken to Ramphul Ltd and they are not willing to give any land to these sugar camp dwellers for the simple reason that they are not benefiting from anything under the SIE Act. Because those estates which have been given land to ex-employees, who have opted for VRS or ERS or Blueprint, Mr Speaker, Sir, they are entitled for conversion where they do not pay any tax. If Ramphul Ltd gives land to 12 of the dwellers out of which five are illegal - they are squatting - it will open the door to 212 workers whose contracts have been terminated, Mr Speaker, Sir.

Mr Ganoo: May I ask the hon. Minister, if in case the workers agree to purchase the land and to accept the proposals which have been made by their former employer, is it possible for the Ministry to contribute to help these 12 families who have been living on this camp for so many years - some of them for 30 to 40 years - and who have been allowed by Ramphul Ltd. to stay there? I don't think they are squatters because they have been allowed to stay pending they find alternative accommodation, but can the Ministry source out funds either from the Ministry of Social Integration and Economic Empowerment or somewhere else to help these families in case they agree to purchase the land and to support them in the acquisition of their plot of land?

Mr Faugoo: We are willing to help, Mr Speaker, Sir, but help to the extent that we can. We are negotiating with Ramphul Ltd. Ramphul Ltd. is not under any obligation to give land to these dwellers. We have given 50% of the compensation; Government has contributed 50% of the cash compensation which I said earlier. These dwellers - those who were ex-employees who opted for early termination of contract - were compensated in the tune of approximately Rs235,000 a year ago. They should also..

(Interruptions)

I am seven of them who are in occupation, they should also make an effort. They cannot ask, nothing is given free, Mr Speaker, Sir. They should also make an effort. Government has gone a long way to help them, as I said, by contributing 50%, but they have to make an effort also.

Mr Speaker: Last question!

Mrs Radegonde-Haines: Mr Speaker, Sir, not all received the compensation of Rs200,000, some have received a compensation of Rs49,000 only. Mr Speaker, Sir, I would like to know what was the term of reference of the Inter-Ministerial Committee particularly regarding housing problems of these workers?

Mr Faugoo: To look into the issue of housing and this is what exactly we did.

Mr Speaker: Next question!

(Interruptions)

No comment! Next question!

SAVANNE & BLACK RIVER - OLD CITÉ EDC - SURVEY

(No. B/553) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to the Old Cité EDC in Constituency No.14, he will state if a survey has been carried out to ascertain the conditions thereof and, if so, indicate the measures taken in relation thereto.

Dr. Kasenally: Mr Speaker, Sir, I wish to inform the House that in Constituency No. 14, there are 8 Cité EDC, namely Bel Ombre, Case Noyale, La Ferme, L'Embrasure, La Mivoie, Petit Bien, Surinam and Tamarin comprising 479 housing units.

In August 2012, my Ministry initiated a survey to assess the status of the 3113 housing units found on 59 EDC housing estates across the island, inclusive of those found in Constituency No. 14. This exercise was completed in October 2012.

Regarding the EDC housing units in Constituency No. 14, it has been found that -

- (a) 92 original housing units have been removed and replaced by new concrete construction;
- (b) owners of 333 housing units have carried out concrete extension to their existing housing units;
- (c) 47 housing units are in fair condition, and
- (d) Seven housing units are in deplorable conditions, out of which three units are occupied and four units are unoccupied.

Mr Speaker, Sir, the inhabitants of these housing estates are all owners of the housing units. Regarding the seven housing units which are in a deplorable state, the inhabitants have been informed of the various schemes available for upgrading of their housing units. These include -

- (a) housing loan scheme provided by the MHC Ltd. at low interest rate;
- (b) casting of Roof Slab Grants and/or purchase of building materials scheme at the NHDC;
- (c) assistance and subsidies from Government through the National Empowerment Foundation, and
- (d) assistance by the local authorities for the removal and carting away of asbestos wastes.

Mr Speaker, Sir, the officers of my Ministry and representatives of the Ministry of Health and Quality of Life have also informed the residents of the EDC houses on how to maintain their housing units.

Mr Obeegadoo: Could the hon. Minister inform the House whether the subsisting asbestos removal issues are being attended to by his Ministry, whether directly or through the NHDC, and when we will be assured that all asbestos risks have been eliminated altogether?

Dr. Kasenally: If he had listened to it, he would have known that I have said already that they would get assistance by the local authorities for removal and carting of asbestos waste and also representatives of my Ministry and those of the Ministry of Health and Quality of Life, I have informed them of the EDC houses, how to maintain their housing units.

Mrs Radegonde-Haines: Thank you, Mr Speaker, Sir. Mr Speaker, Sir, in light of what the hon. Minister has just said, many of those people living in these asbestos houses do not have a permit, do not have a title deed to be able to receive the loan. I, myself, have many cases that I have to handle and it is very difficult. So, can I ask the hon. Minister to help these people to obtain their title deed so that they can remove the asbestos houses?

Dr. Kasenally: I have already said that they are proprietors of these houses and all of them have been given their title deeds. I don't know where is the problem.

Mr Baloomoody: The hon. Minister just mentioned facilities for casting of slabs. Can I ask the hon. Minister whether this applies also to those who want to change their slabs because the slab, as it is now, is leaking?

Dr. Kasenally: Yes, of course, they will be eligible for that. They have to make the application and there will have to be proper evaluation because some of these houses have got an inclined roof and it may not be possible or it may not be safe to cast a slab on a structure where there is asbestos. In these circumstances, they have got ways and means to pull it down as most of them have done. There are only three, out of 3,113 there are three or four, two or three houses which are in a deplorable state and they have been abandoned. Therefore, as I have said again, they have been made aware of all the facilities which Government is extending to them and they are no mean facilities. They are very substantial and this Government has gone a long way towards helping these poor people. It is our policy to come to these underprivileged people and we do it.

Mr Speaker: Hon. Leader of the Opposition!

Mr Ganoo: Mr Speaker, Sir, I don't know if I have understood the hon. Minister properly! Has the hon. Minister said that there are only three or four families living in asbestos houses in this Constituency? I have raised this question a few years back, before 2010, Mr Speaker, Sir, but

unfortunately, I have again to ask the hon. Minister whether he does not think that in the case of occupiers of these asbestos houses although he has just provided us with the information that Government has provided many schemes to poor families for rebuilding or renovating their houses. But, may I ask him whether those living in these asbestos houses should not benefit from a particular scheme so that we can get rid once for all with all these old asbestos houses not only in Constituency No. 14, but all over the island because these houses were constructed years ago after Cyclone Carol and Alix, as far as I remember, Mr Speaker, Sir. Fortunately, some families have been able to get out of the trap and have been able to pull down their asbestos houses, but there are many families who still live in these houses with all the dangers that this represents. So, although the hon. Minister has told us that his Ministry has been providing advice as to how to live in these asbestos houses, but still, daily they face many dangers. Can I ask him whether Government should propose one particular scheme to eliminate all asbestos houses?

Mr Speaker: That is a speech, hon. Leader of the Opposition! Yes, hon. Minister, answer.

Dr. Kasenally: You know, listening to that discourse the hon. Leader of the Opposition has been giving me information which I have already provided and this Government, as I have said, is prepared to help these people, but they must come forward as well. *On peut amener le cheval auprès de l'abreuvoir mais on ne peut pas le forcer à boire.*

Mr Speaker: Last question!

Mrs Radegonde-Haines: Mr Speaker, Sir, these people did come forward with many obstacles that they can't really obtain a decent house to live for two years. I am still looking into the matter with people in my own Constituency. With regard to Bel-Ombre - *Cité* EDC - these houses have been there over years and in one house today you have more than 17 people. According to my information, the Sugar Estate has offered 2,000 acres of land to the Government. Is that information correct?

Dr. Kasenally: Mr Speaker, Sir, I did not want to say that but, since Constituency No. 14 has been mentioned, I must say that three weeks ago, on a Saturday, we spent half a day going over the following places: Case Noyale, Karo Kalyptis, Grande Rivière Noire and la Comtesse de Lamarque. I went through that *Cité* EDC where some of these people are living in a deplorable state and we are moving them to another place. So, it is not proper or fair to say that we are not doing anything. What this Government is doing is unprecedented as far as housing is concerned.

(Interruptions)

But, we are not satisfied; we are going to do more. But given a chance, ...

(Interruptions)

Now, if you don't want to listen, I will sit down!

(Interruptions)

Mr Speaker: Therefore, this is a proper time to break. We break for one and half hours!

At 1.04 p.m the sitting was suspended.

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

BUS TERMINALS - RENOVATION

(No. B/554) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the bus terminals, he will state if consideration will be given for the renovation thereof, indicating if the services and facilities extended to the commuters thereof will be improved and, if so, give details thereof and, if not, why not.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I wish to inform the House that once a Traffic Centre is completed and inaugurated, it is handed over to the Local Authorities. The renovation of the Centre and the improvement of facilities offered therefore lie with the Local Authority concerned.

However, I would like to add that the evolution of the bus transport system in recent years has resulted in a significant increase in both the number of buses and the other bus routes on which the buses are operating. This has resulted in major bus stations being now operating under conditions of overcapacity. Buses and passengers are crammed together and the space available, totally inadequate for the volume of activities generated by the public transport system. There is acute shortage of storage space for buses at bus stations. This is forcing buses to squeeze in the exiguous space available or park in areas not normally intended for bus parking.

The solution is to move the major bus stations to new locations where ample space would be available for designing modern bus stations.

Ms Anquetil: Mr Speaker, Sir, being given that presently the disembarkation of passengers, including students est fait *de façon peu méthodique, mettant la vie des passagers en danger*, can the hon. Vice-Prime Minister inform the House if a safety audit will be carried out in all urban bus terminals to review the disembarkation procedures?

Mr Bachoo: Mr Speaker, Sir, in fact, regular monitoring exercises have been carried out. We have come to the conclusion that there are certain bus terminals where enlargement works are required, additional space is required. For example, the hon. Member has in mind the Curepipe bus terminal and I would like to inform her that the location of a new platform has already been identified within the bus station and, secondly, a plot of land has also been made available by the Municipality of Curepipe. We are looking into the possibility of transferring part of the buses which, during off-peak time or peak time also, can utilise those bus stations. They can be used as parking space for those buses. As far as the monitoring is concerned, that is done on a regular basis. But that is not enough, we need to move. For example, in Rose Hill, the same problem is faced by all the bus utilisers. Here also, we have been able to spot a plot of one acre of land. We hope that the needful will be done in the near future.

Ms Anquetil: M. le président, le PPS hon. Thierry Henry, le maire de la ville de Curepipe, les conseillers et moi-même avons effectué une visite hier à la gare de Curepipe. Etant donné que la ville de Curepipe est une ville pluvieuse, est-ce que l'honorable vice-Premier ministre peut informer la Chambre si des auvents pourraient être installés rapidement à la gare de Curepipe pour protéger les passagers de la pluie ?

Mr Bachoo : Mr Speaker, Sir, I would convey this request to the NDU to see to it that this work is completed.

Mr Bhagwan: The hon. Vice-Prime Minister has just informed us about the problem at *Place Margéot*, Rose Hill and has made mention of a plot of land. I raised this question here as well as hon. Nagalingum on many occasions and, in fact, land was made available at Ebène where there was a big project. Can the hon. Vice-Prime Minister informed us whether work has started by the relevant authority for the planning of this new bus terminal, not only to cater for the eastern regions, but also for the intra buses of Rose Hill at Place Dar-es-Salaam Square where it is very much congested?

Mr Bachoo: Mr Speaker, Sir, in fact, this has not been budgeted. The preliminary design has already been prepared. Now, we have to wait for the availability of funds to do the work because the project will be above Rs50 m.

Mrs Labelle: Mr Speaker, Sir, the hon. Vice-Prime Minister mentioned that he has identified one acre of land for Rose Hill. May we know whether it is the same plot of land which was identified some eight years back?

Mr Bachoo: There has been a slight change, Mr Speaker, Sir. I don't have exactly the location plan with me, but if a substantive question is asked, I will submit the location plan as well.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Vice-Prime Minister whether there is any project as regards the Bus Terminal at Victoria Square?

Mr Bachoo: Mr Speaker, Sir, again we have the same problem here also, unavailability of space. At one time, we had taken the decision to go towards Les Salines, but that area has already been earmarked for other projects. The other plot which was available was just by the side of Victoria Square, which has already been handed over, that is, the CWA compound.

We had the Sea Training school that has already been handed over to the Municipality of Port Louis to lodge the merchants.

Mr Obeegadoo: Mr Speaker, Sir, the hon. Vice-Prime Minister is surely aware that there have been a number of serious accidents, including fatal accidents at Jan Palach, Curepipe. I understand he referred earlier to an audit. Will the hon. Vice-Prime Minister tell us whether that audit has now been completed and will he be willing to communicate to the House the results of a Road Traffic Safety Unit, if any, having reference to Jan Palach, Curepipe?

Mr Bachoo: Mr Speaker, Sir, there have been repeated road traffic assessments conducted, as far as I am aware. As far as the audit is concerned, I will have to look at it but, repeatedly, assessments have been carried out. There is a difference between assessments which they conduct at regular intervals and the audit. I will try to find out if we have got any traffic audit which has been carried out and if the information is available, I will circulate a copy.

Mr Obeegadoo: Mr Speaker, Sir, to the extent that the inhabitants of Curepipe, as hon. Anquetil seems to be confirming, are very weary of safety issues at Jan Palach; if there is no such audit, will he agree to urgently commission a full audit pertaining to safety of people using Jan Palach, Curepipe at the earliest.

Mr Bachoo: Mr Speaker, Sir, I am not insensitive to this problem. Definitely, I am going to look into it and whatever actions need to be taken will be taken urgently.

Mr Speaker: Last question hon. Anquetil.

Ms Anquetil: Thank you, Mr Speaker, Sir. Can the hon. Vice-Prime Minister inform the House whether, in regard to the relocation of Vacoas Bus Terminal where matters stand?

Mr Bachoo: As far as Vacoas is concerned, unfortunately there was an attempt to move the building of MPI itself, but I don't think that is possible. There was an attempt; discussions were on, but it is very difficult for us to move the whole headquarter from that place to any other place. As at now, it is statu quo.

HANDICAPPED CHILDREN- ALLEGED SEXUAL ABUSE

(No. B/555) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to alleged cases of sexual abuse on children, she will state, for the past year, if any case arising in an institution dealing with *les enfants inadaptés* has been reported to her Ministry and, if so, indicate the actions taken, if any, in relation thereto.

Mrs Martin: Mr Speaker, Sir, in regard to alleged cases of sexual abuse on children arising in institutions dealing with *les enfants inadaptés* reported to my Ministry for the past year, I would like to refer the hon. Member to the reply to PNQ made on 16 April 2013.

I am also informed that an anonymous letter was received at my Ministry on the 07 May 2012 regarding alleged cases of sexual abuse on children attending an institution dealing with *les enfants inadaptés*. The letter was dated 11 October 2011.

A site visit was effected by officers of my Ministry at that institution on 04 June 2012 and the Officer-in-Charge thereof was met with. The latter informed that she did not receive any complaints neither from the children of her institution nor from any of their parents. She requested the CDU officers to meet the Director of the said institution.

Concurrently, the case was referred to the *Brigade pour la Protection des Mineurs* for a Police inquiry in July 2012.

In May 2013, following a request to the Police, my Ministry was informed that a copy of the anonymous letter had already been sent to them by the Prime Minister's office on 24 October 2011. They have enquired into the matter and, according to their report, all persons interviewed in that respect denied the allegations mentioned in the letter. The anonymous letter was also sent to the Ombudsperson for Children's Office by the Prime Minister's Office and, on 09 January 2012, the Ombudsperson for Children had informed the Prime Minister's Office that the allegations made were unfounded.

Upon receipt of the report, my Ministry requested the Police on 19 June 2013 for a further probing into the case.

Mr Speaker, Sir, I also wish to inform the House that, following an open letter addressed to me in the newspaper '*Le Mauricien*' of 11 June 2013, a meeting was held on 20 June 2013 between officers of my Ministry and the author of the open letter along with an ex-member of the institution. The ex-member mentioned that an alleged case of sexual abuse that might have occurred in August 2009 on an ex-student of that institution. My Ministry has initiated actions for an inquiry to be carried out and the Police will also be requested to conduct an inquiry regarding same.

Mrs Hanoomanjee: Mr Speaker, Sir, can I ask the Minister as to why it takes so long to inquire into cases of sexual assault on children?

Mrs Martin: Mr Speaker, Sir, normally whenever a case is made known to the Ministry, we inquire into the basics of the case as regards the victim side which is normally a social inquiry, but the case is also referred to the Police for other types of inquiries. Therefore, it pertains to the Police, I cannot say how long they take to make inquiry. It depends on the case, I suppose.

Mrs Hanoomanjee: Mr Speaker, Sir, I think there is need to have concerted action between the Police, the Ministry of Education also which is concerned, the Ministry of Gender Equality so that, in cases where children - especially handicapped children, *enfants inadaptés comme on dit*, are concerned. I think there need to be hasty decisions and outcome in the inquiry as quickly as possible.

Mrs Martin: Mr Speaker, Sir, that is exactly what happens. In fact, when a case is referred to us, we, at the Ministry, refer it immediately to the Police and, at the same time, I believe that when a case is referred to the Ministry of Education, same is being done. Therefore, there is a referral of cases and sharing of information and, as I have said in my answer, when the letter was received at the Prime Minister's office, it was sent to the Police and the Ombudsperson for Children's office as well. So, there is concerted action according to the different cases that are submitted to us.

Mr Uteem: I heard the hon. Minister mention that, as soon as there is an allegation of sexual assault, her Ministry immediately refers the matter to the Police. May I know from the hon. Minister how many cases have been referred to the Police by her Ministry over the past two years and how many complaints she has received of a sexual nature?

Mrs Martin: I would ask the hon. Member to come with a substantive question. I do not have these figures as regards the two years. I cannot supply it now.

Mr Obeegadoo: To go back to the point raised by hon. Hanoomanjee, is the Minister aware that, in the report of Magistrate Kwok into the MITD related affair, according to interpretation given to us by hon. Bunwaree, one of the recommendations was that Police must act promptly in such cases. Now, will the Minister tell us, as Minister in charge of Child Development and Family Welfare, whether, further to that report which she may have seen we haven't...

(Interruptions)

she has not either. Well, on the basis of Minister Bunwaree's communication, has she taken up the matter with the Prime Minister to try and get a copy of that report and with the Commissioner of Police so that indeed in such sensitive issues the Police act promptly as recommended by that report?

Mrs Martin: There has been an interministerial meeting headed by the Deputy Prime Minister...

(Interruptions)

chaired by him. Decisions were taken regarding each and every recommendation that was made known and I assume that action is going to be taken accordingly.

Mr Ganoo: Mr Speaker, Sir, we keep on hearing week after week cases of children being sexually abused in different institutions. May I ask the hon. Minister, as I did to the hon. Prime Minister last week or two weeks ago, as to whether Government will look at the problem *en amont* in the sense that, before parties are recruited to work with children, proper legislation is presented before the House urgently as in the case of other jurisdictions. For example, in Australia, there is a Working with Children (*Criminal Record Checking*) Act 2004 which Act provides for procedures for checking the criminal record of people who carry out, or propose to carry out, child related work; to prohibit people who have been charged with or convicted of certain offences from carrying out child related work.

I have also a 2011 legislation. Another legislation of 2011 called the *Working with Vulnerable People (Background Checking) Act 2011*. This is an Act to provide for background checking and registration of people who work with vulnerable people and other purposes. I suggest to the Prime Minister and the hon. Minister that this is the trend in other countries. Legislation is being adopted to check people who propose to work with children and to screen their background. So may I ask the hon. Minister whether she will consider urgently the necessity of coming to this House with a legislation and introduce a Bill along the lines which I have been proposing, that is, to address this problem of employees who propose to work with children in order to check their criminal record.

Mrs Martin: Mr Speaker, Sir, I quite agree with the hon. Leader of the Opposition, because I am also one to think that when you deal with children you have to be extremely careful. I must say that we

have, in the Ministry, engaged into massive sensitisation of people, NGOs and institutions as well as organisations dealing with children, explaining to them what their responsibility is when they have to deal with children. I think because of the mass of sensitisation, now we have more reported cases which are an encouraging factor in a way, because people are now disclosing whenever sexual abuse or any sorts of abuse are perpetrated on children. This is a positive sign.

However, with regard to the question of the hon. Leader of the Opposition, we have in the Ministry adopted now a new approach where institutions...

Mr Speaker: I am sorry to interrupt the Minister. You see, the question of the hon. Leader of the Opposition is focused on proper legislation to screen potential people who are desirous to engage into activities with children. So, you have to answer the question as it has been put.

Mrs Martin: Mr Speaker, Sir, that's what I am trying to explain, in fact...

Mr Speaker: This is not what you have been explaining.

Mrs Martin: I am trying to explain, Mr Speaker, Sir. If you would just allow me, just a few sentences more. I wanted to explain to the hon. Leader of the Opposition that, in fact, we have started asking questions to the institutions to which we are giving children and requiring them to give us a list of the people working with them and also the different certificates of character that they should be possessing; but the problem remains that with private institutions, we cannot intervene, and if they don't want to give it to us, we cannot force them to give it to us.

Mr Speaker: Hon. Minister, it appears you have not understood the question. It is about legal laws which empower your Ministry, officers of the Ministry or any institution to screen potential candidates who wish to work with children.

Mrs Martin: It is a valuable suggestion, Mr Speaker, Sir, and probably we can examine the possibility.

Mr Speaker: Yes.

Mr Baloomoody: Mr Speaker, Sir, we are talking about *les enfants inadaptés* who are in an institution and we have the Minister who is responsible for the protection of children. This issue first came to light in June 2012; we are more than a year after. We have learnt from the Minister that Police have interviewed X, Y and Z, they all deny. Can I ask the hon. Minister, what protection has been given to the alleged victim in the course of the enquiry, be it at the Police level, be it at the Ombudsperson level and be it at her Ministry?

Mrs Martin: Given that the Police had said that the allegations were unfounded, based on their enquiry, Mr Speaker, Sir, there was no security that was deemed to be given.

Mr Bhagwan: Can I know from the hon. Minister whether she can inform the House, since she has assumed duty as Minister, how many times she has met the Commissioner of Police or his senior officers to discuss issues concerning protection of children, whether she has ever had any meeting with the Commissioner of Police, whether that issue has also been discussed with the Secretary for Home Affairs?

Mrs Martin: Mr Speaker, Sir, I have not met the Commissioner of Police as such, but we do have a working together committee which meets quite regularly with the representatives of the Police, we speak to them, we discuss with them. We also work with the *Brigade des Mineurs* very closely and whenever a case is reported, we report it to the Police directly.

Mr Jugnauth: The hon. Minister has just said that she agrees that the Police have to act as quickly as possible in this case. May I know from her Ministry which department has conducted the inquiry, when was that inquiry started and who are the people who have been involved in that inquiry?

Mrs Martin: Usually when a case is reported to us, Mr Speaker, Sir, as such a case, our officers go to the institution and try to conduct a social enquiry with focus to helping and supporting the victim. This is the side what we look at; but, concurrently, we refer the case to the Police for other types of inquiry and this is done around the same time when we start our inquiries.

Mr Jugnauth: Mr Speaker, Sir, I have asked a very simple question: when did the inquiry start and who are the people who conducted that inquiry?

Mr Speaker: Which department?

Mrs Martin: I have already answered in my main answer, Mr Speaker, Sir, and I will repeat again. In fact, the CDU officers went to the institution on 04 June and met the officer in charge and, concurrently the case was referred to the Police for enquiry.

Mrs Labelle: Mr Speaker, Sir, I think I heard the hon. Minister, in her main answer, saying that she has requested another inquiry some weeks back, that is, on 19 June, last week, I think after the question has been put. May I ask the hon. Minister whether she was relating to this case which came to her knowledge in 2011 and it is now that she has initiated another enquiry – after I think some two years for which case she has once again initiated an inquiry – and also who are those persons who are going to conduct this inquiry? Which personnel does she have to inquire with handicapped children, because going

only with the persons concerned deny, but what about the children and who will go to deal with the children? What are their qualifications?

Mrs Martin: I have explained in my main answer also that we had, in fact, an anonymous letter which was sent to us, we did enquire and we referred the case to the Police. In light of that new article that was published in '*Le Mauricien*', we asked the Police to further inquire again, because the article was made known on 11 June 2013. And that is why despite receipt of the report of the Police that following the first inquiry in 2011, the allegations were unfounded, because of this article and subsequent information that we received, we asked them to probe further.

Mrs Hanoomanjee: Mr Speaker, Sir, *c'est un scandale de voir avec quelle légèreté la ministre est en train d'aborder ces questions.*

(Interruptions)

Are we not back again to the same thing as was done for *Foyer Namasté* when the Minister came and said that the allegations were unfounded and, finally, we saw that the allegations were not unfounded? Doesn't the hon. Minister think that she needs to go deeper into the matter and give some protection to that child, even if she is saying that the allegations are unfounded?

Mrs Martin: Mr Speaker, Sir, I must make it clear to the hon. Member and she is not understanding, because she does not want to understand.

(Interruptions)

I have to tell her, because she really does not want to listen to me.

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

Silence!

Mrs Martin: Let me put it clear, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Hon. Jhugroo!

Mrs Martin: Mr Speaker, Sir, when the allegation was put to us in 2012, we conducted an inquiry and before then the Police conducted an inquiry. The Ombudsperson had conducted an inquiry also. The Police conducted an inquiry and both organisations said that there was nothing and it was

unfounded. It is on the basis of these findings that I am saying that the allegations made were unfounded. However, as she has mentioned in the case of *Foyer Namasté*, it is the same thing, Mr Speaker, Sir. Whenever a child starts speaking and a child starts making allegations, we immediately take him under our wing and we immediately follow the procedures. What we did was, at the minute the child started speaking of alleged sexual abuse, even a year later, we, in fact, made the child do a statement.

(Interruptions)

It is not my fault if the Police do not find out anything. I am not responsible for Police enquiries.

(Interruptions)

Mrs Navarre-Marie: Mr Speaker, Sir, in view of the fact that there is an increasing number of child abuses, of sexual abuse on children, may I ask the hon. Minister when does she finally propose to come with a full-fledged Children's Bill with tougher penalties with regard to sexual abuse on children? When does she propose to come with that Bill to the House, because consultations on the issue began years ago?

Mrs Martin: I do agree with the hon. Member. The consultations began a few years ago, but since it is a large Bill, it requires the assent and the concurrence of many other Ministries. This is the step where we have reached now. We have had workshops with all the stakeholders and now the different Ministries and Institutions are required to give their views on this Bill. As soon as this is given, it will go back to the State Law Office and be presented subsequently in the House.

Mr Speaker: Last question, hon. Hanoomanjee!

Mrs Hanoomanjee: Mr Speaker, Sir, can I ask the hon. Minister what has happened to the drop-in centre at Grande Rivière for sexually abused children? That centre was ready since 2011. What has happened? Why is it still dormant? There are so many children who are sexually abused, why is it dormant?

Mr Speaker: Not too many questions at the same time!

Mrs Martin: It is not pertaining to the question. Let the hon. Member come with a substantive question and I will come back to it.

(Interruptions)

Mr Speaker: Hon. Mrs Hanoomanjee, next question!

POINTE CANON, MAHEBOURG - CHILD CREATIVITY CENTRE

(No. B/556) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the creativity centres operating under the aegis of her Ministry or under that of the National Children's Council, she will state the number thereof, indicating, in each case, the -

- (a) number of staff posted thereat, and
- (b) opening hours thereof.

Mrs Martin: Mr Speaker, Sir, I am informed that there is only one Child Creativity Centre which is situated at Pointe Canon Mahebourg. It was set up by the Ministry in September 2000 and made operational in August 2001. Since November 2002, the management of the Centre has been entrusted to the National Children's Council.

The number of staff posted thereat as at date is 11. The opening hours of the Mahebourg Child Creativity Centre during weekdays are from 8.45hrs to 16hrs. The Centre is also open during week-ends upon request of NGOs and other public or private organisations dealing with children. The Centre is also made available for the running of Residential Camping Programmes for children from Friday afternoon to Sunday afternoon. One Office Attendant is then on duty at the Centre.

Mrs Hanoomanjee: Mr Speaker, Sir, will the hon. Minister say why up to now there has been no decentralisation of creativity centres when we know fully well that there are so many community centres falling under the aegis of her Ministry which are not being used, I should say?

Mrs Martin: I can see that the hon. Member is not well informed because in fact...

(Interruptions)

... because in fact,...

(Interruptions)

Mr Speaker: Silence!

(Interruptions)

Mrs Martin: ... even though there is only one creativity centre, Mr Speaker, Sir, we use the social and community centres also to conduct activities for children. The women centres are also used to conduct the activities for children and those activities are done during some weekends as well as during the school holidays.

(Interruptions)

Mrs Hanoomanjee: Is there a global plan of work which has been worked out to encourage creativity in children in collaboration with the Ministry of Education and will the Minister say whether during her numerous visits to other countries or even to India which has helped us in the past with *Bal Bhawan*, has she contacted all these countries to encourage creativity in Mauritius in children?

Mrs Martin: In fact, Mr Speaker, Sir, the objective of creativity centres is being respected, that is, to create holistic creative development of the child conducive to his creative environment. In fact, children are being offered different creativity activities to be able to develop social, intellectual, cultural, moral and physical development. This is what we do. More concretely, Mr Speaker, Sir, I can just take one of the last examples which we did for International Children's Day and that was done during the holidays of Easter where 600 children from 35 different regions participated in a National Artwork Programme. The paintings were, in fact, displayed all round Port Louis.

Mrs Navarre-Marie: Mr Speaker, Sir, the hon. Minister seems not to be aware that the shelter of Pointe aux Sables was originally meant to be a creativity centre. Therefore, the shelter was to be located therein on a temporary basis since 2006. In view of the fact that there is a lack of infrastructure for children in the region, will the hon. Minister state whether she proposes to relocate the shelter, thus allowing the centre to be fully operational as a creativity centre for the children of the region?

Mrs Martin: Mr Speaker, Sir, in fact, I am aware and I asked the same question, but I have been informed that at the time when this creativity centre was converted into a shelter it was to cater for an emergency and since then, a few important modifications have been made and it is no longer conducive for a creativity centre.

Mr Speaker: Last question!

Mrs Hanoomanjee: Mr Speaker, Sir, there are lots of contradictions in what the Minister is saying. Can I ask her whether she is aware that staff of the National Children's Council have undergone training? There are craft workers, staff in the dressmaking unit and they have all followed training courses with a view to encouraging creativity. Why is it then that these staff who had been trained with public funds are not now being used to encourage creativity in children and there is only one creativity centre? She has just mentioned it.

Mrs Martin: Mr Speaker, Sir, the staff of the National Children's Council and the National Women's Council do several things, but there is a whole list of activities that the children do in the creativity centre and the social welfare centres, as I explained, during holidays. They are guided by the same officers who, in fact, assist the children in doing a lot of creative activities. I have the list and there are more than 20 different activities which I can table for the hon. Member to see if she does not know.

Mr Speaker: Let's go to the next question, hon. Uteem!

STC - PETROLEUM GAS - TENDER

(No. B/557) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the tender for the supply of liquefied petroleum gas for 2013/2014, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to where matters stand.

Mr Sayed-Hossen: Mr Speaker, Sir, I wish to inform the House that the State Trading Corporation is excluded from the application of the Public Procurement Act, by virtue of the Public Procurement (Amendment No. 2) Regulations 2009, in respect of procurement of goods purchased for resale, including services incidental to the purchase or distribution of such goods.

Nevertheless, the State Trading Corporation is fully committed to implement sound procurement policies and practices, based on open and fair procedures. The procurement of goods and services is thus subject to an open bidding process which is advertised in the media.

Mr Speaker, Sir, I am informed by the State Trading Corporation that it is, with this spirit in mind, that it launched an open international tender on 08 March 2013 for the supply of 65,000 metric tonnes of Stenched Pressurized Liquefied Petroleum Gas (LPG) mix for the period 1 July 2013 to 30 June 2014.

I am further informed that four offers have been received at the closing date on 19 April 2013. They are presently still being evaluated by the State Trading Corporation. As per the usual practice, the names of the bidders, the premiums and the demurrage rates proposed have been posted on the website of the State Trading Corporation.

Mr Uteem: May I know from the hon. Minister what is the current premium per metric tonne being paid by the State Trading Corporation for LPG and what is that premium compared to the lowest bidder which has submitted its bid for this exercise?

Mr Sayed-Hossen: Mr Speaker, Sir, we actually have four bids, as I said in my main reply. The lowest bid is 98 dollars premium and 3000 dollars demurrage and the highest is 155 US dollars with 20000 dollars demurrage.

There has been an increase, actually, in the premium from last year to this year.

Mr Uteem: May I know from the hon. Minister whether the Bid Evaluation Committee has already completed its evaluation and submitted any recommendation to the Board of the STC?

Mr Sayed-Hossen: Mr Speaker, Sir, the State Trading Corporation is not bound by the provisions of the Public Procurement Act. When a tender is launched by the State Trading Corporation (STC), actually it is tantamount to a process of open bidding. Once, the STC receives the different bids, it reserves itself the right to negotiate with the different suppliers who may be retained for that exercise. This is based on a certain number of factors, including the credentials of the supplier, the capacity to

supply at the required standard for the whole duration of the period etc. Up to now, the evaluation has not been completed

Mr Uteem: My question was very simple, Mr Speaker, Sir. I asked whether there was a Bid Evaluation Committee and whether it has looked at the three bids and made any recommendations?

Mr Sayed-Hossen: Mr Speaker, Sir, I have thought that I have replied by saying that the evaluation process has not been completed. There is an Evaluation Committee which has examined the different bids and which has requested from two potential suppliers to come up with further information. One of them has and the Evaluation Committee has not yet met with the second retained supplier.

Mr Uteem: The supply of LPG is supposed - according to the tender posted on the website of STC – to be for the period starting 01 July 2013, that is, in ten days' time. So, may I know from the hon. Minister if this tender is not awarded before 01 July 2013, whether there would be any shortage of LPG in Mauritius?

Mr Sayed-Hossen: Mr Speaker, Sir, I can assure the House that there would be no shortage because the STC has taken the precaution of extending for three months the contract with the present supplier just to ensure that we do not run into a shortage.

Mr Speaker: Last question!

Mr Uteem: If I may ask one last question, Mr Speaker, Sir. Based on the information available on the website of the State Trading Corporation, there is a difference of Rs25 m. between the lowest bidder and the second lowest bidder and Rs50 m. between the lowest bidder and the third lowest bidder. So, may I ask the hon. Minister why is he taking so long to award the contract to the lowest bidder in this case?

Mr Sayed-Hossen: Mr Speaker, Sir, again as I have said in my main reply, the lowest bidder may not necessarily be the best supplier because we have to check a certain number of factors including its credentials, its capacity to supply at a given moment. I have to inform the House of something, Mr Speaker, Sir. We have limited capacity of storage of LPG. We have a consumption of around 65,000 or 67,000 tons per year, so much so that we receive stocks of LPG about once in every three weeks. So, the frequency of suppliers is extremely high and we have to ensure that the supplier who is chosen by the State Trading Corporation is in a capacity to supply at this frequency.

SERGE ALFRED SWIMMING POOL - MAINTENANCE

(No. B/558) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Serge Alfred Swimming Pool, he will state if he has been made aware of the bad state thereof and, if so, indicate if remedial measures will be taken in relation thereto and, if so, when.

Mr Ritoo: Mr Speaker, Sir, the Serge Alfred swimming pool, although dating back to 1983, is fully operational. I agree that there are certain shortcomings that are due to normal wear and tear of a 30 year old infrastructure, but certainly the swimming pool is not in a bad state.

I repeat, the Serge Alfred swimming pool is fully operational and is being utilised to its maximum by athletes of the National Training Squad, those of the Trust Fund for Excellence in Sports (TFES), the *Commission Nationale du Sport Féminin*, the general public, swimmers of the Police Force and those of other organisations. Competitions are also being held under the FINA rules and regulations and not later than early this month, several national records have been established.

With the strict hygienic conditions to be observed for a swimming pool and the normal wear and tear, maintenance and repair works are an ongoing exercise throughout the year. The problem recently encountered with the water temperature has already been addressed with the repairs effected to the boiler. Heating of the pool is being started earlier, that is, at midnight. However, we have to reckon with the fact that climatic conditions sometimes do not allow us to obtain the required temperature.

Repair works in the ladies cloakroom and repairs to the computerised scoreboard are ongoing.

Mr Speaker, Sir, some of the maintenance and repair works would require temporary closing down of the swimming pool. With a view not to penalise users of swimming pools, it is the practice at the level of my Ministry to undertake major maintenance and repair works during the process of “*vidange*”, which is carried out during the period July to September every year.

The maintenance and repair works to be effected at Serge Alfred swimming pool during “*vidange*” have already been identified and will be started shortly.

Mr Quirin : M. le président, l’honorable ministre des sports est-il au courant qu’en mai dernier, un jeune nageur, élève d’une école privée de Quatre-Bornes, s’est blessé au pied dans le bassin à cause d’un carreau céramique abîmé?

Mr Ritoo: Mr Speaker, Sir, I am fully aware of this situation. In fact, I was informed about this incident which occurred on Wednesday 15 May 2013 as a matter of utmost concern. I personally requested a report regarding this incident on the same day. I was made to understand by the officer-in-charge of the swimming pool that while waiting for the *vidange* due in July to effect necessary repair works, all the coaches and schools using the swimming pool were made aware of this issue and did ensure that users do not venture in this part of the pool. The coach present during this incident stated that all children were instructed not to jump in the middle of the lane where the broken tile was found. It is very unfortunate that a child, while playing, jumped on the broken tile in this specific part of the pool and hurt himself. As soon as the child reported this injury, first aid was given to him and a dressing applied by the coach to stop the bleeding. Thereafter, arrangement was immediately made for the child to be transferred to MediSave Clinic and the cost of medication and treatment amounting to Rs8,000 was met by the Sports Council. The Sports Medical Unit also followed up regarding his health.

Ms Anquetil: Est-ce que l'honorable ministre pourrait indiquer à la Chambre de la quantité de diesel utilisé par jour pour chauffer l'eau de la piscine et le montant des frais ?

Mr Ritoo: Mr Speaker, Sir, the boiler which is used for the heating of swimming pool during winter is operated from midnight to 8.00 a.m. in the morning daily. The amount of diesel used is approximately 400 to 500 litres per day amounting to approximately Rs22,000 per day as per the present diesel price.

Mr Fakeemeeah: As we are in the issue of swimming pool, I would like to ask the hon. Minister to look into the case of the swimming pool of Plaine Verte which may be out of the possibility to be warmed. Please look into it.

Mr Speaker: The question is specific about the Serge Alfred Swimming Pool.

Mr Fakeemeeah: But we are on the issue of swimming pool.

Mr Speaker: The hon. Member can come with a substantive question for the Plaine Verte Swimming Pool.

Mr Quirin : M. le président, l'honorable ministre peut-il nous dire s'il est au courant que l'eau de la piscine n'est pas chauffée actuellement du fait que la chaudière ne fonctionne plus, avec pour conséquence, que les nageurs qui se préparent pour les grandes compétitions à venir sont pénalisés alors que la piscine du Pavillon n'est toujours pas opérationnelle ?

Mr Ritoo: Mr Speaker, Sir, the swimming pool of Pavillon has been handed over to my Ministry and it will be operational as from tomorrow.

Mr Speaker: The question is about Serge Alfred Swimming Pool.

Mr Ritoo: Regarding the issue that the water is not heated, in fact, it is the contrary. In fact, the water is being heated. There is no problem. We had some technical problems regarding one fuse which was defective, it has been changed and all the users are able to utilise the swimming pool to the maximum.

Ms Anquetil: Est-ce que l'honorable ministre pourrait indiquer à la Chambre si c'est une obligation de la Fédération Internationale de chauffer l'eau de la piscine pour les entraînements?

Mr Speaker: Hon. Member, I am not going to allow this question. You must stick to the relevance of the original question.

Mr Bhagwan: Mr Speaker, Sir, concerning the Serge Alfred Swimming Pool at Beau Bassin, can the hon. Minister inform the House whether he intends to pay a site visit there because one of the main problems affecting those who are going to the swimming pool - especially children and women - is the question of security. Tout l'environnement *of the swimming pool* laisse à désirer et il y a pas mal de travaux d'environnement à faire. There is even the problem of lighting regarding security purposes and those attending the swimming pool at night and after and now we are in winter. Can the hon. Minister see to it urgently that these problems be attended to?

Mr Ritoo: Mr Speaker, Sir, I visit the swimming pool regularly and I can say that all the works identified have been taken on board. When we will be doing the *vidange*, which is normally done in July to September, the swimming pool will be closed for two or three months, then we will do all the repairing works and all the items that have been noted.

Mr Quirin: M. le président, malgré l'assurance que nous a donné l'honorable ministre concernant l'eau qui est chauffée, je dois dire, d'après les informations que j'ai reçues, et qui confirment effectivement que depuis l'hiver 2012 des réparations sont effectuées sur cette chaudière. Mais peut-on savoir pourquoi le ministère ne considère pas la possibilité d'installer une nouvelle chaudière au lieu de procéder à des réparations *piecemeal* à longueur d'année, vu que la piscine est très utilisée ?

Mr Ritoo: Mr Speaker, Sir, I think I indicated in my answer that we are waiting for the *vidange* which will be effected very shortly. Then, we will come with all the works that I mentioned. Regarding the changing of the boiler, well, the boiler could cost us Rs2.5 m. while the works that have just been

effected have cost us Rs825,000. So, I prefer to have this boiler repaired than going for Rs2.5 m. in changing the boiler itself, but we will do it at a later stage.

SPORTS - REGIONALISATION

(No. B/559) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the regionalisation of sports, he will state if there is any collaboration between his Ministry, the Ministry of Local Government and Outer Islands and the local authorities for the promotion thereof and, if not, why not.

Mr Ritoo: Mr Speaker, Sir, the question of regionalisation of sports is presently being reviewed and will be incorporated into the legislation which is equally being reviewed.

It is envisaged to give local authorities more responsibility for the organisation of sports within their geographical areas.

Currently, there is a tacit collaboration between my Ministry and the Local Authorities in the promotion of “*sports de masse*”. A number of sports infrastructure has been constructed or upgraded by my Ministry and vested into local authorities for use and management. Similarly, various facilities belonging to the local authorities are used by my Ministry for organisation of training, games and competitions at regional level, for example, *Jeux de l’Avenir*, *Jeux de l’Espoir*, Inter-college Games and for the running of *Écoles de Foot*.

The services of officers of the sports cadre, coaches and other facilitators from my Ministry are put at the disposal of all partners for the implementation of the concept and strategies of regionalisation and also for assisting in the holding of sporting activities organised by them.

My Ministry also provides assistance in terms of medals, shields and sports equipment to genuine regional clubs which are actively involved in the organisation and promotion of sports at regional level. In addition, the Regional Football Committees receive an annual grant from my Ministry for the promotion of football at regional level.

I am informed that the Local Authorities also sponsor regional committees and local clubs on request for the organisation of sports activities on a case to case basis.

Mr Speaker, Sir, after the review of the sports legislation, it is envisaged to have a Memorandum of Understanding between my Ministry and the Local Authorities to have a clearer picture of the roles, responsibilities and funding of sports activities.

Mr Quirin: M. le président, dans ma question initiale, j'ai fait référence à la collaboration entre le ministère des Sports, le *Local Government* et les *Local Authorities*. De ce fait, le ministre peut-il nous dire si les *Regional Sports Coordinating Committees* - comme stipulé dans la section 3 du *Sports Act* - fonctionnent ou pas?

Mr Ritoo: Well, Mr Speaker, Sir, I think I stated that we are coming up with a reviewed regionalisation of sports and this will be incorporated in the legislation which is also being reviewed.

Mr Quirin: M. le président, dans un communiqué émis par le conseil des ministres en date du vendredi 21 juin 2013, mention est faite qu'il y aura un nouveau *Sports Bill*, comme nous l'a confirmé l'honorable ministre, et qui rendra, entre autres, la régionalisation du sport plus flexible dans son application. Le ministre peut-il nous préciser ses intentions, comment il va procéder à rendre plus flexible - en quelques mots - la régionalisation du sport?

Mr Speaker: No, no! You will have to wait for the Bill. This question is not allowed.

Mr Bhagwan: Can we have an idea from the hon. Minister as to when he will bring the Bill to Parliament?

Mr Ritoo: At the next sitting of the Assembly.

NEF – CASE WORKERS - RECRUITMENT

(No. B/560) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the case workers, he will state, for the period January 2013 to 15 June 2013, the number thereof recruited, indicating the -

- (a) date of advertisement therefor;
- (b) number of -
 - (i) applications received, and
 - (ii) applicants interviewed, indicating the date of the respective interview, and
- (c) names and addresses of the recruits.

Mr Dayal: Mr Speaker, Sir, I wish to inform the House that the National Empowerment Foundation (NEF) is a non-profit making company registered under the Companies Act.

As such, it is managed by an Independent Board of Directors that is also responsible for the overall implementation of the policies of my Ministry as regards poverty alleviation and economic empowerment of the vulnerable families in Mauritius.

Mr Speaker, Sir, I want to stress that the NEF being a private organisation, my Ministry is not responsible for the recruitment of staff by the Foundation, this being the sole prerogative of the Board of Directors.

Mr Speaker, Sir, I am informed that the NEF has proceeded with the recruitment of 19 case workers, restyled Family Social Worker in May this year, on a contract basis for a period of two years.

This recruitment exercise has been prompted by the re-organisation of the activities of the NEF in July last year to enable a better outreach and effective utilisation of resources, Mauritius has been divided into three specific zones.

Naturally, this strategy has necessitated a reinforcement of capacity at field level.

Furthermore, the recruitment of additional field staff is part of the recommendations made by the World Bank and the UNDP for a reduction of the ratio of Case Workers to vulnerable families.

I am further informed that the NEF has its own internal procedures for the recruitment of staff.

On vacancies arising, a list of prospective candidates is retrieved from a database known as the Empowerment Programme Interactive Platform (EPIP).

The EPIP System has been in operation since the year 2008. Candidates can register either online or by calling at the NEF Office or through NEF's hotline service.

In regard to the recruitment of the 19 Case Workers mentioned earlier, I am informed that in April 2013, a list of 75 candidates was drawn from the EPIP System for a pre-selection exercise conducted by the HR Department of the NEF.

34 candidates who responded to the qualification requirements of the post were shortlisted for an interview by the HR Committee of the NEF Board.

Four candidates did not turn up for the interview carried out on 22 and 23 April 2013.

I am informed that the 30 remaining candidates were assessed by the HR committee, following which 21 candidates were found suitable for employment in order of merit. Three candidates did not

reply to the offer made to them. Accordingly, the next best candidates from the waiting list established by the HR committee were selected for employment.

The recommendations of HR committee were duly approved by the NEF Board at its meeting held on 08 May 2013.

I am tabling a list of the 19 recruits, Mr Speaker, Sir.

Mrs Labelle: Mr Speaker, Sir, the hon. Minister has mentioned that those who have been recruited have received a contract for a period of two years. May I ask the hon. Minister whether those who were in post before this recruitment have seen their contracts renewed for a period of six months, while the new recruits have received a contract for two years?

Mr Dayal: Mr Speaker, Sir, I am informed by the NEF that a few of the Case Workers had their contracts renewed for only six months, whereas for the others it was renewed for two years, depending on their performance.

Mrs Labelle: May I ask the hon. Minister whether those who have received a contract for six months because of their performance, have, in the past, received any warning or any appraisal of their performance, and whether these persons were informed of their performance?

Mr Dayal: Not exactly to my knowledge, Mr Speaker, Sir. But, I am aware that their contracts have been renewed for six months, with the possibility of renewal, depending on their performance.

Mrs Labelle: Mr Speaker, Sir, the hon. Minister has mentioned - if I got him right - that the contract was renewed for a period of six months because of their performance. I take it as poor performance. They have not received a contract of two years as new recruits. My question was: someone has evaluated these persons saying that they are not performing. I would like to know whether these officers were informed of their poor performance and how. Was appraisal of their work carried out? When were the officers informed of their performance?

Mr Dayal: Mr Speaker, Sir, the appraisal was conducted by the Programme Managers and then, the Board was informed accordingly.

Mrs Labelle: Is the hon. Minister aware that a complaint has been filed at the Ministry of Labour by one officer who felt aggrieved because he was informed of his performance - only when the contract was renewed for a period of six months?

Mr Dayal: I am given to understand that such was the case.

Mr Speaker: Yes, hon. Baloomoody!

Mr Baloomoody: I find a sort of a contradiction in what the hon. Minister is saying. For new recruits, their contract is for two years. We don't know anything about their performance. We don't know anything about their past, but for those who are in service and whose services we know, we are renewing only for six months. Should it not be the case where those who are already in service, their contracts are renewed for two years and those new recruits should be on probation for six months, then probably get a contract for employment?

Mr Dayal: Mr Speaker, Sir, for those who are already serving, the contracts for most of them have been renewed for two years, but for a few of them the contracts have been renewed only for six months depending on how they performed. For the new recruits, this has been the decision of the Board.

Mr Speaker: Yes.

Mr Uteem: May I know from the hon. Minister for these people whose contract has been renewed for only six months, is it intended that after six months their employment contract will be terminated?

Mr Dayal: It all depends on how they perform.

Mr Speaker: Yes, last question, hon. Mrs Labelle!

Mrs Labelle: Mr Speaker, Sir, regarding the procedure for recruitment, the hon. Minister has stated that there is a database and so on, the names were retrieved, but may I know since when this database has been constituted?

Mr Dayal: In fact, I thank the hon. Member for putting this question. NEF operates within the confines of a Comprehensive Human Resource Manual which has been prepared by an external consultant, Mr Mike Gujhadur, and which has been approved by the Board since November 2010.

Mr Speaker: Next question, hon. Jugnauth!

HAMILTON COLLEGE - ALLEGED SEXUAL ABUSE

(No. B/561) **Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the alleged case of sexual abuse on a minor student at the Hamilton College, she will state if her Ministry or any

department/unit operating under the aegis thereof has carried out an inquiry thereinto and, if so, indicate the outcome thereof.

Mrs Martin: Mr Speaker, Sir, I am informed that a case of sexual abuse on three minors, students at the Hamilton College, was reported at my Ministry on 24 May 2013. A social enquiry was initiated on the same day by officers of my Ministry who were accompanied by officers of the "*Brigade Pour La Protection Des Mineurs*".

On 30 May 2013, the matter has been referred to the Police for further criminal enquiry. On the same date, one minor was removed from parents' custody and placed at the shelter of my Ministry for security and safety reasons. She is being psychologically followed upon.

I am, also, apprised that on 11 June 2013 minor's parents have made an application to the District Magistrate of Grand Port District Court to have the minor back. This request is scheduled for hearing today, that is, on 25 June 2013.

As regards the two other minors they denied having been sexually abused and their statements were recorded by the Police on 26 May 2013.

Mr Jugnauth: May I know from the hon. Minister whether any person from her Ministry has taken statement from the three minors altogether?

Mrs Martin: Mr Speaker, Sir, the officers of my Ministry normally are not the ones who record statements, but they work together with the *Brigade des Mineurs* and normally it is the Police who take the statement.

Mr Jugnauth: May I ask the hon. Minister who is responsible for child protection whether she had taken cognizance of the Child Protection Act, Section 12 concerning recording of statement which says clearly that –

“When there is reasonable ground - I read it for her benefit - to believe that the interest of a child so requiring a statement may in the presence of the Permanent Secretary be recorded from him in the absence or without the consent of his parents.”

Therefore, when a case is reported to her Ministry, there is a duty for officers of her Ministry, at least, to start the enquiry speedily and to take a statement. So, whether that has been done in accordance to section 12?

Mrs Martin: Actually, it has been done in accordance with the law in regard that officers of DCU work closely with the *Brigade des Mineurs*. When they went, for example, to the school for the social enquiry, the *Brigade des Mineurs* was with them and when the children were convened at CDU,

Rose Belle for an interview also, the CDU officers were there. When the statement was recorded by the Police, they assisted along with the Police being there recording the statement.

Mr Jugnauth: I insist, Mr Speaker, Sir. In fact, to an earlier question, the hon. Minister had said that the Police do its part and that she cannot answer for the Police. I am not talking about the Police; I am talking about her responsibility as Minister who is responsible for child protection. Has she acted according to what the law, not only allows her, but, in fact, makes her responsible to do when there is a case of alleged harm against a child? Let me also refer the hon. Minister to section 3 which talks about an enquiry that can be conducted in such a case.

Mrs Martin: Mr Speaker, Sir, this is what I have been trying to say. I have been saying it, Mr Speaker, Sir. The children were convened at the CDU of Rose Belle. The officers were there and they were interviewed. Of course, what they have said has been written down, but there is also a formal statement which is taken by the Police and the Police have their own way of recording statements, but they are also assisted by a CDU officer.

Mr Jugnauth: May I know when her officers have taken a statement from the three minors at Rose Belle whether the Permanent Secretary was present?

Mrs Martin: In fact, the Permanent Secretary is not present as such, but she can be represented by any certified public officer of the CDU.

Mrs Dookun-Luchoomun: May I ask the hon. Minister when she states that her officers were there with the children, in front of the Police, may I ask her what is the role of the officer then; just to chaperone those students in the presence of the Police or do they have a specific role to carry out?

Mrs Martin: The role of the officer is to give assistance as appropriate, that is, if the child is in need of assistance to be able to prepare that child for the statement, this is done by the CDU officers. If the child needs any form of support, it is provided. If ever the child is in need to undergo any sort of procedure, this is also assisted by the CDU officers. All the services as appropriate are provided to the children.

Mr Jugnauth: May I know then from the enquiry that has been conducted by her Ministry, what has been the outcome of that enquiry?

Mrs Martin: Like I have said in my main answer, Mr Speaker, Sir, one minor who has reported having been sexually abused was removed from parents' custody and placed at one of the shelters of my Ministry for security and safety reasons. She is also being psychologically followed upon. As for the two others, they also have been given psychological support, but they denied having been sexually abused and their statements were also recorded.

Mr Jugnauth: Is the hon. Minister aware of a video clip that has been circulated whereby it clearly shows the teacher - I won't describe what has happened, but with at least one minor, if she doesn't have it, I can provide a copy.

Mr Speaker: It is understood, yes.

Mrs Martin: I do not have it, Mr Speaker, Sir.

Mr Speaker: Any more questions? Yes!

Mr Obeegadoo: Mr Speaker, Sir, this case is, of course, only the last of a spate of cases of alleged abuse against students. Will the hon. Minister consider raising immediately with the Prime Minister and the Commissioner of Police the need for a proper Child Abuse Investigation Unit within the Police and an agreed protocol as between her Ministry and the Police as to the role and responsibility of each in respect of such an enquiry. This is the case in the UK.

Mrs Martin: In fact, Mr Speaker, Sir, with the Working-Together Committee, we have been trying to find ways of collaborating with the Police and some hurdles have been identified. We are trying to overcome them. However, the Police also has departments such as the *Brigade des Mineurs* which specifically deals with minors, but this suggestion of the hon. Member can be entertained. I can try and see in what way we can implement that.

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Minister what is the delay between an examination of victims in this case by her officers and referral to the Police and a medical examination at the Police level?

Mrs Martin: I suppose the delay depends on the case. As for this one, the case was reported by my Ministry on the 24th; on the same day the *Brigade des Mineurs* was made aware of it. On 30 May, it was referred to the Police for criminal enquiry. As for the medical examination, according to the information I have, all the three minors were clinically examined on 25 May and one of the minors was examined by Police Medical Officer on the 26th; the other two minors refused Police medical examination.

Mr Jugnauth: Has a statement been taken by the officers of the Ministry from Mr A., the teacher of Hamilton College?

Mrs Martin: This is another confusion, Mr Speaker, Sir. In cases of child abuse, my Ministry is only entitled to deal with children matters. And the CDU, specifically the Child Development Unit, deals with children. Therefore, caring for the adult aggressor is not our mandate. What we do, inter alia, is: we take care of the children, assist them as appropriate and try to see in what way we can prepare them for the coming Trial if any.

Mr Jugnauth: May I remind the Minister again, probably she has not gone to the Child Protection Act. Section 3 says clearly that the Permanent Secretary can summon any person, with or without the child, to give evidence for the purpose of enquiring into the matter. But anyway can I ask the Minister whether she is aware that, apart from that minor where there is investigation by the Police, there is another minor whereby the parent has written a letter to say that she is aware that the child had an affair with the teacher, but that she does not want the case to proceed, to go ahead. Is the Minister aware of that?

Mrs Martin: Yes, Mr Speaker, Sir, this is what I have said. There were three minors, one admitted having been sexually abused and two said they were not. I assume the hon. Member means one of the two.

Mr Jugnauth: But then, Mr Speaker, Sir, may I ask again whether the Minister is aware of her responsibility that, even if a parent says that he or she does not want to go ahead, there is a duty for the Ministry to enquire because we are concerned with child protection, not the protection of the parents.

Mrs Martin: Yes, definitely. This is why the case has been referred to the Police, Mr Speaker, Sir, because the case does not only concern one minor but the three minors.

Dr. S. Boolell: Considering, Mr Speaker, Sir, that it is a matter of medical emergency that victims be subjected to a medical examination towards recovery of forensic material, may I ask the hon. Minister to look into the possibility that the Police doctors have an early access to the victims in any case rather than wait for a lot of evaluations?

Mrs Martin: In most cases, Mr Speaker, Sir, it is done as the hon. Member is saying. This is what we are trying to do as soon as we are aware and as soon as the victim is ready, we go for the medical examination.

Mrs Hanoomanjee: Mr Speaker, Sir, to take from what hon. Obeegadoo has just said and the reply given by the Minister, can I understand that the Minister is not prepared to give consideration to the proposal for the creation of a Child Investigation Unit and to device a proper protocol with the Police in cases of children who are sexually assaulted?

Mrs Martin: Mr Speaker, Sir, I have already answered this question.

Mr Speaker: Last question hon. Mrs Labelle.

Mrs Labelle: Thank you Mr Speaker, Sir. Mr Speaker, Sir, the hon. Minister very often mentions the Working-Together Committee. May I ask the hon. Minister whether, in her next meeting, if ever there is a meeting, of the Working-Together Committee, she will consider bringing up the issue of a protocol in alleged cases of sexually abused children.

Mrs Martin: In the Working-Together Committee, there are about – I am speaking from memory and I'll ask the hon. Member to bear with me if I have the wrong number - 14 to 15 institutions which are represented. We have been trying during the past meetings to sign different memoranda of understandings and most of them have been signed. We are trying to finish memorandum with the Police. That is where we have hurdles and this is where we are trying to see in what way we can solve that. We are trying to do it as quickly as possible, but it does not depend only solely on the Ministry.

MITD –MINORS – SEXUAL ABUSE

(No. B/562) **Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the alleged case of sexual abuse at the Mauritius Institute of Training and Development, she will, for the benefit of the House, state if her Ministry or any department/unit operating under the aegis thereof has carried out an inquiry in relation to minor V. A. and/or minor C. D., mentioned in the report of the psychologist.

Mrs Martin: I am informed that, in regard to the alleged case of sexual abuse at the Mauritius Institute of Training and Development, an enquiry was carried out in December 2011 by officers of my Ministry in relation to minor V. A. following a letter received from Mrs P. C. dated 28 November 2011.

As regards the report of the psychologist formerly employed by the MITD, I must point out that my Ministry has never been made aware of its contents prior to it being tabled on the 17 November 2012 at the National Assembly by the hon. Leader of Opposition.

In her report, mention is made of minors A. B. and C. D. Their identities have not been revealed to my Ministry and I am also apprised that the abbreviations refer to fictitious names hence an enquiry could not be carried out by the CDU officers based on this report.

I am informed that the Police investigation regarding the alleged case of sexual abuse is on-going, and if during Police investigation the identities of minors A. B. and C. D. are revealed, and are in need of protective and supportive services, my Ministry will assist as appropriate.

It is to be noted that, on 21 June 2013, the Police informed my Ministry that, as regards the other minor bearing initials C. D., mentioned in the Parliamentary Question, there are no indications as to his or her involvement in the case.

Mr Jugnauth: Then may I ask the hon. Minister who carried out the inquiry with regard to minor V. A. and what is the outcome of that inquiry?

Mrs Martin: The inquiry was carried out by officers of the CDU along with a Police officer of the *Brigade des Mineurs* and, as regards the outcome of the inquiry, we have convened the minor several times to the Ministry; at first, the minor did not want to come and the parents also did not let the child come. When the child came with her parents, they violently denied that she had been victim of any sexual abuse and, as the Fact Finding Committee revealed, nothing had happened. The child had not been victim of sexual abuse.

Mr Jugnauth: May I know from the Minister whether that child minor V. A. has been interviewed alone?

Mrs Martin: The first time she was not; she was with her parents; and now, recently, she has sought the support of my Ministry and she has been given psychological support as appropriate.

Mr Jugnauth: Still with regard to that minor, whether there was a meeting at the office of the Minister on Thursday 16 May 2013 in the afternoon, where the minor V.A., her father and her mother were present?

Mrs Martin: Yes, Mr Speaker, Sir, the father and mother requested to meet with me and they actually met with me and the Permanent Secretary of my Ministry also.

Mr Jugnauth: May I know if the hon. Minister of Education also was present during that meeting?

Mrs Martin: Yes, the parents requested that he be present as well.

Mr Speaker: Next question!

Mr Jugnauth: With regard to the other minor, may I ask the Minister, she said that she only came across that information when the hon. Leader of the Opposition tabled this report. From then on, may I know what action has been taken by the hon. Minister in order to try to ascertain, first, the identity of that minor and, second, to carry out an enquiry?

Mrs Martin: As I have indicated in my answer, Mr Speaker, Sir, we were apprised that both names, A. B. and C. D. were fictitious names. As from there, the Police investigation informed my Ministry that, as regards the other minor bearing initials C. D, they have not been able to find him or her and there are no indications as to whether he or she has been involved in this case.

Mr Speaker: Last question!

Mr Jugnauth: May I know if then the psychologist has been called in order for her to give the necessary information with regard to what she has stated in her report, that the suspected paedophile wanted to go out with that girl and wanted to kiss her also?

Mrs Martin: Mr Speaker, Sir, actually, I have been informed by one officer of my Ministry that they tried to call her just after the report had been tabled. They got in touch with her on the phone; she said she was going on holiday and that the officer should, in fact, contact the Director of the institution and she was not willing to give any statement.

EASTERN INSTITUTE OF INTEGRATED LEARNING & MANAGEMENT (INDIA) -

FAKE DEGREES – COURT JUDGEMENT

(No. B/563) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the Eastern Institute of Integrated Learning & Management (EIILM) campus in Mauritius, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to if the arrest of the Vice Chancellor and the Chairperson of the Eastern Institute of Integrated Learning & Management (EIILM) in India, to which the campus is affiliated, for the issue of fake degrees in India has any incidence on the courses held and the degrees delivered in Mauritius.

Dr. Jeetah: Mr Speaker Sir, I thank the hon. Member for giving me the opportunity to inform the House of the actions taken with regard to this case.

As soon as the reports concerning the arrest on 07 May 2013 of three high officials of Eastern Institute of Integrated Learning & Management of Sikkim was brought to my attention, I requested the Permanent Secretary of my Ministry to instruct the Tertiary Education Commission to obtain full details on this matter and to determine whether there have been any sanctions imposed on the institution by the relevant authorities in India and which could have an incidence on the local branch.

I am informed by the Tertiary Education Commission that it contacted the Indian High Commission in Mauritius and the Mauritius High Commission in India. The Mauritius High Commission has informed Tertiary Education Commission that the relevant authorities in India have to take actions mandatorily against a University if a court of law issues an order which may condemn the practices of the University.

It has also informed TEC that the High Court of Sikkim quashed the FIR, that is, the First Information Report on 04 June 2013. As per the judgment delivered by the High Court of Sikkim, the State Government of Sikkim is at liberty to take up any further investigation with regard to the offence and file any additional charge sheet in the event there are sufficient materials against the three officials. I am tabling a copy of the Court judgment of the High Court of Sikkim dated 04 June, 2013.

The Tertiary Education Commission has been requested to conduct a full and comprehensive audit at the Mauritius Branch of the University to verify all records of enrolment, continuous assessment and examinations process and the procedures to dispense diplomas and degrees. The Board of the TEC will ensure close follow-up of the developments at the level of the State of Sikkim through the Ministry of Foreign Affairs and take actions as may be required.

Mr Speaker, Sir, I have also requested my Permanent Secretary to instruct the Tertiary Education Commission -

- (1) to strengthen its quality assurance structure by setting up a Vigilance and Monitoring Unit to regularly monitor -
 - (i) Academic Delivery;
 - (ii) conduct of examinations and internal assessment;
 - (iii) student support system, and
 - (iv) infrastructural facilities.
- (2) to carry out a full audit of all tertiary education institutions operating in Mauritius.

Mr Fakeemeeah: Mr Speaker, Sir, can I know from the hon. Minister whether the Tertiary Education Commission has issued any *communiqué* following the fake degree scandal in India?

Dr. Jeetah: As I have replied, Mr Speaker, Sir, there is no question of fake degree, at this stage. There was a matter in court and the judgment which I have laid on the Table of the Assembly, the FIR has been quashed by the court in India. So, the question does not arise.

Mr Obeegadoo: Mr Speaker, Sir, we have not had the report yet. I wonder whether it has been tabled. Yes, please, table it! I would like to ask the hon. Minister whether he is aware of the seriousness of what occurred in India on 06 May? Is he aware that the Vice Chancellor, the Registrar and the Examination Controller of EIILM SIKKIM - *la maison mère* - were arrested, because the lady was found to have obtained a teaching job, based on a Master's in Education Certificate, delivered by EIILM SIKKIM, whereas after inquiry, it was found that, that university neither has any education Department nor any faculty for the subject? Is he aware?

Dr. Jeetah: Yes, Mr Speaker, Sir. As I did mention, there is a case in court and I also did say that the case was quashed. I also said that, as per the judgment, they have reserved their right to look further into the matter if any evidence or whatever crops up, but the case has been quashed. As far as I am concerned, I did request the Tertiary Education Commission to follow closely together with the Ministry of Foreign Affairs with regard to this case.

Mr Obeegadoo: Is the hon. Minister aware – again, according to the Indian press and I will table a copy of an article having appeared on 06 May in the SIKKIIM now newspaper to the effect that EIILM here, in SIKKIIM, has been under the Police scanner since September last year on charges similar to the latest one, its officers in Jorethang were subjected to a Police raid on 01 September 2012 and its officials arrested?

Dr. Jeetah: It may have been the case, Mr Speaker, Sir. I did say the matter went to court and it is only the court which actually decides whether somebody is guilty or innocent. So, as I said, there is a court judgment and my Ministry, TEC has to go by the court judgment. I have requested the Tertiary Education Commission to follow this matter very closely.

Mr Fakeemeeah: I would like to know from the hon. Minister whether there been any specific enquiry carried out by his Ministry?

Dr. Jeetah: Yes, Mr Speaker, Sir. I did reply earlier on that I did request my Permanent Secretary to instruct Tertiary Education Commission, which is the regulator in Mauritius to look into matter, to see whether there is any incidence. TEC has requested the Indian High Commission in Mauritius, as well as the Mauritius High Commission in India, to look into all this matter.

Mr Fakeemeeah: My worry, Mr Speaker, Sir, is our Mauritian students studying abroad. Can the hon. Minister look to it to set up an independent committee chaired by a Magistrate to look into the whole issue, especially in regard to Mauritian students who might get penalised by this problem in the future?

Dr. Jeetah: I am not aware of Mauritian students involved in the overseas institutions. My concern is the branch here, whether there is an integrity of the system and the degrees being awarded to the students here. I can certainly find out whether there are Mauritian students in that institution in India, but I am not aware of any.

Mr Baloomoody: The hon. Minister wants us to believe that the case has been dismissed in a court of law in India. In fact, this is not the case when you read the judgment. A preliminary point of law was taken and in paragraph 12 it reads –

“However, it is made clear that the investigating agency is at liberty to take up further investigation with regard to the offence under FIR as connected cognition offence committed in the case of the same transaction involved in the first FIR”

So, there were two offences.

“Five additional chart sheets in the event of being sufficient material against the petitioners after such investigation.”

So, the judgment requires the authorities to go further in their investigation. Paragraph 13 reads –

“It is also made clear that remarks and observations made herein – in this judgment – shall not be construed as expression of any opinion on the merit of the case.”

So, the case has never been heard, the case has never been dismissed and the enquiry is not completed, this is what the Judge ordered.

Paragraph 13 reads -

“It is also made clear that remarks and observations made herein shall not be construed as expression of any opinion on the merit of the case.”

So the case has never been heard, the case has never been dismissed and the enquiry is not completed, this is what the Judge ordered.

Dr. Jeetah: Mr Speaker, Sir, I have tabled the paper myself. But I have mentioned whatever the hon. Member has just stated. I did say that they have reserved the right. But, this is what I have in my file, about the judgment. This bit that that you did not read, this is paragraph 11 -

“In view of the above principle and facts of the case briefly alluded to above, this court is of the view that it would not be permissible for the second FIR 92 2013 dated 06.05.2013 to survive and, therefore, it hereby stands quashed.”

I did also say that they have reserved the right to look further in the case. I did mention that earlier on. Also, Mr Speaker, Sir, paragraph 14 clearly says -

“With the above reservation, the Criminal case stands disposed of”

I did say that I have requested Tertiary Education Commission to follow up this matter closely and to look into what actually happened at a later stage.

Mr Bhagwan: If I am not mistaken, the Minister can clarify us. In the past, the Minister had declared his interest while replying to such questions concerning that particular case. Can I know from the hon. Minister if he can, at least, give us the guarantee that no undue favour will be given to that particular university here, being given his relationship with that because he declared his interest in the past and today he has not declared his interest.

Dr. Jeetah: Well, Mr Speaker, Sir, I have done that in the past. I have done it to yourself, to the House and to my Permanent Secretary. It is a known fact that the Jeetah family has been in the education field since 60 years back. I have declared my interest. I have a brother who is involved in this university. But, I can give a guarantee to the hon. Member that I have given ...

(Interruptions)

And to everybody here! I have asked my Permanent Secretary and every time I have told them to be as strict as possible with this institution especially that we are related. They will make sure that everything

is brought to light as to what actually happened. And, I gave you the judgement myself, which you did not have. I also called hon. Obeegadoo to ask him whether he is aware of any student who has been awarded fake university and if that is the case, I can guarantee you I will take all the action that is required.

Mr Ameer Meea: Mr Speaker, Sir, can I ask the hon. Minister whether there is any risk that the degrees of the Mauritian students following courses at the institute in question in Mauritius be eventually not recognised?

Dr. Jeetah: I have asked the Tertiary Education Commission about this matter, Mr Speaker, Sir. They have satisfied all the requirements of TEC. At the moment, this is not the case. In fact, I have also been told that their students are graduating with Masters from overseas, in England and in other universities. But insofar as the behaviour of some people in India is concerned, I have requested TEC - I say it again - to follow this matter very closely to make sure that everything is in order.

Mr Uteem: The hon. Minister has just mentioned his interest in that his brother is a member of the university. I would like to know from the hon. Minister whether he personally is a trustee of the Trust that runs this university and if this is the case, does not he find it fit that whatever enquiry is being conducted on this university should not, at any point, come under his purview but he should ask a colleague of his to handle this?

Dr. Jeetah: That is a very valid point, Mr Speaker, Sir. Maybe I have to explain my association with the family. I do not have any interest in running this Eastern Institution. I have nothing to do with that. If that is the point...

(Interruptions)

No, I have nothing to do with the running of EIIM University.

(Interruptions)

Yes, I am a trustee of the Trust. That is all.

(Interruptions)

No! This is my family undertaking. Mr Speaker, Sir. I can say it in front of the House that I have nothing to do with this institution. I have nothing to do with what actually happens, with their finance or anything. I have got nothing to do with that. It just happens that he is my brother.

Mr Speaker: Next question, hon. Obeegadoo!

Mr Obeegadoo: Next supplementary, you mean, Sir.

Mr Speaker: I said next question!

Mr Obeegadoo: But I have one supplementary, Sir.

Mr Speaker: You won't have time for your next question.

PENALTY POINT SYSTEM & SPEED CAMERAS - IMPLEMENTATION

(No. B/564) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to road traffic, he will state if consideration will be given for a review of the

—

(a) Penalty Point System, and

(b) operation of the speed cameras, in the light of the difficulties recently experienced in the implementation thereof.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the Penalty Point System is being implemented as provided for in the Road Traffic (Amendment) Act 2012 and it is not the intention of Government to review the system.

With regard to part (b) of the question, some unpredicted technical difficulties were encountered in the implementation of the first phase of the project. Application as it is of this new technology is totally a new experience whereby the system is being automated through the central back office connected to remote speed camera sites. A Technical Committee was set up to assess the Speed Camera System in collaboration with experts from the supplying firm and the Contractor and take remedial actions.

Mr Speaker, Sir, the four new speed enforcement cameras along Motorway M1 and M2 as well as all the six new mobile speed enforcement cameras have already been put in operation since Monday 24 June 2013 at 00.01 hours.

The remaining speed cameras along other roads are being assessed by the Technical Committee and will also be put into operation shortly. The public will be informed through a Press Communiqué accordingly.

Mr Obeegadoo: Mr Speaker, Sir, given the number of issues that have arisen since the introduction of the point system as regards the conditions of roads in Mauritius, whether we are referring to inoperative traffic lights, defective road markings associated with the recent accident in Rose Hill or the incoherence of speed limits, is the Vice-Prime Minister reconsidering the full force immediate implementation of the point system until those issues are properly addressed?

Mr Bachoo: Regarding the Penalty Point System we are not having any problem. Up till now there has not been such problem, Mr Speaker, Sir.

The second issue which was raised has been regarding the markings. I had already mentioned, even through the press, that many meetings were held in my Ministry which was chaired by the Supervising Officer and where we found that in an unclassified road particularly reference is made to the place where there was an accident, but that was the responsibility of local authorities to see to it that the proper markings are made. So, we have already given instructions to all the local authorities to look after non-classified roads. As far as the classified roads are concerned, the RDA is doing the needful.

We do not have any problem as far as the implementation of penalty point is concerned.

Mr Speaker: Last question hon. Obeegadoo, if you have any? Yes!

(Interruptions)

Mr Bhagwan: We are talking about road accidents, on many occasions I have raised the issue of quality of paint. Can we know from the hon. Minister whether he has enquired whether there is a local manufacturer and whether directives could be given to each local authority or whoever responsible - even the RDA - to purchase the real quality of paint for road marking so as, at least, to prevent any further case of accident?

Mr Bachoo: Mr Speaker, Sir, I have taken this very seriously. There are two types of paints which are used. We have given instructions that they have to use the best quality paint. In fact, to be honest, in Mauritius – I do not know the name of the company – there is only one contractor who does that work and that is why all the big contractors sub contract it to that special contractor. But he is so much overworked that he does not get enough time. So, what do the other authorities do? They take up all the other ordinary people who are involved in painting of roads. But, we have given instructions to see to it that it should be the best quality of paint which should be utilized for marking of roads. I have already given instructions, but I am definitely going to call another meeting of the local authorities as well as my own RDA engineers to see to it that the road markings are properly done.

TOURISM INDUSTRY - MARKETING POLICY

(No. B/565) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Tourism and Leisure whether, in regard to the tourism industry, he will state the –

- (a) growth rate thereof, over the past five years, and
- (b) marketing policy adopted in regard to the;
 - (i) traditional, and
 - (ii) emerging markets.

(Withdrawn)

BAGASSE - ENERGY PRODUCTION

(No. B/567) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Agro-Industry and Food Security, the Attorney General whether, in regard to bagasse from sugarcane, he will state if a study has been carried out in relation to the –

- (a) optimum use thereof for energy production, and
- (b) revision of the payment of the bagasse transfer price to the planters and, if not, why not.

(Withdrawn)

NTC - GOVERNMENT GUARANTEED LOANS

(No. B/568) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) amount of money;
 - (i) it owes to Government as at to date;
 - (ii) in terms of loans guaranteed by Government as at to date, giving details thereof and indicating the purpose therefor;
 - (iii) disbursed by Government from 2005 to June 2013 in relation thereto, indicating the purpose therefor;
 - (iv) owed in terms of bank overdraft as at to date, and
- (b) number of staff employed thereat, indicating the number thereof on the permanent establishment thereof and on contract, respectively.

(Withdrawn)

TEC - FOREIGN STUDENTS - COMPLAINT

(No. B/569) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Tertiary Education, Science, Research and Technology whether he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to if it has received complaints emanating from foreign students against a tertiary institution operating in Ebene and, if so, indicate the nature thereof.

(Withdrawn)

VANDERMEERSCH STREET - ROAD CONGESTION

(No. B/571) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the roundabout, on the Vandermeersch Street, near the Central Electricity Board, in Rose Hill, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the actions taken, if any, as at to date, under the Road Decongestion Programme, to alleviate the acute road congestion which occur thereat throughout the day.

(Withdrawn)

Mr Speaker: Time is up!

(Interruptions)

I have already given four more minutes. I can't!

(Interruptions)

The Table has been advised that the following PQs have been withdrawn: PQ Nos. B/565, B/567, B/568, B/569, B/571, B/579, B/580 and B/581.

MOTION

SUSPENSION OF S.O. 10 (2)

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

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo) rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

CHINESE CONSTRUCTION FIRM - WORKERS

The Minister of Foreign Affairs, Regional Integration and International Trade (Dr. A. Boolell): Mr Speaker, Sir, I wish, with your permission, to make the following statement.

As the House will recall of the last sitting of the National Assembly, the Second Member for Constituency No. 15, La Caverne and Phoenix, made in relation to PQ B/509 – allegation to the effect that a Chinese Construction Firm employs prisoners.

Mr Speaker, Sir, we have approached the Chinese Embassy on the matter and the latter has rejected the allegation that the said firm employs Chinese prisoners. Following the above, the Chinese Embassy has reassured the Government that the relations between our two countries are as strong as ever.

Thank you.

Mr Speaker: This is a proper time to break. I suspend the sitting for half an hour.

At 4.16 p.m. the sitting was suspended.

On resuming at 4.54 p.m. with the Deputy Speaker in the Chair.

PUBLIC BILL

First Reading

On motion made and seconded the Animal Welfare Bill (No. XV of 2013) was read a first time.

Second Reading

THE HUMAN TISSUE (REMOVAL, PRESERVATION AND TRANSPLANT) (AMENDMENT) BILL

(NO. XIV OF 2013)

Order for Second Reading read.

The Minister for Health and Quality of Life (Mr L. Bundhoo): Mr Deputy Speaker, Sir, I move that the Human Tissue (Removal, Preservation and Transplant) (Amendment) Bill (No. XIV of 2013) be read a second time.

Mr Deputy Speaker, Sir, the Human Tissue (Removal, Preservation and Transplant) Act promulgated in 2006 makes provision for a legal framework to carry out the removal, preservation and transplant of human tissues under appropriate medical supervision.

However, only section 16 of the Act, dealing with the constitution of the Board, has been proclaimed so far. This was done to enable the Board amongst others, to come up with proposals for regulations for the removal, preservation and transplant of human tissues for live donors locally.

However, Mr Deputy Speaker, Sir, the Board made little progress for the following technical reasons -

- (i) difficulties to both tap and materialise foreign expertise in this highly specialised field to prepare regulations, and
- (ii) lack of capacity in the medical sector in terms of infrastructure and specialised human resources which were not available until recently.

However, I wish to highlight that even in the absence of appropriate regulations, renal and corneal transplants have been undertaken regularly in Government Hospitals in accordance with a set of guidelines. In fact, over the period 2008 to 2012, 144 corneal transplants and 66 renal transplants have been carried out.

Mr Deputy Speaker, Sir, as we all know, this Government has put a lot of emphasis in creating a conducive environment for Mauritius to emerge as a medical hub in this region. During the recent years, we have witnessed the emergence of medical institutions with high-tech infrastructure and facilities capable of providing high-tech medical care. Both infrastructure and capacity building have also evolved in a significant manner in the public and private sectors recently. It is, therefore, now the opportune moment to consolidate the legislative framework and to come up with appropriate regulations, in order, to allow transplant surgery to be carried out with all necessary safeguards. Given the complexity of ensuring all necessary safeguards in the provision of this service, it is fundamental that we proceed in a careful and phased manner as it was originally planned.

Mr Deputy Speaker, Sir, soon after I assumed office, I took the initiative to tap foreign expertise with a view to assisting us in the formulation of regulations to enable renal transplants to be undertaken in our medical institution within a legal framework.

It is in this context that, in January 2012, a team from “*Centre de Néphrologie de la Transplantation Rénale*”, Marseille, France visited Mauritius and had working sessions with officials of my Ministry.

Since then, further discussions were held between officials of my Ministry and other relevant stakeholders for the preparation of regulations. During these discussions, it became evident that some important amendments to the Human Tissue (Removal, Preservation and Transplant) Act 2006 had to be brought to make it more robust and functional.

Mr Deputy Speaker, Sir, it is in this context that this draft Bill has been introduced in this House. It provides for -

- (a) an authorised specialist in surgery having at least 5 years’ experience in the field of transplant surgery and authorised by the Board to issue a certificate before a donation of non-regenerative tissue, instead of an authorised consultant. This amendment is necessary in view of the fact that doctors are registered as general practitioners or specialists in the Medical Council of Mauritius. Furthermore, the term ‘consultant’ is not commonly used in the private sector;
- (b) immunity from civil or criminal proceedings to be conferred on members of the Board or of any committee set up under the Act, or other persons or bodies, with respect to the execution of their duties, or the exercise of their powers, in good faith under the Act. This is a major amendment as it will provide immunity to the following -
 - (i) the Chairman and members of the Organ and Tissue Transplant Board;
 - (ii) the Chairperson and members of the Authorisation Committee which will be set up under forthcoming Regulations, and
 - (iii) any other person who may be required to assist the Board or the Authorisation Committee.

Here, I would like to inform the House, Mr Deputy Speaker, Sir, that some members of the previous Board submitted their resignation in November 2012 as they were expected to assume wider and enhanced responsibilities without immunity.

Immunity from civil and criminal proceedings will enable all those involved with the enforcement of the Act to take decisions without any fear or fervor. Furthermore, it is well-known that provisions for immunity clauses are made in various pieces of legislations locally and worldwide.

- (c) a higher penalty for breach of Regulations made under the Act.

At present, any person contravening regulations made under section 21 of the Act is liable upon conviction to a fine not exceeding Rs10,000 and to imprisonment to a term not exceeding 2 years.

However, Mr Deputy Speaker, Sir, I wish to remind the House that regulations to be made under the Act, include, among others, the designation of Health Institutions for transplantation and affidavits for consent as donors and recipients. With a view to providing further safeguards, under regulations to be made under section 21 of the Act, against racketing and commercialisation of transplantation services, the penalty is being increased to a fine of Rs100,000 and to 5 years imprisonment.

Mr Deputy Speaker, Sir, once these amendments have been brought in the main Act, regulations which are being finalised presently will be promulgated to facilitate renal transplantation.

Critical inputs from the Marseille Team based on best clinical practice and experience have been fundamental in the elaboration of these regulations. Prevention of unethical practices and in particular prevention of coercion from donors and commercialisation of kidney transplants are core elements in the formulation of these regulations.

It is envisaged that the proposed regulations will, among others, provide for -

- the setting up of an Authorisation Committee which will verify that all procedures for the transplant have been followed and that no duress or commercial transaction is involved in the proposed transplant;
- the granting or cancellation of a certificate for registration of a health institution other than a public hospital to perform renal transplants; and
- an affidavit for consent as a donor and as a recipient of such donation.

Mr Deputy Speaker, Sir, it goes without saying that the removal or transplant of an organ in a human body is a very complex and sensitive issue especially in the Mauritian context. Thus, we have to tread carefully. This is why we are planning to proceed in a phased manner. Following these amendments, regulations will be finalised to enable renal transplantation from live donors only.

My Ministry is working on a Memorandum of Understanding with “*L’Assistance Publique – Hôpitaux de Marseilles* and *Aix Marseilles Université*”. Our collaboration with the latter will enable us in the future to develop capacity and the regulatory framework for transplantation of other organs.

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

Dr. A. Boolell rose and seconded.

(4.53 p.m.)

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Deputy Speaker, Sir, it is with great pleasure that I heard the hon. Minister finally coming up with some form of amendments to be able to promote what I have considered a piece of law which is only a museum of good intentions. There is nothing that has happened in this country except the regular transplants - about 10, 15, 20; the figures are vague - done by no less than two surgeons in our Government hospitals and I fail to understand why we had to wait for so long before coming up with regulations.

The amendments seek to redress apparently a few misnomers in the law and we are going to change words, for example, 'authorised consultant' getting to be 'authorised specialist' with five years' experience. I am glad we are not relying on the authorised consultant because he could be a consultant in psychiatry or public health. Those words were always vague. They were not defined in the law. I have it in my hand and it was proclaimed on 15 July 2006 where only the words 'authorised consultant' existed. But this, having been said, when we change from the words 'authorised consultant' and we get to the words 'authorised specialist' with five years' experience, again, I have to say that I am quite surprised. Five years' experience could be bad experience, could be no experience, could be two transplants per year and then, you end up having people with supposedly experience and who are going to authorise, who are going to sign up and allow a transplantation to take place.

So, when I look at the modifications in the law, I start asking myself: what is the purpose of these modifications? If we are going to deal - the Minister has mentioned corneal transplant - I am sure we are not going to take corneal transplant from a live donor, but we are going to restrict ourselves to the renal donor and in a country where so far we have failed to implement harvesting from dead bodies, where for a long while we had to import corneas from Sri Lanka, for instance, with specimens of unknown origin, I don't know who was shot to make way for these specimens to come up in these museums.

While I do understand that the Minister is changing the word 'authorised consultant' into 'authorised specialist', as I said, I doubt about the actual experience of the person as to whom are we trying to please. Are we, again, trying to please the medical hub? Are we going to, again, please the private sector eternally? Doctors who will appear in Mauritius, have their papers cleared by the Board of Investment over three days with their origin and experience being of doubtful capacity. We don't even know who are those clearing these people. They will be appearing with their expertise when we have not invested enough in our own doctors in the service.

So, I wonder whether we are just clearing a few words or we are just changing some regulations. But, again, there are words which are used in the original law which do not change repeatedly; the words are ‘medical practitioner’ which appear in the original Bill. We are changing ‘authorised consultant’ to ‘authorised specialist’ but the word ‘practitioner’ stays there. So, I am still wondering having looked at all the areas where the word ‘practitioner’ is being used. If I refer to the actual Bill, that’s under clause 12 (3). For instance, I think I’ll put a note there. In clause 12 (3), it is said twice -

“No medical practitioner (...)”

Is that practitioner somebody who is a specialist? Because a specialist, being a medical practitioner, is not necessarily a specialist! A medical practitioner is not necessarily a specialist, but a specialist is a medical practitioner. These words should have been defined. We do not wish that this country becomes a country like a medical hub where people disappear and reappear with one kidney and the other one having been agreed to and supposedly transplanted into someone else. We have the experience of India, we have the experience of the third world, we do have this experience and this foreign expertise leaves me baffled sometimes. Our obsession of relying on a foreign expertise when we do have the capacity, we have to build our own capacity, and going on, on the law as well, I would be most grateful if somewhere on the line, the Minister could redefine for my illumination, the ways that the capacity of the foreign experts will be assessed, because already in this House we have asked repeatedly about the capacity of doctors who turn up to operate, to treat, and the weekend doctors - those who keep appearing in private clinics over the weekend, independent of MRA action and take off on Monday having left a lot of damage in their wake.

Then, I look at the constitution of the Board. Very nice! I am impressed in the sense that we are giving the Chairperson of the Board, who is the Chief Medical Officer, the right title of Director of Medicine or something to that effect, but when I look again at the composition of the Board, a representative of the Attorney General’s Office, seemingly that is a good nomination. And the reason why I am referring to the Board is because this is the Board that will be granted immunity from civil or criminal action. This is the super Board according to the changes in the law which are being brought and which shall be beyond reproach, beyond civil action, and while we are dealing, these are words generally used, statements used generally in the civil service to exonerate all public servants from prosecution.

In this case, we are dealing with people, - like somebody said on the other side ‘putting people first’. I am trying to rely on that - the representatives of the Attorney General’s office. Again, I see that not more than three medical practitioners, not below the status of Specialists, one who shall be a Medical Consultant. I suppose one who shall be a Specialist in medicine to be appointed by the Minister. Such

other persons not exceeding three, as the hon. Minister thinks fit. Of course, you need the quorum for this Board to meet, and in case of emergency, the Chairperson has a right to decide as per the law. The Chairperson may decide the matter himself and seek the covering approval of the Board at a subsequent meeting. Great example of democracy, of medical democracy! Nobody there is to be blamed. Everybody is free from any possibility of civil or criminal litigation. So, we are just going on.

Mr Deputy Speaker, Sir, I have to remind the hon. Minister the meaning of the words “medical negligence”. “Medical negligence” is the dereliction of the duty care doctors have towards patients with direct causation of damage where people seek redress in courts of law these days - a bit too often. They seek redress - I was going to say through the MSPCA - but I should say through the media to be able to get some form of compensation and attention from the Government before getting to our Courts of Justice where, eventually, the case gets heard after five years to ten years before they get any form of financial redress. Medical negligence does exist, and everybody associated to the Board, everybody delegated from that Board will be exempted from civil or criminal liability.

Mr Deputy Speaker, Sir, we try to impress ourselves. For people who do not follow the regulations, the fine which was Rs10,000 becomes, with inflation, Rs100,000 and the sentence from two years to five years. I have yet to see anybody being sentenced. Since, we are working within the framework where almost everybody is exempted from civil and criminal liability, so it is going to be very safe for a Board to decide when to meet for any Specialist who has the theoretical experience of transplant, to give permission to anyone to donate his kidney. There is something in the law preventing this kind of commercial exploitation of the kidneys as if somebody who takes money to donate his kidney is going to go round and say: “I sold my kidney for Rs100,000”. Mauritius, already afflicted by poverty, I fail to see how many people will not sell their kidneys. You are getting to the stage where we already have people selling blood, Mr Deputy Speaker, Sir. When we need donors, it is nice to have a blood donor programme. But you have to think when you desperately need donors, people are still selling organs. I am willing, on behalf of the Opposition, to cooperate with the hon. Minister feeling that if we agree to the changes which are being requested, the authorised Specialist to issue a certificate before a donation is given, I have no great quarrel with that, Mr Deputy Speaker. But I am just requesting the hon. Minister to be careful in deciding who are the authorised Specialists. According to the law, the authorised Specialist is somebody who is registered as such with the Medical Council of Mauritius. He has promised, I think, a couple of weeks ago that this will be revisited by a Board of Doctors from the Government side who shall decide what shall be the qualifications of Specialists. Far too often, in this country, being the kind of Tower of Babel where people turn up from almost everywhere and claim to be Specialists and they are Specialists; they are appointed maybe in mysterious ways or the law allows them.

This is a country where people turn up as Specialists and then do their internship and become appointed Specialists the year after. It is a matter of the cart before the horse or the horse before the cart, I don't know. I don't even wish to know. This is a country where when you go to hospital, you have to show care as to who you meet. You have to know someone. Being a doctor for 30 years, I know what I am talking about. I notice the hon. Deputy Prime Minister smiling. These are not the days when he was a consultant. Times have changed and we have to show a lot of care because we are going, at the end of the day, to take a kidney from someone and place it in another. Do we have the statistics required? I do not wish to have the number of transplants conducted. I wish to know how many successful operations were conducted concerning renal transplantation in Mauritius.

It is far too easy at the altar of medical progress to come up with modifications to amendments. But at the end of the day, we have to think of patients. We do not wish Mauritius to become a kind of a holiday camp for doctors who turn up for holidays and use this opportunity to start operating and transferring kidneys from one person to the other. Far often, as my colleague on my right was telling me, without any post operative care.

(Interruptions)

The surgeon knows exactly the word. Thank God, we are now looking at people with experience. If we choose the right person, this law will be valid. If we choose the wrong ones, this law will only be the gateway to a mortuary. I refuse to grant, Mr Deputy Speaker, Sir, the immunity to public servants, people who are appointed by Ministers, Senior Doctors, people who will decide. Sometimes even in their absence when the Chief Medical Officer or Director of Medical Studies will be deciding for them. I refuse to grant immunity. People have to show responsibility. If you have to decide, you have to ensure even to the spirit of the original law that nobody who is deceased is donating any form of organ towards transplantation.

The importance of transplantation in this Bill, Mr Deputy Speaker, Sir, is to invite all our MPs here to reflect that tomorrow we might be the ones in need of a kidney or we might be the ones to donate. The art of medicine is: you apply it to yourself and then you can see whether you want it applied to others.

This having been said, Mr Deputy Speaker, Sir, I will not take the time of the House and I thank you for your attention.

(5.08 p.m)

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Deputy Speaker, Sir, I find this burst of adrenaline in the vein of my hon. colleague and he has let all the steam down, and I think his pulse must have settled down now with a smile. I will answer each point which he has raised afterwards, but I will make some general comments on transplantation.

Transplantation has undergone a revolutionary change over the last decade brought about by tissue culture in the laboratory through bio-engineering techniques and genetic engineering. These new techniques of tissue culture coupled with micro and robotic surgical techniques have pushed to the limit human endurance. Nowadays, almost any tissue can be cultured in the lab. In its weight, it has also aroused ethical issues which modern societies find difficult to grapple with. Only recently, a few months ago, lab grown kidney has successfully been carried out and shown to work when implanted into a living animal. It is only a matter of time when this novel procedure could be extended to humans. Human transplantation involves numerous issues, the most important and pivotal one is the interest of the patient. We are not allowing any Tom, Dick and Harry to change into a surgeon suit and start cutting away. Mauritius has made a lot of progress from the time when we were using chloroform. Sometimes in life a surgeon is faced with a problem which he may never have thought, but with his experience he tries to salvage the situation.

These amendments, as have been discussed and put forward by my colleague, are fairly straightforward and I don't intend to go over it. I'll make a few remarks. This question of immunity is being given to the Board, but a surgeon who is going to do the transplantation will assume full responsibility and is responsible for what happens and is liable to prosecution if he has committed an act which wilfully or by accident has caused some surgical mishap. Therefore, don't think that it will be any guy who will be allowed to do any transplantation surgery. When we talk about consultant, you know I don't want to use the word ridiculous; in my wildest dream, I would not choose a consultant psychiatrist or a skin specialist or a consultant in metabolic disease to be able to take a decision about who to transplant or not. This is very important as the hon. Member mentioned it. You know, we will probably have a team of doctors, those treating the patients and those who are not surgeons. It may not be a surgeon who is treating it, but a team of doctors taking this decision. It certainly is not a consultant psychiatrist. Perhaps it has not been underlined, but we cannot underline everything. In medicine, we do what is best for the patients. You know we have chosen the specialists of five years experience. If somebody has got five years experience in transplantation surgery, I think he should be able to start performing a transplantation with the help of senior colleagues, this is how surgery started. This is on the hand training. It is an apprenticeship. Do you think I could have opened any abdomen the day I got my fellowship, it took me long years. It takes long years to learn. Sometimes you make mistakes, but you are not allowed

to make a monstrous mistake that puts the life of the patient in danger. If you make a mistake you learn by it, you don't call it experience and make the same bloody mistake afterwards.

Cornea from life donor, I laugh when I see it. My good friend should know that we never take cornea from live patients.

(Interruptions)

The Deputy Speaker: Hon. Boolell, please!

Dr. Kasenally: This is fallacy, this is criminal and I don't think we are indulging into criminal activities. Cornea is taken from a cadaveric donor. Now there is a question regarding medical hub. I can assure you Government is not here to please Tom, Dick and Harry. What medical hub? People are not going to come here and do medical tourism with sidetrack of illicit cadaveric or life donor transplant. This will not be tolerated. In fact, we do have specialists and super specialists who come sometimes over the week-end or a few days and perform operations in conjunction with a local colleague who assures the follow-up. We have done many of these instances where we can quote. For example, laparoscopic surgery: we have a senior consultant who came here and I was involved. He showed us and he trained us even for one week. If you are a good surgeon, you would know how to perform these operations and not to tread where there is tiger country. This is surgical connotation. Well, we need foreign expertise apart from laparoscopic surgery. A few of our top surgeons have been trained in Germany and they have come up here together with a professor and are doing *Transurethral Prostatectomy*. This is you remove the prostate without having to cut the tummy, but even this apparatus has to be used very cautiously and I can say that those people are now really very good surgeons and are sometimes better than the surgery performed abroad at a lot of costs. We do have our talents here. We have to use them. We have to encourage them. You know so far in Mauritius - as I would agree and my friend would agree - perhaps I would agree to a certain extent with my colleague, whom I respect, he has worked with me as a junior doctor and we see eye-to-eye, sometimes, but sometimes we go in the opposite direction. As we can say, it has been carried out to a limited extent because we have been doing it on life donors, it cannot in any way tackle the increasing number of patients who need it. Currently, there are over one thousand patients with end stage renal failure who need a transplantation. With the rationalisation of procedures laid down in the Bill and in the amendment, today, we will provide more opportunities to our patients. Eventually, it is not covered now. We will have to move to cadaveric human donors, but under very strict conditions. First, of all, we will have to sensitise the population. We need to have a register where people come, but this is not going to come soon because of our culture and the situation in our society. Other organs can also be harvested from donors such as bone and I said cornea, veins, heart valves in the second instance. In fact, we have been using in this country very limited fashion, but certainly abroad long veins from the

legs of cadavers soon after death are harvested and stored, you know, in appropriate medium and can be used to save legs when the arteries are blocked and cannot be repaired as such. The policy of Government has always been to improve the standard of health care to the nation. As a privileged witness, over 25 years as a surgeon, I am proud of my country. Mauritius is perhaps one of the very few countries in the world where anybody be it a Mauritian or a foreigner who steps in the Accident and Emergency Department with a simple disease which is called appendicitis is taken free of charge; operated upon promptly and discharged within 48 hours most of the time. People with appendicitis - but let me tell you of a catastrophe which happened in one of the teaching hospitals recently in London. A young surgeon was supposed to be operating a pregnant lady diagnosed as acute appendicitis. Guess what happened! These operations happen always in the middle of the night. He removed what he thought to be an appendix; did not bother to look at it, sent it for histology. You would think it does not happen, but it happens in a teaching hospital in London. Nobody saw the histology report and the patient was admitted in a toxic state with peritonitis and died because the appendix was not removed. This happens in a teaching hospital. I think in Mauritius it has never happened and I don't think it will happen. Therefore, we have to be cautious you know. We cannot cast aspersion on a service which has served one million people. I know there are some people who do not perform. We have to take care of them. We are in the process, together with my colleague, to look at the whole system of registration and also of continuous professional development. You learn in medicine or surgery until you close your eyes or you retire. You keep on adding on the experience, but I can tell you, we are trying to improve.

Mauritius has got a record. We may not all be pleased about it. There are certain people who have come and put pressure. Let me tell you, the hon. Prime Minister himself is overseeing it; he is a doctor, he is a cardiologist and he knows exactly what he wants. We are all, in this country, in this Cabinet and in this Government, trying to put our heads together. We don't claim we have a solution to all the problems. We have to start somewhere and we have to be able to perform some very surgical procedures to ensure that the people of this country get a better health than they are getting. Every day we have to improve on what we have achieved and we will achieve a better service. We will win. Yes, we can!

(5.21 p.m.)

Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka): Mr Deputy Speaker, Sir, when the Bill was first presented to the House in 2008, we, in the Opposition, had supported it, thinking that an enactment of this Bill, would lead to an increase in the supply of tissues and organs for transplantation, thereby giving a new hope to hundreds of people suffering and awaiting their availability of organs for transplant surgery.

However, Mr Deputy Speaker, Sir, it seems that we have hardly achieved what we expected. As the hon. Minister himself said, we have not done much. I am not surprised, Mr Deputy Speaker, Sir, because it seems that we have a tendency here to rush through things and not wait the adequate, the proper time, the optimal moment to start it. It is worth noting that in Wales, the discussion about the Bill for transplantation went on for years and then in 2013, further elaborate, extensive discussion was carried out with the population, with MPs and the Minister of Health himself came and discussed the matter with Members of the Parliament and they decided that until and unless they have the resources required to launch this Bill, they would not go ahead with that. They decided that they have, first of all, to discuss the matter of financing for campaigning, for proper information given to the population.

Further, the discussion did not stop there. They realised that a lot had to be done to educate people about the need for tissue donation and the proper procedures for procurement of organs. All this went on and on. Now, in Wales, they are saying that they would come with the Bill and they will be ready with the Bill by 2015. Look at the cautiousness, Mr Deputy Speaker, Sir! In our case, we rush through it in 2006. I must say, we, in the Opposition, were very much for it, because we believe that we should come up with the legal framework to allow a proper environment for tissue transplantation.

Mr Deputy Speaker, Sir, we have also to consider that if we did not manage to do what we intended, if we did not achieve much, it is also because we did not give proper attention to the information that had to be given to the public, to the education of people. I can see in the main law, Mr Deputy Speaker, Sir, that the responsibility of the Minister was to give information and to ensure proper mass information and education of the people. This, I am afraid, has not been done. It is worth noting also that, in the United States of America, in various States, in Ohio, if I am not mistaken, and even in Ontario, the law, the legislation itself made provision for the review of the education curriculum to ensure that students in schools following health courses be given a module on the importance of organ donation, on the impact of organ donation on quality of life and on procedures for organ procurement.

Mr Deputy Speaker, Sir, the Minister rightly says that we have to go phase-wise, step by step. When we came up with this Bill in 2006, we rushed through it. Mr Deputy Speaker, Sir, hon. Dr. Boolell rightly mentioned that the amendments being brought have their importance, as the Minister said it, but we have to be careful. I note that in the amendments presented today, the definition for 'Consultant' has been deleted from the main Act and has been replaced by the definition for 'Specialist'. Yet, on the board, we still have the Consultant. I would like the Minister to clarify, to state: what are we expecting as definition for the term 'consultant', since the definition has already been deleted from the main Act. This is one thing, Mr Deputy Speaker, Sir.

Further, as I mentioned earlier, since we note that the number of organ donation and transplant has not markedly increased, shouldn't we through this new Bill, the amendments, try to come up with means to ensure that organs are made available? Mr Deputy Speaker, Sir, in Wales, even today, I am informed that every month three persons die, because of lack of organs, awaiting organ for transplant surgery. They are going about it in a very systematic manner, to ensure that when they come up with the Bill, the country is ready and has adequate infrastructure and capacity to do it.

There is another very important factor. When we talk about an increase in the number of organs donated, do we have the capacity of accepting it? Can we go about with preservation? I think I heard the Minister saying that we are going to go phase-wise and, initially, we are going to consider only live donation, but even for live donation, there are procedures. How are we going to do that? We talk about critical bed availability. Do we have it? Are we capable of doing it? Are we equipped? Do we have the capacity of doing that? Before coming up with all this, we have to consider these points, Mr Deputy Speaker, Sir.

I would like, here, to mention that in Europe, even in the States, this question of critical bed still arises. In Mauritius, I do agree we have very higher missions, that we intend to become a medical hub and that we intend to have people around. Fine! But, we should, first of all, build up our capacity, prepare ourselves, equip ourselves and come up with the proper infrastructure before launching into it.

Mr Deputy Speaker, Sir, I would also like to talk about the issue of immunity. Fair enough! As hon. Dr. Kasenally put it, the immunity applies solely to the Board Members, but they have a huge responsibility. The responsibility of determining whether an individual is capable of offering his organ, the responsibility of determining whether that person was previously registered, the responsibility of maintaining the register, the responsibility of maintaining the register of recipients awaiting donation and the priority list of recipients awaiting donation. All these are very important issues, Mr Deputy Speaker, Sir. Furthermore, the fact that we are ready to give so much of immunity to these Board Members, have we considered the high risks that we are facing? Because although we are stating today that we intend to have only live donation, local live donation, there are always chances because it is given in the Bill that the Board can also authorise the import of organs.

What do we do in case we have an individual who is desperately requiring an organ and it is not available in our country, but the family has managed to get it from abroad? The import of the organ will be carried out and the authority for that will be given by this Authorising Committee, which, I am sure, will be a subcommittee of the Board. All this has to be taken care of and considered, Mr Deputy Speaker, Sir.

Furthermore, I would like to draw the attention of the Minister on certain issues. There has been a lot of discussion going around at the World Health Organisation in the Commonwealth countries regarding the large number of organ transplants being carried out in certain countries which do not even have the framework for organ donation. I am told that in these countries up to 7,000 transplants are carried out yearly and that over the past five years the number has reached 41,500 transplants! This is quite enormous! How do we ensure that our Mauritian patients will not go out and get this done? What is the legal framework that we want to provide to ensure their safety? Because we have heard of cases of people going outside, getting their transplant done and coming back with a surgery which fails! All this has to be taken care of and it is extremely important to consider these minor things - which appear to be minor - but which, in fact, will have very heavy implications, Mr Deputy Speaker, Sir. We can go on and on and we can see that there are various things that need to be carefully monitored.

I would like to mention here the need to carry out a proper campaigning. I think that if we have not managed to attain our objectives it is simply because we have not also informed the population. Information of population, preparation of our medical personnel, capacity building – I have heard hon. Dr. Kasenally saying: “okay, no one learns overnight, we have to start off somewhere!” But then, we have to ensure, at the same time, that the patients are given the right care and that we do not put at risk their lives and their well-being, Mr Deputy Speaker, Sir.

I heard him saying that some of the Board members had resigned because they were scared of taking certain measures and certain decisions. May I ask the hon. Minister whether we do have a register of potential donors, a register of awaiting recipients? All this has to be taken care of. Has all this been done properly? Because we are ready to give immunity to these Board members, but we have also to ensure that they do the work properly, Mr Deputy Speaker, Sir.

I would, therefore, ask the hon. Minister to ensure that other changes are also brought about simultaneously to ensure that this particular amended Bill achieves the objectives that are being set today. We have seen that there has been certain *manquements*, if I can put it this way, as far as capacity building is concerned, as far as information given is concerned and as far as campaigning is concerned. I would think that with the Bill and with the proper monitoring of the Ministry, I hope that we may this time come up with the expected objectives, and as the former interveners have said, provided that at the centre of our action remains the well-being of the patients.

Thank you, Mr Deputy Speaker, Sir.

(5.35 p.m.)

Mr Bundhoo: Mr Deputy Speaker, Sir, allow me to thank all hon. Members who have participated in the deliberation of this Bill. I would like to place on record my thanks to hon. Faugoo who, in 2006, presented the Bill in the House and to which amendments are being brought here today.

Allow me, Mr Deputy Speaker, Sir, to make a few comments on the points raised earlier by my colleagues, hon. Dr. Boolell and hon. Mrs Dookun-Luchoomun. First of all, I would like to reassure hon. Dr. Boolell that section 2 of the principal Act provides for the definition of relative, section 4 of the Act only permits the donation of non-regenerative tissues between relatives. Donations between non-relatives are not permitted. Medical Practitioner is already defined in section 2 of the principal Act as meaning ‘a person registered as a General Practitioner or a Specialist with the Medical Council’ and I will come to that in a minute.

The Proposed Immunity at Clause 19 only applies to the designated person, who acts in good faith, it is not a blanket provision, as was affirmed or reaffirmed by hon. Dr. Kasenally who spoke just after the hon. Member.

Secondly, Mr Deputy Speaker, Sir, I would like to say that in the Act the definition of ‘near relative’ is made clear and that will be further made clear with the Authorisation Committee. It is illegal, according to the Act, to have a non-related donor even in the case of an emergency. There is nothing like emergency transplant. So, the issue of having weekenders coming to Mauritius, operating transplant does not even arise because there is no such thing as an emergency transplant. Because, Mr Deputy Speaker, Sir, all these are planned very much in advance, because we would need to have an Authorisation Committee verifying all the documents and also an affidavit has to be sworn between the two parties: the donor and the recipient. So, the issue of having commercial trafficking will be minimised to the least possible by virtue of the Authorising Committee.

With regard to the point that was raised by hon. Mrs Dookun-Luchoomun - I think she may have a point – I must say, Mr Deputy Speaker, Sir, that’s why we are treading very cautiously. I must also add that when hon. Ashok Jugnauth was a Member of the Opposition, he did make the case when the Bill was presented that the Bill was prepared already and kept in the Government coffer somewhere, in the Prime Minister’s Office. But then, because they lost the election and we won, hon. Faugoo came in and presented the Bill. We did not have a quarrel over that, nor did hon. Bérenger who was the Leader of the Opposition then. We all agreed that the Bill initially started in 1999 and even the historic Leader of the MMM recognised that when he congratulated hon. Dr. Kasenally - who was then the RHD in the hospital - to have contributed in the formulation of the Bill.

Just to make a point, Mr Deputy Speaker, Sir, the Bill started in 1999. It was formulated apparently before 2005. It was the second Government of Dr. the hon. Navinchandra Ramgoolam that introduced the Bill in Parliament and it is now the third Government of Dr. the hon. Navinchandra Ramgoolam that is bringing the amendment to the Bill to make it workable and possible! Just to assure you, we are not going at this moment in time to proclaim those clauses that concern the cadaveric with regard to donation and transplant. It is only going to be practised and allowed with live donors.

With regard to the issue raised by my hon. friend Dr. S. Boolell, I would like, for his benefit, to read what I have said earlier, Mr Deputy Speaker, Sir. Number of renal transplant cases carried out in Mauritius. There have been 329 renal transplants that have been carried out from 1992 to 2012. 19 persons passed away within the first three months of date of operation, thus representing 94% of success. That is what happened in Mauritius and has been happening in Mauritius between 1992 and 2012, over the last 20 years. This figure was given to me.

With regard to the other points raised by hon. Mrs Dookun-Luchoomun and hon. Dr. S. Boolell about immunity, let me quote, Mr Deputy Speaker, Sir, from the law in India. Paragraph 23, chapter 7 says –

“(1) No suit, prosecution or other legal proceeding shall be against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act. (2) No suit or other legal proceeding shall lie against the Central Government or the State Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.”

Therefore, what the hon. Member is telling me does not happen only in Mauritius, but, in fact, it is already happening, it happens and it exists in other jurisdictions. I am just quoting one of them and that is from India.

Mr Deputy Speaker, Sir, allow me to proceed further. I think both of my hon. colleagues here wanted to know about the composition of the Board, especially my colleague, hon. Dr. S. Boolell. I have not, as a matter of precaution, despite the fact that I am given the power within the law to do that, I have decided, in my deliberate judgement, with the approval and insistence of the hon. Prime Minister that all professionals would sit on the Board. Let me give you the names of those who are sitting on the Board –

- (i) as the law provides, the Chairperson, Dr. Pauvaday, Ag. Director, General Health Services;

(ii) the members are –

- (a) Mrs Green-Jokhoo – Principal State Counsel, Attorney General's Office;
- (b) Dr. S. Manraj – Consultant in charge, Pathology;
- (c) Dr. A. Fakim – Consultant in charge, General Surgery;
- (d) Dr. L.T.K. Lam Thuon Mine – Consultant in charge, General Medecine;
- (e) Dr. S. Mareechallee – Consultant in charge, Anaesthesia;
- (f) Dr. L. Dhunnoo – Retired Consultant , Ophthalmologist (who is still serving in the hospital), and, of course,
- (g) the civil servant from my office – Mrs Moorghen, Principal Assistant Secretary.

Therefore, we have, as rightly requested by both Members of the Opposition, taken all the precautions that the Board is made up of competent and highly qualified people. Despite the fact that I am empowered to appoint three members in my own deliberate judgment, I have chosen not to do that in view of the seriousness of this Bill and in view of the delicate matter of issues to be addressed, once this Bill is proclaimed and is being put into action, Mr Deputy Speaker, Sir.

To the issues raised at the very beginning by hon. Dr. S. Boolell, Mr Deputy Speaker, Sir, I would like to read this again just in case there is any misunderstanding. Here, I wish to highlight that even in the absence of appropriate regulation, renal and corneal transplants have been undertaken regularly in Government hospitals in accordance with a set of guidelines. I did not say that it is being done over dead bodies. I think the hon. Member is having a dream, he is still in the hospital doing *autopsy*. I apologise, Sir.

With regard to the other issues raised by my good friend, hon. Dr. S. Boolell, I and hon. Dr. Kasenally have covered them.

With regard to the Medical Council Board, I have just explained that earlier how it is made of, how it is composed of. I have to say here '*chapeau*' to the hon. Prime Minister because he insisted despite the fact that the Board must be composed and made up of professionals of high calibre.

Mr Deputy Speaker, Sir, there was one point raised by hon. Mrs Dookun-Luchoomun. I have already answered to that. It is related to cadaveric donation. I can assure the hon. Member, Mr Deputy Speaker, Sir, we are not going to proclaim this part of the law, as you rightly said - I must say that - we have to move in a phase manner and in this particular phase, with regard to cadaveric, when we come there and we will cross the bridge when this country is ready for that. I do not think that at this moment in time, we are ready for that.

Lastly, with regard to the Medical Consultant, I would kindly refer the hon. Member to the definition given with regard to consultant in clause 2 of the Bill.

Before concluding, Mr Deputy Speaker, Sir, I would like also here to make a special mention to one of the issues raised by hon. Dr. S. Boolell with regard to specialists coming from – I think he mentioned a few countries, but I would not mention any country here, but I can assure the House that in November last year, when the Finance Bill was presented, we did make amendment with regard to the provisions of the Medical Council whereby we – Government - have decided to constitute a Post-Graduate Medical Examination Board for the registration of specialists. This Board will take into account not only the specialist qualification of the applicant, but also his knowledge, skill and experience prior to registration as a specialist. So, this is already being taken care of since November of last year. I remember quite well, hon. Dr. S. Boolell did intervene and made a few comments. Maybe he has forgotten that this has already gone through the House.

Mr Deputy Speaker, Sir, the proposed amendment in the Human Tissue (Removal, Preservation and Transplant) (Amendment) Bill (No. XIV of 2013) would definitely go a long way in our endeavour to make Mauritius a medical hub in order to move forward in another phase and step with regard to the Bill.

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

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Human Tissue (Removal, Preservation and Transplant) (Amendment) Bill (No. XIV of 2013) was considered and agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

On motion made and seconded, the Human Tissue (Removal, Preservation and Transplant) (Amendment) Bill (No. XIV of 2013) was read the third time and passed.

*Second Reading***THE SUGAR INDUSTRY EFFICIENCY (AMENDMENT) BILL****(No. IX of 2013)**

Order read for resuming adjourned debate on the Sugar Industry Efficiency (Amendment) Bill (No. IX of 2013).

Question again proposed.

(5.50 p.m.)

The Leader of the Opposition (Mr A. Ganoo): Mr Deputy Speaker, Sir, I shall be very brief. The hon. Minister of Agro-Industry and Food Security has, on the last occasion when he introduced this Bill, explained to the House the purpose of this Bill. I must say, at the very outset, Mr Deputy Speaker, Sir, that there are some positive and less positive proposals in this Bill. I have some reservations on a few clauses of the Bill and my hon. friends, on this side of the House, that is, on the Opposition side will, I have no doubt, be more elaborate.

Mr Deputy Speaker, Sir, the overall aim of this Bill is, therefore, to preserve a critical land area for agricultural purposes. True it is our land resource is limited. It is not, unfortunately, expandable. Therefore, if control on conversion is not exercised, if conversion is less unabated, the land area available for agriculture is at risk and definitely it must be preserved for future generations. I have looked at the salient features of the Bill, Mr Deputy Speaker, Sir. The doing away with the one to two schemes, the proposal that ERS land is now exempted from transfer taxes and registration duties, the inclusion of agricultural *morcellement* under agricultural land, the inclusion of interest payable only on loans taken to finance schemes and not on the total cost within recoupable cost, the removal of exemption from conversion of land that are not under cultivation for more than 10 years, the specification of plot of minimum plot sizes for an agricultural *morcellement*, the recouped cost for every hectare having increased to Rs5.5 m., Mr Deputy Speaker, Sir, these would be the salient features of this Bill. I propose to look in details at some of these amendments in the Bill, Mr Deputy Speaker, Sir.

Let us come to one of the first amendments proposed, that is, the doing away with the one to two schemes, Clause 3 of the Bill, that is, in Section 11 of the main Act. Previously, Mr Deputy Speaker, Sir, an applicant under the scheme could offer one unit of land to Government and in return he was able to convert two units without paying land conversion and now, the hon. Minister has proposed to the House that this scheme should be done away with. But, I would like to ask the hon. Minister the following

questions: by removing this scheme altogether, are we not closing all doors? Maybe it could have been better to keep this scheme for exceptional cases, but the onus should have been entirely upon Government to activate the scheme especially when the site requiring conversion lies in marginally suitable areas. The point I am making, Mr Deputy Speaker, Sir, is why should we have removed completely the scheme because we know, through the scheme, it was mostly Government which was requiring land and the point, therefore, is: would not it have been better to keep it for exceptional circumstances and leave it to the discretion of the Government, on the onus on Government who should have been solely responsible to activate the scheme, especially when the site requiring conversion would be found in marginally suitable areas.

I come to section 27 of the main Act, clause 3 of the Bill, Mr Deputy Speaker, Sir. In the main Act, cultivation means the cultivation of sugarcane, tea or tobacco. According to me, the Ministry, the Minister and the technicians should have pondered upon the definition of cultivation which, according to me, is too restrictive, especially in the current context when the main concern of the whole world is on food security. I wonder whether the definition in the main Act should not have included food crops also or even livestock so that the definition of cultivation is widened to include crops and livestock.

With regard to clause 8 of the Bill, Mr Deputy Speaker, Sir, section 28 of the main Act, presently, land which has not been under the cultivation of sugar, tea or tobacco for the last 10 years does not fall within the purview of the SIE Act. It is proposed in this Bill to repeal these sections, that is, sections 28 (2), 2(a) and 2(b). Henceforth, any land under the cultivation of tobacco, sugarcane and tea, irrespective of the duration, will be considered as agricultural land. On this score, Mr Deputy Speaker, Sir, I would think that Government must ponder on clear-cut criteria to be established for the calculation of land conversion tax rates. These could include the agricultural suitability of the land not only in relation to sugar cane, but also food crops, the location of the land in relation to the settlement boundary, accessibility and potential for residential, commercial mixed use activities. It is high time, Mr Deputy Speaker, Sir, that an up-to-date agricultural suitability map be prepared to guide all stakeholders as to which land needs to be preserved and which land can be released for non-agricultural use.

Again, on clause 8 of the Bill, Mr Deputy Speaker, Sir, relating to section 28 of the main Act, the subdivision relates to a donation by an ascendant to a descendant. Regarding this particular clause, to my mind, there are a few questions which need to be answered. Firstly, this can lead to *morcellement* of small lots. An ascendant may buy land, subdivide it into 20 perches plots and donate them to his ascendants who in turn may very well sell these plots, and the ascendant may repeat this process several times.

The other consequence of this amendment is that agricultural *morcellements* will have to be of a minimum plot size and unless it is part of a succession, these plots will be, at least, 50 perches. What it achieves is that parcelling of small plots less than 50 perches will not be permissible, thus rendering land purchase through an agricultural *morcellement* less affordable. Also, and more importantly henceforth, therefore, if an individual buys land in an agricultural *morcellement* and then applies for conversion of his plot, his application may not be entertained if he buys less than 50 perches. Are we not, therefore, by this amendment, restricting access to land for the small men? This is the *zone d'ombre*, the question we have to answer through the proposed amendment in this clause, Mr Deputy Speaker, Sir.

Furthermore, Mr Deputy Speaker, Sir, I come to clause 9 of the Bill dealing with section 29 (1) (a) of the main Act. The question I would like to ask the hon. Minister regarding this clause, this proposed amendment is why have the provisions relating to the Land Productivity and Enhancement Scheme been removed, the LPES?

Mr Deputy Speaker, Sir, this is a bit of a complex issue. The LPES, Land Productivity and Enhancement Scheme was introduced in 2011 and its purpose was to ensure that land available for creating economic value is fully utilised and optimally exploited. It was *un grand pas en avant*. But the LPES was also to provide a platform for matching demand and supply and for removing impediment for the use of land for commercial, industrial and business purposes. As I said the LPES was a positive measure, but which unfortunately never saw the light of day. I suppose due to lack of commitment from Government. This measure, therefore, was only *un effet d'annonce* and the present amendment in the Bill now comes and removes all measures imposed on the Ministry of Agriculture in the event that a promoter makes an application under the LPES. Therefore, Mr Deputy Speaker, Sir, as I said the hon. Minister must answer the question and enlighten the House as to why have these provisions relating to the Land Productivity and Enhancement Scheme been removed through this amendment Clause 9 of the Bill.

Mr Deputy Speaker, Sir, regarding the recouping of cost from Rs3.5 m. to Rs5.5 m. in Clause 9 of the Bill; there is also another point which, in all fairness, I suggest, the Ministry, the technicians should have pondered upon with regard to this increase to Rs5.5 m. Mr Deputy Speaker, Sir, the profit derived out of converted land that is being sold on the market depends on the location of that converted land. This amendment fails to cater for this difference in land values across the island. For example, ex-converted land in Grand' Baie can give profits to Rs10 m. to Rs15 m. per hectare whereas converted land in Chamouny can hardly yield a profit of Rs3 m. maximum to Rs5 m. The question, therefore, I am asking is why applying a standard rate island wide when prices fluctuate so much? In my mind, Mr Deputy Speaker, Sir, there is an element of unfairness in this particular amendment. Perhaps the solution

lies in having an integrated approach to land values across the island by setting out a cadastral inventory of land clearly defining the range of values applicable to each region.

Mr Deputy Speaker, Sir, I come now to the amendment brought to the Twelfth Schedule, the land conversion time barred up to five years. Indeed, at present there is no timeframe to develop converted land. The proposed amendment will result in the fact that from now on the applicant will be given two years to obtain its clearances that he requires and once the final clearance is obtained, he will have five years to complete his project. Though it is a positive measure, Mr Deputy Speaker, Sir, this proposal has nonetheless the drawback of being contradictory with the vision of Government to cater for food security and self sufficiency. Let me explain myself, Mr Deputy Speaker, Sir, development of converted land is directly related to market conditions which are volatile in the present economic climate. In those conditions, I would humbly submit, Mr Deputy Speaker, Sir, that it makes sense to allow those lands which have been converted to continue to provide agricultural yield despite having been converted. Promoters who continue to carry out sustained – I underline the word ‘sustained’- agricultural use should be exempted from the five-year time bar. For example, if a promoter having obtained land conversion is unable to develop part or the whole site because of unfavourable market conditions, the time bar should not operate as long as it continues a sustained agricultural activity. Of course, to prevent abuse of this operation of that proposed exemption, the Ministry through AREU and other similar bodies which fall under its aegis should act as a watchdog by exercising close monitoring. The point I am making, Mr Deputy Speaker, Sir, is that we could have, on the one hand, instilled, introduced the land conversion time bar period of five years, but in the same breath, my humble submission is that we could have allowed the promoters who are genuine in carrying out sustained agricultural use, they could be exempted from that five-year time bar if they can prove that they are continuing a sustained agricultural activity and this, of course, under the close monitoring of bodies like the AREU and others falling under the control of the Ministry.

Mr Deputy Speaker, Sir, *en guise de conclusion*, in a way the debate today hinges on the right balance to be kept, to be in the need to preserve land for agriculture and the necessity to encourage the revamping of the economic situation especially in the property and construction sector.

Mr Deputy Speaker, Sir, to my mind overall these amendments will have the desired effect to curb down speculation, but the problem with this achievement from an overall point of economic point of view is whether this containment of land speculation comes at the right and appropriate time. As we all know, Mr Deputy Speaker, Sir, the economy today is losing scheme, growth rate is falling, economic activity is slowing down and it is no secret to anybody and these measures proposed in this Bill will

somehow exert more downward pressure on real estate development and construction and this will certainly exacerbate the economic situation. This is why, Mr Deputy Speaker, Sir, I think that the right balance, as I said a few minutes ago, has to be kept between this necessity and urgency to preserve agricultural land for future generation and the necessity to allow the economic situation to be revamped especially in this bleak economic period.

Mr Deputy Speaker, Sir, as I said, I consider that there are some good measures in this Bill, but there are also some measures which have to be revisited and relooked into. With these words, Mr Deputy Speaker, Sir, I thank you and my hon. friends for their attention.

The Minister of Industry, Commerce and Consumer Protection (Mr S. Sayed-Hossen): Mr Deputy Speaker, Sir, I wish to start by congratulating my colleague, the hon. Minister of Agro Industry and Food Security for introducing this Bill to the House. We all know Mr Deputy Speaker, Sir, that the land issue has always been a strategic issue in Mauritius and furthermore, it is of particular pertinence to small planters who, as labourers, acquired land when an acute crisis in the sugar industry about a century ago, led the big land owners to put up land for sale as *morcellement*. Actually in those days, those labourers, who then became small planters, small landowners, could actually only acquire land of poor quality which was either rocky or sloppy or marginal, made available for sale by the plantocrats to meet, we have to remember that, the financial costs of the crisis in the sector then.

I would say that the land issue is a strategic one Mr Deputy Speaker, Sir. Actually it is not only a strategic issue, but it is most of the time an issue with a very high ideological content and consequently, more often than not, dealt with in a matter that tends to overlook both concerns of economic rationality and legitimate concerns for social equity. Then what happens is that ideological divides rush in and passion replaces rationality. This is linked to our history Mr Deputy Speaker, Sir. This is linked to the very simple fact that the land issue, *la question foncière*, as we say, is totally symbolical of the history of this country. We have to remember that the emergence of this history is characterized by institutionalised relations of inequality, based on racial and ethnic criteria. In the same way, the allocation of resources, particularly of land, which I am sure the whole House will contend, is a very rare, very scarce commodity. So the allocation of land for centuries prior to independence in 1968 was effected on the same unequal terms. This has given rise to the model that we have today, which classical economists call *une économie de plantation*. It is precisely because of this specific historical backdrop, Mr Deputy Speaker, Sir, that any debate on land, including the regulation thereof runs the risk of drifting from considerations of

national economic rationality to those bordering on a promotion and defence of self interest for certain categories of the population, if not, to emotion *purement et simplement*.

In this context, Mr Deputy Speaker, Sir, it is very important that one ideological tenet be demystified and this is the one bearing on the nature of the property of land and of the impact of the property on the economic and social development of the country. True it is that, apart from the State domain, landed property is private property. True it is that private property is guaranteed by the Constitution, but this particular private property is different from most of the assets and it cannot go unregulated because this asset is scarce. It is very scarce because land utilisation, Mr Deputy Speaker, Sir, directly impacts on the activities and finances of the State as well as on the plight of individual families, especially the less privileged ones. It is, therefore, of utmost importance to understand the economic rationality and the concern for social justice that underpin this Bill.

Mr Deputy Speaker, Sir, given the importance of this Bill, albeit a small amendment Bill, in the sugar cane sector, I feel personally privileged to be given the opportunity to address the House on this matter and this Bill is, according to me, driven by a few considerations, two of which I will canvass. The first consideration, as most orators - the hon. Minister, the hon. Leader of the Opposition - have mentioned, is to rationalise the utilisation of land including the preservation of an optimal surface area of agricultural land by a process of readjustment of the facilities extended to land owners including those granted in the wake of the agreement between the Government of the hon. Prime Minister, Dr. Navin Ramgoolam and the landowners through the MSPA in 2007, generally called the 2007 deal in the context of the reform of the sugar cane industry. This is dealt with in general by clause 7 of this Bill.

Second consideration, Mr Deputy Speaker, Sir, is to bring within the fold of legal protection a substantial number of small landless sugar cane planters to whom agricultural land has been and is being leased by sugar estates, but outside the ambit of the metayer regime and consequently unprotected by law despite their long tenure; and I recall our colleague, hon. Nita Deerpalsing, having raised that issue a few times in Parliament. This is dealt with in clause 9 of this Bill.

These two considerations Mr Deputy Speaker, Sir, are directly in line with the philosophy of the hon. Prime Minister as embodied in the programme for the democratisation of the economy, the implementation phase, which started in 2005-2006 and which is still the bedrock of the action of this Government. I wish to remind the House that, beyond the ethical considerations that are underlying to this philosophy, the twin economic objectives of this programme are first to unlock the economic potential of the country by rationalising the economic structures of the system and, secondly, to unlock the economic and productive energies of the nation by broadening the circle of opportunities. The two driving orientations of this Bill, as I mentioned, Mr Deputy Speaker, Sir, cover the said twin objectives.

Mr Deputy Speaker, Sir, the facilities extended to the sugar cane landowners in the context of the sugar cane sector reform of 2007 that my colleague, the hon. Minister of Agro Industry and Food Security, is proposing to review through amendments to the existing legislation are definitely due for review six years after their introduction. The hon. Minister has amply canvassed this major aspect of the Bill and I will therefore briefly mention the rationality of the amendments being proposed. It must be recalled at this point, Mr Deputy Speaker, Sir, that the finality of the State, that of a socialist Government like that of the hon. Prime Minister, Dr. Ramgoolam, is different from the objectives of the economic sector - here, the sugar cane private sector. The bottom line of the private sector is profit and this is totally legitimate, but the bottom line of the State is human added value and these two objectives are not necessarily divergent, but they can be as in this case. The facilities, Mr Deputy Speaker, Sir, that had been extended to the sugar cane sector in the context of the reform of the said sector itself following the European Union reform of its agricultural market was indeed part of the 2007 deal between the State and the sugar cane sector. The objective of which was to allow the sugar cane sector to generate financial means to cover part of the costs of the reforms. It should also be clear that whatever measures and facilities that we put in place to assist the sugar cane sector then in a particular context in a business sector that is totally private cannot by any means be considered to be acquired rights that have to be perpetuated irrespective of the context.

With your permission, Mr Deputy Speaker, Sir, I will recall very briefly, what the 2000 deal was about. It was between Government and the sugar cane industry through the Mauritius Sugar Producers' Association. Ever since the letter, *très anodine, je dois dire*, which was circulated by Commissioner Fischler of the European Union in January 2005 and a substantial drop in the selling price of our sugar to the European Union, a whole economic sector was hanging by the skin of its teeth; *l'industrie sucrière, comme on l'appelait alors, était menacée dans sa survie, dans son âme. Ce qui était menacé, M. le président, c'était une partie de notre produit national brut ; c'était des milliers d'emplois et c'était la configuration éco-biologique de nos campagnes, ainsi que la survie économique de milliers de petits agriculteurs - petits planteurs, comme on les appelle - dépendant en amont de l'industrie sucrière, d'où la nécessité de la réforme.*

That reform, Mr Deputy Speaker, Sir, implied two things: centralisation and VRS. The disposal of agricultural land in the form of property development was then allowed in order to allow the sugar estates, the members of the MSPA to recoup costs, but we cannot, Mr Deputy Speaker, Sir, recoup costs by continuing to sacrifice our prime agricultural land, as has been done up to now.

The 2007 deal, Mr Deputy Speaker, Sir, was based on requirements of urgent national interest, with an imminent threat on the head of the country. That involved a sector that has contributed

immensely, and actually has been the backbone of the economic and social development of Mauritius. The hon. Prime Minister - then leading the negotiations with the MSPA - responded in a fair and responsible manner. The result of this high sense of responsibility and fairness in dealing of the hon. Prime Minister, is that the reform has been a successful one and we have been able to ride smoothly over the rough waves of the European the European Union Reform which has caused the sugar cane industry of many producing countries to disappear through a lack of competitiveness.

One thing has to be very clearly understood, Mr Deputy Speaker, Sir, all the direct financial assistance, as well as most of the indirect assistance which the sugar cane sector obtained, to carry out the reform came from the State. For example, the funds under the accompanying measures of the European Union were never meant to be plugged directly into the cash flow of the sugar cane industry, but were meant for the State to assist it into restructuring the national economy in the wake of the reform. Yet, we know that most of the funds under the accompanying measures were directed to the sugar cane industry and, that was legitimate, because of the particular situation at a particular period. We also need to add that the recent legislation brought in by my colleague, the Minister of Agro-Industry and Food Security that has merged six different service providing institutions of the industry under one single institution, the Mauritius Cane Industry Authority, thereby further cutting costs to the industry.

Mr Deputy Speaker, Sir, as a result of these, the sugar cane industry has not only survived, but has flourished and prospered. As a result of the above, the landowners of the sugar cane industry have been able to develop, in parallel, a flourishing and highly profitable property industry, taking full advantage of land conversion free of cost and of the costly infrastructure discounted as costs in the context of the reform, which is definitely a business plus. As a further result of the above, the sugar cane industry is now, six years later, rationalised, lean, modern and set to face the challenges of the international market for many years to come.

In short, Mr Deputy Speaker, Sir, the facilities granted under the 2000 deal at public costs - and that are being reviewed by the Bill introduced by the hon. Minister of Agro-Industry and Food Security - have not only allowed the owners of the sugar cane industry to overcome the threats caused by the European Union Reform, but have also helped them to considerably upgrade their assets. These facilities are monetary and financial facilities. All these facilities are purely and simply revenue foregone for the State in favour of an industry, which is why, Mr Deputy Speaker, Sir, these facilities and concessions cannot be considered as acquired and permanent rights, which is why they cannot continue to prevail *ad vitam aeternam*, and have to be reviewed once the objectives for which they were set are achieved.

Obviously, what I have said does not include whatever is entrenched in the law, as exemplified by the new clause 13 amendment circulated. The underlying principle of salvaging and boosting the sugar

cane sector has not changed, Mr Deputy Speaker, Sir. The primary objective of this Government is still to consolidate the productivity and competitiveness of the sugar cane industry, but the packages and facilities offered under the 2007 deal, need a new consideration in the light of the experiences encountered over the last six years and, in the light of new and emerging issues, having a direct bearing on the national economy and on our ecological balance.

The second orientation of this Bill that I will canvass, - and the last one - Mr Deputy Speaker, Sir, is the one pertaining to the small farmers/small planters, having obtained land on lease from sugar cane estates under specific conditions. The House will certainly recall the deep reforms in the conditions of *métayers* that were carried out by the hon. Minister of Agro-Industry and Food Security in 2008.

As a result of these reforms, *métayers* now enjoy an unprecedented degree of protection from arbitrary treatment by sugar estates including, among others, protection from eviction and the right to purchase land that they are occupying at highly discounted prices.

The hon. Minister of Agro-Industry and Food Security has sufficiently expounded on these reforms, which were again a shining illustration of the Government programme of Democratisation of the Economy and a direct product of the hon. Prime Minister's philosophy of social equity. Many of us in this House, and I am sure that this includes hon. Members on both sides of the House, have received numerous representations from small sugar cane planters to the effect that they live and work under threats of eviction by sugar estates, that they suffer arbitrary treatment, that they are subject to the whims of sugar estates for recognition by the Sugar Insurance Fund Board and for them to be able to sell their canes to factories. In other words, Mr Deputy Speaker, Sir, their miserable plight, their vulnerability are exactly like those of the *métayers*, prior to the reforms of the conditions of the *métayers*, carried out by the hon. Minister of Agro-Industry and Food Security a few years ago. We should not forget that these small landless planters are important stakeholders in the sugar cane industry. We should not forget that they have contributed in their capacity to the development of the sector and of the country. We far too often forget, or too often underrate that contribution of the small planters, small landless planters to the national economy and to the social fabric of the nation.

Furthermore, for many of these small landless planters, this activity is their main, if not, their sole revenue generating activity.

With this Bill, this vulnerability is being addressed and eliminated as the term '*métayer*' will henceforth also encompass the aforementioned planters who will therefore benefit from the same conditions under the law as the *métayers*.

Mr Deputy Speaker, Sir, there needs to exist a morally and ethically justifiable and socially acceptable balance between, on one hand, considerations of national interest and the protection of the more vulnerable categories of our population and, on the other hand, the extent to which the State can extend assistance to an economic sector in given circumstances. We have to recognise this morally and ethically justifiable and socially acceptable balance. Graphically, Mr Deputy Speaker, Sir, this balance is where the line of convergence of these two considerations meet. But after they have met, they become lines of divergence. This is the situation in which we are today and that the hon. Minister is correcting through this Bill. This Bill is setting the balance right, Mr Deputy Speaker, Sir. For this, I, again, congratulate my colleague, the hon. Minister of Agro-Industry and Food Security for introducing this Bill to the House and, again, thank the hon. Prime Minister for inspiring this piece of legislation.

I thank you, Mr Deputy Speaker, Sir.

(6.32 p.m.)

Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River): *Mr Deputy Speaker, Sir, I am perplexed! I should say that I was perplexed when I received the first series of amendments to the SIE Act which were circulated on 24 May. I was asking myself why soudainement le gouvernement fait un virage à 180°, prétend déclarer la guerre avec le secteur privé et étend les incitations du VRS au ERS! Je me demandais pourquoi, quelles étaient les motivations réelles de ce changement de politique dans une conjoncture où la centralisation des usines sucrières est presque complétée et qu'on ne prévoyait pas de si tôt un dégraissage des usines.*

Mais, M. le président, quand j'ai vu la deuxième série des amendements, j'ai tout compris. Tout cet exercice est un *eyewash*! Le gouvernement jette la poudre aux yeux des petits planteurs et de la population! Tout ce qui a été préconisé - et je dis bien tout ce qui a été préconisé dans la première série d'amendements a été complètement retiré! Quelle volte-face de la part du gouvernement! Amendement sur amendement sur amendement sur amendement ! Nous avons eu quatre amendements ! Un travail, je ne sais pas, s'il a été fait au petit bonheur mais jusqu'à hier après-midi on a encore reçu un dernier amendement!

The first series of amendments were circulated on 24 May and the second series on 31 May. On that same day, that is, on 31 May, a representative of the MSPA indicated to a newspaper that his association had a fruitful meeting with the Minister. Should we understand then that the second series of amendments, which in fact give back to the private sector what had been withdrawn in the first series, has been the basis of the meeting? *Un exemple flagrant est la clause 7 (b) which amends section 27 on*

expenditure allowed to sugar companies. The first amendments circulated had curtailed everything. The second amendments restored what existed previously.

Le ministre, selon moi, a dû et a été contraint par le secteur privé de revoir sa copie. Au fait, il a été contraint de retourner au point de départ et les grands gagnants sont toujours les barons sucriers et les grands perdants, les petits planteurs ! Au fait, cet amendement, M. le président, démontre encore une fois que le gouvernement se range du côté des barons sucriers au grand détriment des petits planteurs.

Mr Deputy Speaker, Sir, the Government has had several opportunities to bring amendments to the SIE Act to benefit workers of the sugar industry. I still recall the criticisms which were levelled when the SIE Act was amended in 2001 and the VRS concept was introduced. Those who were in the Opposition then stated that sugar workers should leave the industry as a policy of attrition which meant that the workers would have left the industry without any compensation and without getting even one *toise* of land! But the 2001 amendments allowed them to reap the benefits of their hard labour. They received big amounts of compensation and even seven perches of land each.

With the comments that were made on the 2001 amendments, it was expected that the Government, once in power, would review the policy of laying off employees of the sugar industry. But, Mr Deputy Speaker, Sir, no, no! In 2007, the Government introduced another concept for the laying off of employees – the Early Retirement Scheme and I quote what the Minister said then –

“It is to facilitate the voluntary retirement of employees in a sugar factory that would not close down, but may still need to right-size its labour force.”

That was the speech of the Minister in 2007. It appeared that the Government then had understood that the policy of attrition could not be applied, but that even sugar factories which would not close down might need to reduce its labour force.

This therefore brings me to one fundamental question: In 2007, when the concept of ERS was being introduced, why is it that the then Government did not extend the incentives applicable to VRS to the ERS? Can we know why the Government did not then extend the same benefits to these employees? Since 2007, so many employees have already taken the ERS without benefitting anything! *Cela ne gênait en aucune façon le gouvernement! Maintenant, six ans après qu'il ne reste presque rien à faire, presque toutes les usines ont fermé leurs portes, le gouvernement vient maintenant avec cet amendement.* This is why I sincerely think that the Government is doing its *mea culpa* and I am referring to clauses 4 and 6 and amendments which are being made to sections 14 and 25 of the SIE Act.

Let me address one issue which is very dear to me – section B of the Explanatory Memorandum which states, and I quote –

“extend the definition of ‘*métayer*’ to include a person who, at the commencement of this Act, has been cultivating cane on land leased from the planter for a consecutive period of 3 crop cycles:”

First of all, the crop cycle is not defined. This has to be clarified. But then, Mr Deputy Speaker, Sir, regularise those who have contracts with planters as ‘*métayers*’ to do what? We should not forget how the Government, through the Commission for the Democratisation of the Economy, reached an agreement with the MSPA in 2008, wherein *métayers* would swap strategic lands, which they have been occupying for years against non-strategic lands. This famous agreement clearly specified, and I quote -

“Sale of lands by owner States to *métayers* will be considered for lands which are not defined as strategic.”

By whom? By the owner States. So, they were the one to decide which land would be strategic and which land would not be strategic. It goes on to say, *comme pour enfoncer le clou dans la plaie*, in case the lands occupied by the *métayers*, and which *métayers* would wish to purchase are considered strategic by the owner State, an alternative site then will be offered for sale by the owner State. So, the planter does not have a say as to whether his land would be considered strategic or not, the agreement clearly mentions that it is the owner State who decides whether it is strategic or not strategic.

Mr Deputy Speaker, Sir, we all know that these *métayers* took marginal lands 25 years ago or some even 50 years ago, from generation to generation from the Sugar Estates. They toiled very hard to transform these marginal lands into very productive lands. They had, over the years, spent money to derock these fields, to introduce irrigation facilities so as to enhance production. In fact, they transformed marginal lands into productive lands which the owner States would now termed as strategic land.

I have, myself, raised this question several times in this House because *métayers* were coerced to leave the lands they have occupied for years. The Sugar Estates were putting the knife under their throat to leave the strategic land and, finally, most of them had to leave. I know that the hon. Minister will say that the *métayers* were not coerced to leave their land, but I can give examples of those who have had to bring the matter to the Supreme Court. There is the case of someone - I won't mention the name - but one Mr P.N., whose contract had expired in December 2011. He asked for renewal from Constance La Gaieté Sugar Estates. The latter refused categorically to renew the lease considering the land to be strategic land. The planter entered a case in the Supreme Court and he won his case. There is the case of another

planter, one Mr P.G. who also had to go to the Supreme Court. He wrote a letter on 09 October 2011 to Constance La Gaieté Sugar Estates for renewal of his *métayer* lease. On 10 November, the Estates General Manager replied and I quote what he said in his letter -

“I regret to inform you that your contract cannot be renewed due to the fact that the land is situated in the strategic zone and that you have been invited to choose another alternative land under the package deal.”

Mr Deputy Speaker, Sir, to what package deal is he referring? Who deemed it fit.....

Mr Faugoo: Mr Deputy Speaker, Sir, the hon. Member is going completely outside the scope of the amendments which we are talking today. There is nothing in this particular amendment Bill which concerns the *métayers* on which she is debating today, Mr Deputy Speaker, Sir. There is one section, that is, section 12, where we are bringing new planters who have a contract. There is nothing in this particular Bill, which concerns existing ‘*métayers*’. She is completely outside the scope of the Bill.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, let me tell the hon. Minister that he is bringing in new *métayers*. Those who will get contracts now with the Sugar Estates, those who are outside, he is bringing in new *métayers*. It is good now to see what would be their plea because that was the same thing which happened to the previous *métayers*. They also got land, and after some time, they were told that their lands have become strategic and that they should give away their land. Now, my second point is that hon. Cader Sayed-Hossen opened the debate and he referred to the agreement and to the package deal. So, why should I not refer to the package deal? He opened the debate. I am sorry!

Let me say who had deemed it fit and very convenient to sign such an agreement behind the back of the *métayers*. The Chairman of the Committee on the Democratisation of the Economy was even convened by Mr Alexander Boraine, of *Commission Justice et Vérité* to explain. Mr Boraine was, himself, surprised when hon. Cader Sayed-Hossen laid all the blame on the back of the then Mauritius Sugar Authority. Mr Boraine even stated, and I quote from a daily newspaper which reported the issue. He said -

“*Vous semblez plus prompt à vous montrer dur envers la MSA qu’envers le gouvernement.*”

Mr Deputy Speaker, Sir, I also wish to inform this House that because eight *métayers* are contesting, now, as at today, do not want to move from the so-called strategic land and have brought the matter to court, you will be shocked to learn that instead of taking 10% of the *métayers*’ sugar proceeds,

the Sugar Estates concerned is taking 17%. He does not have the right to take 17% out of the sugar proceeds. He is entitled to only 10%. Complaints have been made by the *métayers* to the Ministry of Agro Industry and the MCIA, but they have met deaf ears. The Sugar Estates concerned has told the *métayers*, and I quote -

“Tant qui zot pas faire land swapping pas pu gagne sa surplus l’argent là.”

That is what was said to them when the *métayers* asked for refund of their additional 7%. This is happening right now. But who cares, Mr Deputy Speaker, Sir? *Maintenant, la cerise sur le gâteau!* When the hon. Minister, in his second reading speech, says and I am quoting -

“(...) the motivation for presenting this Bill is to ensure the preservation of agricultural lands which are essential in the wake of the global food crisis that is still looming around us.”

Mr Speaker, Sir, in 2008 when the deal was being made with the private sector to take away strategic lands from the *métayers* to be put to other uses, the hon. Minister then did not deem it fit to preserve agricultural land. When first-class agricultural land was being snatched from the *métayers*, why did he not think of preserving agricultural land? And, if I go deeper into this analysis, I find that the hon. Minister has knowingly made a difference between a planter and a miller. So, the person who has been cultivating land on land leased from a planter will be recognised as a *métayer* whereas a *métayer* who has held a lease for 20 to 50 years from a miller has to give back the land. *M. le président, c’est une politique deux poids deux mesures qui favorise à tout temps le capitaliste.*

Now, I come to amendment which has been made to Section 27 and I am referring to Clause 7 on agricultural land. Mr Speaker, Sir, henceforth, all land which is or has been at any time under cultivation of specified crops is now deemed to be agricultural land. Previously, the law made provision for conversion of land that had not been under cultivation for the past 10 years preceding the date of application for land conversion and the hon. Minister justifies the amendment as follows, I quote, he said -

“We have had cases whereby the owner leaves his land in an abandoned state and simply waits for the 10 years to elapse so that it does not fall under the purview of the SIE Act.”

True, Mr Speaker, Sir, true, there are *resquilleurs*, but the measure of the hon. Minister may have major collateral damages on the small and medium planters. Let me explain by taking one particular case. A small planter has land in an irrigation zone. This zone has been deproclaimed through no fault of

the planter. In the meantime, this land comes into a settlement area. Now, by declaring this land agricultural there is a real risk of the value of the land depreciating drastically. What happens if this planter has now to dispose of his assets to enable his children to undertake studies or set up a business? The small/medium planters who find themselves in this particular situation are definitely being penalised while the big ones would have already obtained their land conversion that adds big value to their land. Once again, we see that this Government is looking only in the direction of the *secteur privé* while giving the impression that it is acting against them. In other cases, planters have been compelled to abandon their land on account of real problems of labour shortage, old age and cost of inputs; penalising the whole community of small and medium planters just because the Ministry is unable to act against *des resquilleurs*, is not fair. There must surely be a way to deal with land issues in a more humane manner. How does this contrast with the caring and widening of circle of opportunities approach adopted towards the golf course developers?

So, Mr Speaker, Sir, if a small planter is not being given irrigation, he has had to abandon his land due to no fault of his for 10 years. For 10 years the Irrigation Authority has failed to provide water. Now, it is the small planter who is being penalised. His land will still be considered as agricultural land. I cannot understand the rationale behind this decision. What hell would that small planter do if he does not have access to water and, on this score, Mr Speaker, Sir, I am humbly requesting the hon. Minister to review his decision.

Mr Speaker, Sir, the definition of agricultural land is made to stop speculators from obtaining agricultural *morcellements* and subsequently, selling them for eventual conversion to non-agricultural use by prospective buyers. I am asking another question. Why is it that Government is coming with this amendment now? Why is it that Government did not come with this earlier? Is it because it had to allow the SIT to have recourse to this bypass route? There have been so many of these cases in the recent past where the Ministry of Agro-Industry and Food Security has allowed the SIT to do *morcellement agricole* and the SIT has already done a lot of it. Now, the law comes for the small planters.

Reference has been made in the speech of the hon. Minister to food security and the need to produce food. The objective is very good. The objective is not being challenged, but let us see what this Government has done in the past and, in fact, if Government wishes to make an effort to enhance food production whether over time it had taken the right decisions. First, deproclaim irrigation zones. Second, divert water from agriculture to the Jin Fei area. Third, uproot planters from Riche Terre in favour of Jin Fei and until now, they have not been given a square inch of land. Fourth, grant land conversion exemption for golf courses, in one case, Bois Sec, and we are still waiting the reply from the hon.

Minister on a PQ which was addressed to him by hon. Pravind Jugnauth recently to the Minister of Finance and Economic Development and no one yet knows whether the tax exemption is on 540 arpents; the whole extent of the proposed development which would amount to nearly Rs800 m. or on a lesser extent. It should be noted that exemption to the payment of land conversion tax had been removed in the Finance Act 2010. That provision was removed in the Finance Act 2010, but it has been reinserted in the Finance Act 2011.

So, Mr Speaker, Sir, in Clause 7 there is again another major amendment which is being brought where the term 'expenditure' is being redefined. This amendment, Mr Speaker, Sir, goes at the very heart of the conditions enshrined in the blueprint. Conditions imposed in respect of factory closure and Sections 23 and 23(a) and the Eleventh Schedule of the Act. So, what does the first series of amendments which were made to Section 27 meant? The first series, I said, of amendments which was circulated on 24 May that was before the other series of amendments came, what did that mean then? It meant, firstly, that the costs of offsite works which are not decided by the sugar companies, but imposed by the *Morcellement* Board in respect of the Blueprint, VRS and ERS are being removed. That was what it meant in the first series of amendments; the cost of offsite works not decided by the sugar companies, but imposed by the *Morcellement* Board were being removed. The second amendment which was brought before the second series of amendments meant that the Rs15 m. which were contributed by the sugar companies, as per the Blueprint to the Planters' Fund would not be recognised as expenditure.

Thirdly, that the cost for the upgrading or modernising of factories receiving sugar cane in the context of a closure would also no longer be recognised as expenditure. That was the first amendment which was brought.

(Interruptions)

That was the first amendment! You have to listen!

The Deputy Speaker: Please, don't indulge in an argument! Hon. Assirvaden, please, do not intervene!

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, let me say that this piece of legislation is a very complex one - I am sorry that the hon. Member does not understand! Fourthly, the computation of interest to be allowed for the recouping of cost purposes is being reviewed, namely interest on loan contracted at the current landing rate which is charged on the amount advanced and not on the total implementation cost. Mr Deputy Speaker, Sir, with those series of amendments, I thought that, at least, the hon. Minister was coming with good proposals. I started my speech by saying that I am perplexed.

Mr Deputy Speaker, Sir, who has studied the SIE Act in its globality, who has followed the evolution of the sugar sector over the years, especially during the years this Government has been in power, who would not be perplexed with such amendments, because Mr Deputy Speaker, Sir, immediately after the circulation of these amendments and these good proposals, the sugar barons set themselves to task. *L'honorable ministre a succombé à la pression de la MSPA.* A second series of amendments were circulated and I was shocked and surprised to see that all the benefits which were withdrawn were being reinstated.

Firstly, onsite infrastructural costs in relation to land being offered to employees are considered, now being considered once more as expenditure and even offsite works have now been included, as may be approved by the hon. Minister.

Secondly, the cash compensation paid to employees with the second series of amendments is again considered as expenditure.

Thirdly, the cumulative interest at prime lending rate on loans contracted is back again.

Fourthly, the costs for upgrading of modernising factories in the context of factory closure have been reinserted in the legislation. *M. le président, qui veut-on leurrer ? Est-ce que c'est une farce, je me demande.*

The Government, Mr Deputy Speaker, Sir, has allocated more than 75% of the money which was allocated to Mauritius by the EU in terms of accompanying measures to the sugar barons. In fact, more than Rs7.5 billion have been used to finance the VRS 2, the ERS and the whole restructuring programme of the sugar sector. All expenditure in relation to factory closure, including infrastructural costs in relation to land offered to employees, cash compensation paid to employees, cost for modernising or upgrading of factories, all have been met from money which was supposed to go to small planters - contrary to what the MMM-MSM did in 2011 when the VRS was being implemented.

(Interruptions)

The private sector in 2001 - in the legislation - had to sell their lands and they had to take loans to meet the VRS cost. *Mais, avec le gouvernement travailliste ils ont eu une manne du ciel.* They did not have to disburse money; they received money from EU Funds. This is the truth!

Furthermore, Mr Deputy Speaker, Sir, let me remind the House that it was this Government which increased the price of sugar on the local market to eliminate the losses incurred by producers on sugar sold on the local market. Those were the exact words mentioned in the Multi Annual Adaptation

Strategy document and the private sector recouped about Rs600 m. out of this decision *sur le dos de la population qui a vu le prix du sucre passé de R 5.50 le kilo à R 40 le kilo*. With the increase in the price of sugar, the private sector will obtain about Rs5 billion over a period of ten years. After having given so much, now Government is coming forward with another piece of legislation et, *comme je disais*, we were so glad that the hon. Minister was coming with these amendments, but after the series of amendments brought, *là, je dois dire qu'il est revenu sur sa décision*.

Now, I am referring to Section 28 of the SIE Act whereby a new sub-section (8AA) is being added to give powers to the Land Conversion Committee to direct an applicant to amend his application so that the conversion is for a mixed development use, comprising residential, commercial, leisure and social components with a defined percentage allocated to each component, failing which an application will not be considered. Mr Deputy Speaker, Sir, this is another fundamental change which is being brought to empower the Land Conversion Committee which is chaired by the Permanent Secretary of the Ministry and which is under the direct supervision of the hon. Minister. Can I ask the hon. Minister why no reference has been made to the type of application and to the extent of land under issue, and why everything is left to the discretion of the Land Conversion Committee?

Mr Deputy Speaker, Sir, my humble view is that we seem to be moving from a business facilitation framework to a centrally planned one.

Clause 8, introducing section 28 (8AA) is bound to create conflict zones between the Ministry of Agro Industry and the Ministry of Housing and Lands. Offsite works are imposed by the *Morcellement* Board in its letter of intent and it is wondered how the hon. Minister of Agro-Industry will give its approval thereon. The *Morcellement* Board and not the Land Conversion Committee are empowered under law to make recommendations on mixed or other use and even then, after the receipt of an EIA certificate.

Mr Deputy Speaker, Sir, I think I have not as yet made comments on section 11 subsection 2 concerning the convergence of two units of acreage for every unit of acreage sold to Government or any specified entity; the proceeds of which could be used to recoup expenditure incurred in the context of the VRS which has been deleted. However, convergence of three units of acreage for every unit of acreage sold to Government has been maintained. My analysis is that from economic perspectives if real costs, costs of compulsory acquisition, benefits, all taxes and economic benefits on duty-free growth are taken into account, and not solely the national land conversion tax, Government stands to lose though this measure.

This reminds me, Mr Deputy Speaker, Sir, of Bassin in my Constituency where through the two to one scheme I requested Médine Sugar Estate to give to Government two arpents of land for a football ground. The Minister of Public Infrastructure, hon. Bachoo, knows very well what I am talking about since for two consecutive Municipal Elections, he has been promising the youngsters of Bassin a football ground. The first time was in 2005 and the second time only recently in December last year. In fact, I had already identified two arpents of land to which Médine was agreeable, but the Ministry of Agro Industry opposed the project saying that he needed agricultural land.

Mr Deputy Speaker, Sir, if today Government has to purchase two arpents of land in Bassin, how much Government will have to disburse, but in spite of my repeated requests, nothing has been done and that project could have been done under section 11 subsection 2(a) which is now being deleted.

Yet, Mr Deputy Speaker, Sir, I fail to understand how subsection 3 of section 11 is being maintained and here I'll request the attention of the technicians and maybe the technicians of the State Law Office. If we refer to the main Act and we look at subsections 4, 5, and 6, it is clearly stipulated - I am referring to section 11 subsection 3 - and if we look at subsections 4, 5, 6 it is clearly stipulated that, I quote –

‘(5) No application for the first 2,000 arpents (...) be entertained after 31 July 2003.

(6) No application for the remaining 800 arpents (...) shall be entertained after 31 July 2006’

So unless this has been done on purpose, because otherwise this section of the legislation does not have its purpose because this has lapsed since 2003 and since 2006. So, I leave it to the Minister, the technicians and the State Law Office to see why this piece of legislation has been left there.

Now, the last amendment on which I am going to comment, Mr Deputy Speaker, Sir, is paragraphs 8 and 9 of the Twelfth Schedule. Here again, *il y a eu une volte-face du ministre qui a dû revoir sa copie*. This section is being amended to limit all land conversion permits to five years and to remove the sugar reform measure which allow permits to derogate from the five-year period. Up to 2011, Mr Deputy Speaker, Sir, only sugar reform cases would have unlimited duration permits. In the Finance Act 2012, this measure was extended to all cases and rightly so, I am not surprised to see that, less than six months after, there is a sudden reversal of policy. What may have happened, I don't know, but I have been given to understand that this is so. Who stands to lose? The small planter, for sure, who, after having paid a big amount of money for land conversion, cannot find additional money immediately for developing his land.

Mr Deputy Speaker, Sir, I said right from the beginning, this SIE Act is a very complex piece of legislation. There have been so many amendments to this law since 2001 that it has become like a jigsaw puzzle and unless we put all the pieces together, nobody will get a true insight of what amendments are being brought.

So, Mr Deputy Speaker, Sir, before drafting my intervention, I have once again examined each amendment that has been made over the years. I know, whatever we will say on this side of the House, the Minister will get his Bill through. We know that. *Je me réfère encore une fois* to the last amendment which was circulated yesterday in clause 13 – savings, which states that –

13. Savings

- (1) Any application for land conversion that is pending at the commencement of this Act shall be dealt with and processed as if this Act has not come into operation.

Just look at the last amendment which has been circulated last night. It adds that –

- (2) Any application for land conversion in relation to a factory closure shall be dealt with and processed as if this Act has not come into operation.

M. le président, c'est clair aujourd'hui que cet amendement est dans l'intérêt du secteur privé. On sait que Deep River Beau Champ, Alteo et Terra *may soon close their doors* et le ministre a déjà pris ses précautions pour faciliter la tâche de ces *opérateurs otherwise what is the use of coming with this amendment* si ce n'est pas pour faciliter la tâche à ces opérateurs.

Bon, cela le ministre peut le faire! Mais je reviens et je termine là dessus M. le président. Pour ces grands opérateurs, on a pu apporter un amendement à la dernière minute mais pour Saint Félix, M. le président, où 22 petits employés sont concernés, ils ont pris leur VRS en 2005; ils ont eu leur compensation; ils n'ont pas eu de terre. *They have not obtained land, they have gone to court and these people are in my Constituency! Why is it that when the Minister can come...*

(Interruptions)

But it is in my Constituency, I have to plead for my constituents. If the Minister can come with a piece of legislation for the big operators; has had amendments circulated till last night for them, why is it that he cannot come with a piece of amendment for these small employees.

(Interruptions)

Mais non, M. le président, ce ne sera pas comme cela. Les gros opérateurs auront leur mot tout le temps. Le ministre a encore une fois démontré clairement qu'il ne peut résister au lobby du secteur privé. Il a été

contraint de revoir sa copie à quatre reprises avec quatre amendements et cela saute aux yeux, M. le président, aujourd'hui que le gouvernement est en train de faire le jeu du secteur privé. Le ministre a essayé, je dois dire, il a essayé, il avait commencé sur un bon pied. Il a essayé d'avoir une confrontation avec les amendements qui avaient été circulés en premier lieu. Je suis en train de me référer aux premiers amendements qu'il avait portés mais il a échoué lamentablement et la preuve, il vient avec plusieurs autres amendements pour corriger; la première série nous le démontre clairement. M. le président, finalement, le gros gagnant c'est toujours le secteur privé, les barons sucriers et les grands perdants sont toujours les petits planteurs.

Merci M. le président.

At 7.33 p.m., the sitting was suspended.

On resuming at 8.49 p.m. with the Deputy Speaker in the Chair.

The Minister of Foreign Affairs, Regional Integration and International Trade (Dr. A. Boolell): Mr Deputy Speaker, Sir, let me, right from the outset, extend warm congratulations to my colleague, Minister responsible for Agro-Industry and Food Security, to whom additional responsibilities have been conferred.

Congratulations are in order despite the fact that sometimes the order can be very tall, but the Minister is like still water. He runs deep, very thorough and, of course, his Ministry never takes a decision lightly. There is wide consultation and there have been wide consultations with all the stakeholders. I have not heard any dissenting voice in respect of the amendments being brought to a legislation which is, indeed, very complex, as has been highlighted by hon. Mrs Hanoomanjee, but they have been waiting desperately to hear adverse comments from our friends, from the small planters, organisations or from the MSPA. And I am sure my friend, the hon. Minister - unlike the former Minister of Agriculture, then, hon. Pravind Jugnauth - did not cross the road from Government House to Plantation House. The Minister certainly did not obtain any instruction or did not seek instruction from Plantation House.

Mr Deputy Speaker, Sir, we believe in policies where we reconcile social and economic factors. I am rather surprised and I will come to the perplexity of the hon. lady, hon. Mrs Hanoomanjee, who was appalled and shocked. I recall in 1997, Mr Deputy Speaker, Sir, she was fully involved in the preparation of the blueprint for centralisation. One should recall that the writing was then on the wall. In the anticipation of a drastic drop in the price of sugar, we had to, of course, be prepared and we had to look at

our level of preparedness and we had to sensitize all the stakeholders, but our main attention was focused on the interests of the small planters and you had to empower the small planters. Precisely, the reason then, despite hue and cry from our friends from the Plantation House, we revised the apportionment ratio and increased it by 2% in favour of the small planters. Since then, we have travelled a long way. Of course, I take it for granted and, rightly so, that the Government which came after us had no choice, but to accelerate the pace of ongoing reform. Reform cannot take place without concession. And I am not going to highlight the host of incentives and facilities allocated to the corporate sector, the concessionary loan and the scheme allocated to them to enable them to sell land to meet the cost of reform.

But, you see, Mr Deputy Speaker, Sir, if I am going to embark on a blazing trail of demagogy, where will it lead the planters or the corporate sector? We have to admit that there is an organic link between the planter and the corporate sector. I am not going to highlight what took place at the stroke of midnight when the deal was clinched against the advice of our friends from the State Law Office. I am not going to highlight who the beneficiaries are. Let me say that there was no *trésor* for the small planters. They ended up in the desert and there was no oasis except mirage.

When we came back to power, Mr Deputy Speaker, Sir, in 2005, we embarked upon sectoral reform, we embarked upon macroeconomic reform and, eventually, we created the fiscal space. It is this fiscal space which gives us the leverage and the leeway necessary to empower our people and precisely to widen the circle of opportunities. I am not, Mr Deputy Speaker, Sir, going to remind the House that there was a drastic drop in the price of sugar by more than 42%. And we went all over the country to impress upon the small planters the relevance and importance of regrouping. My friends came up with the policy of Field Operations, Regrouping and Irrigation Project (FORIP). But, at the same time, I recall we were straight and we told our friends, the small planters, that they should leverage their assets for agricultural or non-agricultural purposes. Earlier, hon. Mrs Hanoomanjee talked of deproclamation of land where there is no irrigation or release of land in areas where the boundaries have been redefined. What were the objective and purpose? Precisely to respond to the needs of those planters who were weak, small and vulnerable, but whose land was located in strategic areas. But, for those who could regroup, what is the relevance of regrouping if it is not to achieve economies of scale? What is the relevance of economies of scale if it is not to bring down cost? Mr Deputy Speaker, Sir, the hon. Prime Minister is right when he says that no one owes us a living, that there is no free lunch and that the days of preferences are over. My good friend just came back from a lobbying mission and he will tell you the expectation of ACP countries and sugar producing, that no ACP country should be worse off, is no longer a reality. We expect the regional quota allocation which is relevant to Mauritius and to neighbouring countries to last the duration of the Cotonou Agreement. But we know what is happening. If it were not for the EU Parliament, they

would have undermined and undo the whole process! I thank my good friend the hon. Minister together with other Ministers on the lobbying trail to impress upon the European like-minded countries as to the importance and relevance of the sugar cane industry to a small island with a high vulnerability index, Mr Deputy Speaker, Sir.

When we come with savings clause, what are we saying? There is bound to be closure of factories. The restructuring programme which we have accelerated is not over, Mr Deputy Speaker, Sir. But we have to look beyond the shores of Mauritius, whether it is Alteo or Terra. What we need to say to the planters and the SIT: make the most of the opportunities, grasp the opportunities. The Omnicane is investing 200 m. US dollars in a flexi factory in Kenya. Alteo is moving at an incredible speed in Tanzania. Terra which has concluded a strategic partnership with Banyan Bank is keen to invest in other African countries and the opportunities are knocking in Ethiopia. But this is what my colleague, the hon. Minister of Agro-Industry and Food Security is saying to the planters: make the most of the opportunities, grasp the opportunities. Don't think small. Here we have *toises*, over there they have hectares, Mr Deputy Speaker, Sir. We cannot be blind and insensitive or impervious to changes which are happening on the international scene and which will have repercussion on small planters or on the corporate sector. I have said earlier there is an organic link between the corporate sector and the planters, Mr Deputy Speaker, Sir.

But, I come back, Mr Deputy Speaker, Sir, to opportunities knocking. In a couple of years time the hon. Minister will tell you we will have to negotiate new market arrangements. As matter stands, with the structural reform, today planters can earn almost 576 euro per tonne of sugar compared to 426 when we had the Sugar Protocol. But we constantly need to add value to the sector. Hence, the importance and relevance of the Democratisation Fund which, of course, is there and which will certainly pick the low lying fruits when the time is right, when we concluded negotiations with the corporate sector in respect of bagasse transfer price and all the value addition which also, Mr Deputy Speaker, Sir, should accrue to a greater extend to the small planters. We have told planters that their sugar cane is the best carbon dioxide cleanser and we have. The MID should also give due consideration to the small planters because they have a crop which is the best carbon dioxide cleanser.

What is my good friend saying? Land is a scarce commodity. Unless we go for land reclamation, Mauritius will still have a land surface area of 720 square miles. Of course, tomorrow when you wake up, Mr Deputy Speaker, Sir, you can proudly say that you are not only a citizen of an island, but also of an ocean State. That will come. But, in the meantime, we have to do with what we have. We have *toises* in this country, in Africa they have hectares. This is why my colleague wants to safeguard the interest of the

planters, to protect the planters because what is happening, Mr Deputy Speaker, Sir? There is encroachment upon prime agricultural land. Who set the tone in 2001, 2002 and 2003 when there was encroachment upon prime agricultural land? If I have to refer to the findings of the report published by the MSIRI and the FAO, Mr Deputy Speaker, Sir, it was a crime committed against the planters and against the country when they encroached upon prime agricultural land. But, of course, my good friend is saying that whether it is the 3:1 scheme or the 2:1 scheme, we are going to bring it to a halt. Enough is enough! What more? He has raised the threshold in respect of the exemption for land conversion.

So, if tomorrow, the cost of closure of a factory cost is Rs200 m., instead of dividing it by Rs3.5 m., we are going to divide it by 5.5, which means that we are saving on land which has become a scarce commodity. Land which is so dear to all of us, Mr Deputy Speaker, Sir, and we impressed upon our friends, land is sold only when you are in difficult circumstances or you sell the land to empower your close friends, children, wards or daughters.

But, Mr Deputy Speaker, Sir, let me also make it quite clear that choices have to make. And, choices can be very hard to make. When we talk of '*metayer*', Mr Deputy Speaker, Sir, I congratulate my friend, the hon. Minister. Let us look at the objectives of the Bill, and I quote –

“(...) extend incentives presently applicable to VRS projects, to ERS projects (...)”

Let me come to the ERS. Since 2006, we have allowed workers in the field in the factory to opt for early retirement. But there was an omission in the legislation. Today, we are filling the gap. This is a legitimate decision, Mr Deputy Speaker, Sir. In fact, we are responding to the needs of the workers because they are entitled to the same incentives and facilities like those who opted for VRS or for closure of factories.

Then we are talking about definition of '*metayer*'. Let me remind our friends, they have perpetuity, security of tenure, here today and here to stay, immovable, some people can rearrange the furniture, but the '*metayers*' are immovable. Some people may choose to lodge cases before the Supreme Court, but the '*metayers*' are here to stay. There has been a ruling in respect of '*metayer*' given by the Privy Council. Hon. Mrs Hanoomanjee should recall the measures taken then to ensure that the '*metayers*' become deeply rooted. I do not have to highlight what my good friend has stated, hon. Cader Sayed-Hossen, in respect of the additional benefits being extended to '*metayer*'. The historical deal concluded between the hon. Prime Minister and the MSPA, when the 2000 *arpents* were given to the State, Mr Deputy Speaker, Sir.

Fourthly, to meet the legitimate aspiration of those who are weak, want to have a roof over their heads, want to be given accompanying measures, want to take up the social rung of the ladder, this is the policy spelt out by Government. Land is extended to small entrepreneurs with the Business Growth Scheme that we are putting in place. Mr Deputy Speaker, Sir, the host of incentives and facilities that we are extending to small and medium size entrepreneurs and to those who are keen to have started up. So, we have travelled a long way, but we cannot, Mr Deputy Speaker, Sir, maintain *status quo* and this is what my good friend is saying.

In respect of '*metayer*', let me come back. We have taken up the sensitive issue of our friends from Bel Ombre. I must also thank Mr Kishore Deerpalsing, despite having all the time to himself, but of course, has shown keen interest to help our friends from Bel Ombre. We raised the matter. The hon. Minister is fully aware. But, nobody, Mr Deputy Speaker, Sir, can remove them from the land that they are occupying. If tomorrow, the land is strategically located, but there is a good trade-off, why not? But do not take them for granted. Planters are no fool! They have rights. Others have obligations towards planters because of the organic link between planters and the corporate sector.

Hon. Mrs Hanoomanjee was talking of prime agricultural land. '*Metayers*' do not have prime agricultural land. Precisely, the reason as to why, when we entered into a discussion with the MSPA, we saw to it that the interest of '*metayer*' should be safeguarded. When we talked of 10% sugar proceeds, which should be allocated to the corporate sector, this is legitimate. But when you come and say that pressure is being exercised upon them, to increase the proceeds from 10% to 17%, this is utter demagoguery. I think the hon. Member is embarked upon a blazing trail of demagoguery. I think it is not fair. Our friends from the Cane Industry Authority have the power to act.

(Interruptions)

They almost have unfettered powers, Mr Deputy Speaker, Sir, to take to task those who are trying to exploit, those who want to usurp the powers of the '*metayer*'. We live, Mr Deputy Speaker, Sir, in a country where there is the rule of law, where there is decency and the days of new colonialism are over. We rule the waves in this country, Mr Deputy Speaker, Sir. So, I make a plea to our friend: stop the demagoguery because the rot has settled in on the other side.

(Interruptions)

Mr Deputy Speaker: Hon. Mrs Hanoomanjee, please!

Dr. A. Boolell: Mr Deputy Speaker, Sir, let me come to another issue: land speculation. Earlier, hon. Mrs Hanoomanjee talked about areas which have been deproclaimed because there is no irrigation and opportunity is being extended to our friends. If they want to submit their application for land conversion, I do not see my good friend denying them the right because there is provision in the legislation for them to convert the land, if they so decide. But what are we saying? Do not allow land to stay idle. Do not allow land to remain fallow. Put it under cultivation because we want to boost food production in this country. We want to honour our commitment vis-à-vis our buyers, therefore, we need to bring land under sugarcane cultivation or otherwise. My hon. friend is right when we talked about aggregate of land to be allocated to all those who are eligible. I was talking to the hon. Minister of the opportunities in respect of *grand saison*, what we call short season. Sometimes, Mr Deputy Speaker, Sir, the land is not released because interline cropping can be difficult. They have an obligation to release land as and when required, to honour the commitment of those who are eligible to have land on a rotational basis or to go for interline cropping in their own field – if they do not get land from the corporate sector – sugarcane field, Mr Deputy Speaker, Sir.

On the other hand, Mr Deputy Speaker, Sir, when we talk of Agricultural Morcellement, I recall when I first became Minister of Agriculture. Some people from my Constituency came to see me because they are people who supported the party - of course, we won the election handsomely - and some of them thought that things can happen overnight. They wanted to convert land which was agricultural land. When I said no, I was taken to task. Notwithstanding, of course, the additional quota which we obtained under the SPS. And we needed every iota of land to put under sugarcane cultivation. What did they do, Mr Deputy Speaker, Sir? They went to the District Council. They obtained excision permit. They started to parcel the land. At that time, people were keen to buy small plot of land.

There was no onsite or offsite infrastructure and the Land Conversion Committee at the time, you know, the Secretary to Cabinet was PS - and you were there hon. Mrs Hanoomanjee; we were powerless, because the Land Conversion Committee or the authorities concerned had not been conferred the additional powers for proper oversight and even if you go to court, let alone the time that it will take and the frustration that would settle in, what would be the outcome: frustration and frustration. So, they got away with murder. But, what is my good friend doing? In fact, he is giving additional powers to the authorities to ensure that there is proper oversight and when you look at statistics, Mr Deputy Speaker, Sir, in 2001,- if I am not mistaken - there were 80,000 hectares - a little bit more - and now, slightly over 60,000 hectares under sugarcane cultivation. Can we then, tell the hon. Minister that he is wrong to bring those amendments? Can we then, tell the hon. Minister that he is wrong? In fact, if anything, Mr Deputy Speaker, Sir, he is seeing to it that there is more land being put under cultivation. We are honouring our

commitment on the domestic front and we are encouraging our people also to cross the border and enter into strategic partnership with others so that we take advantage of the facilities which least developing countries have. We have to be innovative, to be creative, Mr Deputy Speaker, Sir, because we know what the consequences would be.

Today, 80% of our economy has become service-oriented. It will be so in a couple of years time; sugar represents only 3% or less of our GDP, but what we are saying to all partners, they have to make the most of the opportunities which are knocking, be it for the small planters, the corporate sector, the workers whom we skill and re-skill, and today, have opted to take up employment in Australia or in Canada. We have met many of them working overseas, Mr Deputy Speaker, Sir, because of the experience they have acquired working in a sector where the demand is high on the African continent also.

Mr Deputy Speaker, Sir, let me conclude by congratulating the hon. Minister. It is a job well done. It is a job to safeguard the interest of all the stakeholders in the sugarcane industry, a sector which we have turned into a sugarcane industry, a sector which has become a force to be reckoned in Africa on the African stage, Mr Deputy Speaker, Sir. But, as we say, charity begins at home, and the measures being taken to empower the small planters are measures which go in the right direction, but at the same time, we are telling our friends in the Corporate Sector, they have had enough. And, enough is enough! But, on the other hand, Mr Deputy Speaker, Sir, when they move overseas, when they cross borders, when they go beyond our frontiers, they have to take on board the interests of small planters through the Sugar Investment Trust.

Thank you very much.

(9.04 p.m.)

Mr N. Bodha (First Member for Vacoas & Floreal): M. le président, je remercie l'honorable Dr. A. Boolell d'avoir ouvert le débat, parce qu'un débat sur l'industrie sucrière, ne serait-ce que pour les amendements, ne peut pas être un débat tronqué. Nous sommes une civilisation du sucre.

Mr Deputy Speaker, Sir, we are a land of sugar politically, socially, economically, historically and our people, our civilisation, our history have been shaped by the sugar industry. There is no debate on the Sugar Industry Efficiency Act or Bill which will not raise passion, criticism, because of the complexity of the industry, because of the number of stakeholders involved since two or three centuries. Mr Deputy Speaker, Sir, I will not go on what my hon. friend on the other side called the trail of

demagoguery. I will just say that he was the Minister in 1997, and in May 1997 he presented what was then called the strategic plan because he was aware, just like...

(Interruptions)

Yes, I think she was a high officer

(Interruptions)

I think she did her job.

(Interruptions)

She did her job.

(Interruptions)

What had happened between 1995 and 2000, Mr Deputy Speaker, Sir, whether Government had failed to address the pressing issues, had lacked courage to initiate appropriate remedial action, yet it was written - the hon. Minister wrote it, he said -

“It is imperative for Mauritius to use the 1995-2001 grace period of stable nominal price to carry out major reforms (...).”

But, no major reforms were carried out between 1995 and 2000, Mr Deputy Speaker, Sir! And the Blueprint presented by Government, presented by the hon. Minister said -

“(....) major reforms in the sugar industry to reduce cost of production, optimise the use of by-products, foster environmental protection, improve health and safety at the workplace and enhance sugar recovery so as to face the challenges of the 21st century and take up all the opportunities.”

None was taken!

Mr Deputy Speaker, Sir, we want it or not, the sugar reform of 2000 of the MSM/MMM Government heralded the modern reform of the industry. The VRS I was a model, and my hon. friend who is the spokesperson for the ACP - I have been one, hon. Dr. A. Boolell has been one as well. All the ACP countries have congratulated Mauritius for providing that model where all the stakeholders, the Corporate Sector, the small planters, the workers, the millers were able to embark in a reform. And I remember hon. Pravind Jugnauth *prendre un bâton de pèlerin, aller dans chaque établissement sucrier à*

travers le pays, pour expliquer à toutes les parties concernées la valeur de la réforme, l'urgence de la réforme et la nécessité de la réforme.

Mr Deputy Speaker, Sir, I remember we were in the MSM/MMM Government and hon. Dr. A. Boolell was there. I have said that he always has the resilience; he stood up and made a speech. He has made his usual speech - I can hear him. He was in the Opposition, I was the Minister. Then, I was the Minister and he was in the Opposition, and then things changed, but the speech is the same. The histrionics are the same, but times have changed, Mr Deputy Speaker, Sir. What I deem is missing in this Bill is, it does not shape the sugar map of Mauritius - the next sugar map of Mauritius. There are a number of amendments which have come to address a number of issues, but what is going to be the sugar map of Mauritius tomorrow? We are losing 2,000 hectares per year; we are only at 400,000 tonnes of sugar. What is going to happen in the next five years? We have to define the sugar map of Mauritius, and what is the sugar map of Mauritius? We must have land dedicated to sugarcane cultivation, earmarked for sugarcane cultivation in the national interest, in the interest of the national economy, in the interest of our people.

Once you have the land earmarked for sugar which you cannot change, then you should have a second area where sugar is going to be grown for the millenium period because of pressure on land. You have to free land for non sugar economic activities, but this has to be planned. You just don't come with the law. You should have the sugar map of Mauritius. You should have a boundary, then you should have land which will be under sugar for the next 10 or 15 years. Then, you have land where you say this is sugar land, but it is going to be given to urban and other industrial activities. Then, there is something else and the hon. Minister has never mentioned this, neither has hon. Dr. Arvin Boolell. It is land which has to remain under sugar for environmental reasons, for the balance of the ecosystem. Why are the *métayers* important? Because they grow sugar on lands which are sloppy and if you remove the sugar, you will have soil erosion and the lagoons of Mauritius for the tourism industry will be destroyed. This is what the European Union has said - '*le maintien de l'activité pour des raisons de l'environnement*'. The accompanying measures that we negotiated, hon. Dr. Boolell negotiated, hon. Pravind Jugnauth and myself negotiated. We negotiated Rs2 billion for eight years. Part of that money was for the corporate sector, part of that money was for the small planting community and part of the money was to see to it that we have the multi-functional role of sugar, that is, sugarcane has to remain in what we call Montagne Fyance, in what we call the slopes of Bel Ombre because if you don't grow cane, what are you going to grow if you want to have the environmental balance of an island which is only 30 miles by 24 and which wants to be a major tourism industry with pristine lagoons ?

When we come to the accompanying measures, Mr Deputy Speaker, Sir, which we negotiated, the Commissioner then, Mr Louis Michel agreed to give Rs1 billion every year, budgetary injection. Hon. Dr. Boolell knows it. Hon. Faugoo knows it. We are the only ACP State which obtains a direct budgetary support of Rs1 billion every year. The other billion was the accompanying measures for the industry. Now, for eight years almost, one third of that money almost should have gone to the small planters. What have we done for the small planters? Where is that money? I remember in 2005 we were speaking of *établissement ti planteurs*. We were thinking of regrouping the small planters for economies of scale. We were even talking to the State Law Office; how to ask the small planters to grant their lands for 10/15 years in an *établissement* structure for mechanisation, for irrigation and for fine derocking. What have we done with the small planters? I can understand hon. Dr. Boolell, he said the same thing ten years back. He said now the small planters have to be like stalwarts, they have to fight. They have to take the opportunities. But we are children of the small planters. Is it now that we are going to ask them to face up the new challenges? The small planters have been facing challenges for the whole century, Mr Deputy Speaker, Sir. We have to help them. *Il faut les encadrer*.

We had 30,000 small planters until recently. Now, we have about 19,000 only. Why? When you see what the small planters are saying: *les petits planteurs fustigent le syndicat des sucres. Les petits planteurs pour la production accrue des sucres spéciaux. Les petits ont des problèmes parce qu'ils ont des problèmes de main-d'œuvre. Ils ont un problème de mécanisation. Ils ont un problème de transport. Et les petits planteurs sont en train de disparaître. Mais c'est notre devoir de ne pas faire de sorte que la communauté des petits planteurs disparaisse*. It is the duty of this Government; it is our duty to see that they are very important stakeholders in the social structure. I would talk about the physical structure, sugar land dedicated to sugar, another bumper zone dedicated to sugar for the next 10/15 years, another zone where the land and the sugar is given away, converted for non agricultural activities.

Then, you have land where sugar has to be cultivated even if it is more costly and I think that the European Union, in their accompanying measures, had accepted that those people growing sugarcane fields on marginal land should be allowed to stay there, just for the balance of our ecosystem. Once we have the physical structure of sugar Mauritius, then you have the social structure, you have the corporate sector, you have the small planters, you have the workers and now, for workers, you have the temporary workers and you have the permanent workers. We have to maintain the structure. We can't let one whole community, like the small planting community, disappear.

I must say one thing, Mr Deputy Speaker, Sir, there was a debate in 2008 and that was the most important key issue, what accompanying measures we have given to the small planters of this land.

Where are the billions allocated to them gone? *Où sont les établissements ti planteurs?* Where is their participation in ethanol? Where is their participation in the energy production?

So, what I am saying, Mr Deputy Speaker, Sir, is that this Bill – hon. Mrs Hanoomanjee spoke about the non-consultative process, the whole complexity, why there were amendments and then you have the re-amendments and then other amendments were brought over a period. Why were there no consultations between the small planters, the corporate sector, the Ministry, the Sugar Authority or the cane authority? What has happened, Mr Deputy Speaker, Sir? The corporate sector has moved from a sugar industry to a cane industry with raw sugar, refined sugar, special sugar, energy, molasses, alcohol, rum, electricity, but what have the small planters done during the same period? *Ils sont restés les parents pauvres qui deviennent de plus en plus orphelins et qui disparaissent.* It is our duty; I think that there is this Bill, we should come with a number of – there is one planter who said something here –

“Nous attendons des mesures audacieuses et profondes pour sauver la communauté des petits planteurs.”

Cette audace, on l'exige du gouvernement parce qu'ils sont au pouvoir aujourd'hui. When we come to, what I said, the social structure of the industry; let us come now to the workers. If you see the figures, I think we have about 8,000 permanent workers today. The VRS1 was unique. It was the first time in the history of Mauritius that we had given a plot of land to the workers and we know how it was done. The first VRS - hon. Mrs Hanoomanjee mentioned it rightly - was financed by the industry. They were given a concessionary loan. The second VRS was financed by the European Union by more than Rs7.5 billion. I don't want to go in the trail of demagogy. The historical dealer of the hon. Prime Minister for 2,000 *arpents*, has cost the customers in Mauritius Rs6 billion with the rise in the price of sugar over the years; Rs6 billion! Each consumer! And we are still talking about the historical deal!

My understanding, Mr Deputy Speaker, Sir, is that when we talk about the sugar industry, we should do it with passion, but we should have farsightedness. The hon. Minister knows that today what is at stake is the quota at the European Union which, in fact, ends in September 2015 and he is lobbying for this quota to be extended to 2020.

I wish him well because we need this. We need to have this quota system because if we liberalise the market how can the Mauritian sugar compete with sugar from the LDC, from Mozambique or from Kenya. We need this quota system which will give us a preferential price and a guaranteed quota. We have to push for this, but, at the same time, this is on the international front and we have always done well on the international front be it Dr. Boolell or hon. Faugoo or hon. Jugnauth. We have always done well

because our voice is heard, but when it comes on the local front. That is where I am saying, Mr Deputy Speaker, Sir, that this Bill, as regards the morcellement agricole, about land conversion, these are for me small measures, but there is no thinking as we had when we started the reform in 2000. We have the VRS1, we have the VRS2. Why are we bringing this Bill? This Bill should have shaped the industry for the next 35 years with all the stakeholders. This is what I had to say, Mr Deputy Speaker, Sir, I think that my hon. colleague has gone deep and thoroughly on all the other issues as regards the conversion, as regards the metayers, as regards the morcellement board, the powers which have been given to the Minister, but my plea to the hon. Minister is to have a global view of the sugar industry or the cane industry of Mauritius and the role of each and every stakeholder.

Thank you, Mr Deputy Speaker, Sir.

Minister of Agro-Industry and Food Security, Attorney-General (Mr S. Faugoo): Mr Deputy Speaker, Sir, allow me, at the outset, to thank all hon. Members from both sides of the House who participated in the debate on the present Bill, that is, the SIE (Amendment) Bill.

Let me again reiterate, Mr Deputy Speaker, Sir, that this amendment comes at an appropriate time. I think when my friend, hon. Bodha was talking, he has lost sight of the other side of the agricultural sector, that is, the non sugar sector. He is pressing on the sugar sector, but there is also food crisis in the world. It is not behind us, the food crisis. So, there is one element which is very important, as important as the sugar sector which is the non sugar sector. We are in both sectors: the sugar sector and also the non sugar sector - food crop, livestock, fruit sector. We are at a crossroad and this necessitates this need to preserve and see to it that all agricultural lands are utilised in an optimal manner.

I again reiterate that we have no sinister motive in bringing the amendments to the SIE Act; we have no hidden agenda. We are driven by one factor and only one factor, that is, to preserve agricultural land in national interest for generations to come because from what we know things may change. We don't have natural resources. Our only resource is the land that we have - the land mass and our human capital. So we need to preserve for future generations. If, today, we are facing problems of food security; if today we are importing seventy per cent of what we consume, we are still a net food importing country, what will happen in ten years, in 20 years, in 50 years, Mr Deputy Speaker, Sir.

So, the need to review the issue of land, the issue of conversion, the issue of schemes under the SIE Act, we felt it was the right time for us to review because the law dates back to 12 years and there have been so many changes, so many things which are moving fast, Mr Deputy Speaker, Sir.

If I may answer hon. Bodha who says that we must come with a sugar map at a time when he, himself, says that so many small planters have pulled out from their activity. You know, Mr Deputy Speaker, Sir, in 2007, the extent of land which was under cane cultivation was nearly seventy thousand hectares. Today, maybe it is more; last year it had come down to sixty thousand hectares - a reduction by eleven thousand and seventy five hectares. What we are doing through the amendment is not only a cane map, it is a map for the agricultural sector as a whole because we should not lose sight of what is happening on the food crop sector, not only in Mauritius, in the region, at the global level also. We have to bear this in mind that this is exactly what we are trying to correct.

My friend spoke about the challenges which are looming ahead. We had to go through the dismantlement of the sugar protocol. We have to cope with this. We had to cope with a 36% cut, unprecedented in the price of sugar. When you add up other elements, it comes to 42% cut in the price of sugar. Planters, especially the small planters, not the large ones, not the corporate sector, were asked to produce, to continue their economic activity; to continue to cultivate cane when the cost of production was Rs15,000 per tonne and what they were deriving was Rs12,000, Mr Deputy Speaker, Sir. Today, we are facing with another problem, another challenge at the international front which is going to affect the small planters. The EU is minded to finish off with the quota system in the EU. The Commission is saying that they are going to do away with the quota system in 2015. There was a Council Meeting of EU which has agreed, maybe, to extend by two years to finish off with the quota system in 2017. As my good friend, hon. Boolell, said, luckily enough, the European Parliament has pronounced that they want to extend it beyond 2015, beyond 2017 up to 2020. This is what we are trying, at our level, at the level of the ACP, with concerted effort, to see to it that this is extended up to 2020 otherwise this is going to be a second major blow to the cane industry in our country and not only here, but to the whole industry in the ACP, Mr Deputy Speaker, Sir.

Having said that, let me come to what hon. Mrs Hanoomanjee had to say, let me again go through the trail of demagoguery. I'll continue where my hon. friend stopped. So, in one thing, she was right when she said that the SIE Act is a very complex issue. It is a very complex subject. I can understand why she was confused. This is really complex for her and this is why she was confused. I'll show one by one. It is not only saying, but I'll show one by one, Mr Deputy Speaker, Sir. I don't know what she is targeting at, but she says Government is on the side of the sugar barons at the detriment of the small planters. What an irony when we are doing exactly the opposite!

Mr Deputy Speaker, Sir, the increase from Rs3.5 m. of expenditure in relation to recoup cost to Rs5.5 m. - my friend, hon. Dr. Boolell, explained - is this in favour of the sugar barons raising the Rs3.5 m. to Rs5.5 m.? She is confused. She says this is in favour of the sugar barons. This is first.

Again, she says vesting power to Land Conversion Committee to direct on what type of development which is left can be carried out on the land under consideration for conversion. Today, this is left to the applicant, those who are entitled to conversion, to recoup costs for implementation of a scheme, either on the VRS, ERS or the blueprint. Today, it is at their will. They decide when, how and what development they are going to do. We are changing the law to give the Conversion Committee the power to direct them in the interest of the country, in social interest and in ecological and environmental interest, to tell them that this is not correct. We are giving power to the committee to direct them. Is this for or against them? This was not there. This is the second point.

Concerning removal of one to two schemes, in whose favour the scheme was there? At least, the scheme was there to work out in a win-win situation in favour of Government, in favour of the applicant and of the person from whom we are taking land. At the end of the day, with so many years of experience, in whose favour was this being implemented, Mr Deputy Speaker, Sir? This is clear. We have seen cases where there is some social development, development for the public sector which is being envisaged, but they see to it that Government does not compulsorily purchase the land. They bargain so that they go for one to two, Mr Speaker, Sir. Because this brings them lots of profits and this is why we are putting a stop to it. For them, is this in favour of the sugar barons or is it against them? This is another point.

When we are doing away with one to two schemes, Mr Deputy Speaker, Sir, at the same time we have brought amendments. I think a couple of months or even one month ago, my hon. friend, the Minister of Housing and Lands brought an amendment to the Compulsory Acquisition Act which is going to facilitate acquisition for Government projects. We are not only doing away with one to two, but we are also, at the same time, coming up with laws, with regulations which are going to be there to help Government to go forward with whatever projects that we have.

There is a provision in the law, in the SIE Act which has been there for so many years that the sugar barons are supposed to lease a percentage of the land which they are occupying to small planters. Today, we are changing the law in favour of the small planters. We are giving the power to MCIA to enter a case on behalf of the small planters, if there is non-compliance. This was not in the Act. There was a total disregard by the sugar estates as far as this provision is concerned. We had had lots of representations at the level of the Ministry and this is why we are coming with this provision. Is this for or against the sugar barons, Mr Deputy Speaker, Sir?

The interest rate of 17.5% which was being computed on the total cost of implementation of projects, 17.5% on their total cost, irrespective of whether loans are being taken or not being taken, is added so that the amount becomes bigger and they are able to convert more land. We are changing this. What we are proposing today, we are putting a complete stop to this practice, Mr Deputy Speaker, Sir. As

from now on, henceforth, interest will only be on loans contracted and the rate is going to be at the prime lending rate over only two years. Is this in their favour or against them?

There is something which she said, that as if Government waited for SIT to complete their projects and then we are coming with the amendments. But, Mr Deputy Speaker, Sir, she is confused about the application of this particular amendment of this particular Act because this Act is going to apply to Rose Belle Sugar Estate Board, to SIT and to SLDC. We are not waiting for SIT to complete their projects. On the contrary, what amendments we are bringing today are going to apply to Government-owned companies, like Rose Belle Sugar Estate. Again, on this score, she was not right.

Now, on the issue of benefits accruing to VRS beneficiaries, she said why this has not been extended to ERS beneficiaries. Mr Deputy Speaker, Sir, all the benefits that go to VRS beneficiaries also go to ERS employees. Again, hon. Dr. Arvin Boolell spoke on this point. We are only correcting an anomaly which was there in the law with regard to ERS. What is happening, Mr Deputy Speaker, Sir, is if an estate, a miller or a large planter is not the owner of a land and for the purpose of the scheme, they are buying land from somebody else, from another owner, for VRS purpose, they are exempted from duties on the land, the beneficiaries are exempted from registration duty and this was not extended to beneficiaries of VRS. We are only correcting. We are extending what the beneficiaries of VRS are entitled to and we are putting at par beneficiaries of ERS also.

Again, she said that so many employees who have taken retirement under ERS have not benefitted. But there is not a single beneficiary, up to now, who has been given the title deed. It is only now, we are at the stage where we are finalising the title deed, Mr Deputy Speaker, Sir. When we are doing this, this is where we saw the anomaly. This is where we were told that how come the beneficiaries in the VRS are getting exemptions as far as duties and registration fees are concerned, and this is not being extended to those beneficiaries of VRS. This is a simple correction which we are doing, which was not there in the law.

From all the points that I have raised, Mr Deputy Speaker, Sir, it is clear that the debate is not centered on whether we are on the side of the sugar barons, but rather on a national perspective with a view of changing the landscape in the agricultural sector and, as I said, not limited only to the sugar sector, but to the whole agricultural sector.

Mr Deputy Speaker, Sir, in six years, 11,000 hectares have moved out from the sugarcane cultivation! They have already moved out. They are lying fallow! In some years to come, these lands plus other land will move out from the agricultural sector *per se* without any demand and without any

application for conversion. The fact that it will lie idle for ten years automatically means it will go out of agriculture and this is what we are trying to stop, Mr Deputy Speaker, Sir.

I must say, Mr Deputy Speaker, Sir, that I was happy to note the positive attitude of the hon. Leader of the Opposition because he clearly stated that he is in agreement with some of the provisions and that some of them are positive. But he asked for certain clarifications on some of the elements and provisions of the Bill. In fact, this shows his understanding of the implication of the amendments that we are bringing today. Let me shed some light on a few of the points which were raised by the Leader of the Opposition.

The first point which he raised was Section 11 of the existing SIE Act which is being amended by clause 3 of the present Bill, on the 1:2 scheme. He said why not keep it for special cases and why are we doing away with the 1:2 scheme as this is being repealed by clause 3. The first point is that Government is losing, as I said earlier, huge amount of revenue in terms of taxes. We had carried out a study to see and it is a huge amount of taxes which is being forgone, Mr Deputy Speaker, Sir. I say it again, the law in relation to land acquisition for public projects has been reinforced so there is the mechanism which is there in place to acquire land for public purpose if same is required. What we have noticed again with experience, Mr Deputy Speaker, Sir, over the years, is that under 1:2 the land that they convert is always prime agricultural land which would have never been given conversion if it was through the normal process of asking for conversion and going through the conversion committee where they have to satisfy all the criteria. So, these are the reasons why we are doing away with the 1:2 scheme.

The second point which he raised was on the issue of whether to extend the definition of agricultural land to food crop and livestock. In fact, we had pondered a lot on this issue and found out that this can have adverse impact on land being put for food crop and livestock because owners will be discouraged to lease their land if this will be the subject matter of conversion, if ever they want to convert the land. In fact, by one of the provisions which is there in the Bill, we are including agricultural morcellement in the definition of agricultural land because we have seen for the past one or two years, agricultural morcellement is becoming a vehicle for speculation. There are so many promoters of agricultural morcellement which is being done as disguised residential morcellement, Mr Deputy Speaker, Sir. Less than ten perches of land in one, two or five acres of total land, with infrastructure, road and drains, CEB and water connections, road being tarred! This is a disguised way, Mr Deputy Speaker, Sir! And this is what we are trying to stop.

Again, lands which are cultivated with food crop are used for livestock and they are still in the larger context of agricultural land and they are still considered as agricultural land. But it falls under the

purview of the Ministry of Housing and Lands and not under the purview of the SIE Act, Mr Deputy Speaker, Sir. On the issue of minimum plot size, again I must put it on record that this only applies to agricultural land and this does not apply to residential land. So, if someone is the owner of a residential land to the extent of 50 perches, half an acre, he can parcel it in whatever dimension he wants to, Mr Deputy Speaker, Sir.

On the question of LPES, a matter which was raised, I must say that since its inception not a single application has been received! Not a single application, Mr Deputy Speaker, Sir! So the committee which was provided for under the law never had the chance to consider any application. What is important under this section and under this clause, Mr Deputy Speaker, Sir, is that we are keeping the exemptions which are provided for strategic projects. We are not doing away with the exemptions which are provided for under this particular section. As far as LPES is concerned, Mr Deputy Speaker, Sir, I must say that our vision is to prevent agricultural land to be used for non-agricultural purpose. Of course, we have to strike a right balance. We have to consider the demand of land for other purposes, but then, LPES was in fact going in the opposite direction. We are trying to preserve land from agricultural to non-agricultural use whereas LPES was, as if it was, encouraging land to go out of agriculture.

On the issue of standard rate of Rs5.5 m. to recoup cost, I must say that this is a very valid suggestion. Ideally, maybe, it would have been better if we could have made a zoning system and the value would have been valued on the zone where the land is found. But though this looks good in theory, in practice it is very difficult to come to apply such a formula, Mr Deputy Speaker, Sir, because the dynamism in the market prices – the price for land is very volatile in the market.

There is a huge price differentiation within the same locality, Mr Deputy Speaker, Sir. The price of land in the same street or road, if we are talking of Grand' Baie for example, the price of land there in *Chemin 20 Pieds* is one price. But once you go five minutes away from there, it is another price. So it will be difficult to apply one standard price according to a zoning system.

Again the hon. Leader of the Opposition suggested that imposition of a timeframe for development will affect production of food crop. We should allow them - even if a conversion has been granted to a promoter - to continue to grow food crop until they decide in their own time to develop their land. We have a better solution for this, Mr Deputy Speaker, Sir. We are saying to continue to grow, keep it as agricultural as far and as long as you want, but come for conversion only when you are ready to develop; come for conversion when the time is right and correct for you. It is a better solution to keep the land as agricultural. Why should you convert the land and keep it there for speculation? This is what we are trying to avoid, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, the debate today is not a partisan debate, it is a national debate. It is a debate on the future of Mauritius, on the future of food security, of food production, of food sufficiency. The debate is a national one; it is not party politics, Mr Deputy Speaker, Sir. What we are doing today, is historic. This is going to reflect for generation to come, they will recognise that, at least, we have taken bold decisions, not for us today but, at least, for future generations. As I have said, the land will remain constant, our consumption might increase. Our demand for land might increase but, land mass will remain the same, Mr Deputy Speaker, Sir.

Once again, with these words, I thank my hon. colleagues from both sides of the House for their interventions. With these words, Mr Deputy Speaker, Sir, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE SUGAR INDUSTRY EFFICIENCY (AMENDMENT) BILL

(No. IX of 2013)

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4 (Section 14 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 4 –

(a) in clause 4 –

(i) by deleting paragraph (c) and replacing it by the following paragraph –

(c) in subsection (5) –

(i) by inserting, after the words “an offer under section 23”, the words “or 23A”;

(ii) by inserting, after the words “for the purposes of implementing a VRS”, the words “or an ERS”;

- (iii) by inserting, after the words “a VRS under section 23”, the words “or an ERS under section 23A”;
- (ii) by adding the following new paragraph –
 - (d) in subsection (6) –
 - (i) by inserting, after the words “section 23”, the words “or 23A”;
 - (ii) by inserting, after the words “a VRS”, the words “under section 23 or an ERS under section 23A”;

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Section 17 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 5 –

- “(b) in clause 5 –
- (i) by inserting, after paragraph (a), the following new paragraph –
 - (aa) in the newly lettered paragraph (a), by deleting the figure “1998” and replacing it by the figure “2012”;
 - (ii) in paragraph (b), in the proposed new paragraph (b), by inserting, after the words “producer fails to comply with paragraph (a)”, the words “and any attempt by the Mauritius Cane Industry Authority to resolve the matter amicably is unsuccessful”;

Amendment agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Motion made and question proposed: “that the clause stand part of the Bill”.

New Clause 6A

Mr Faugoo: I move that a new clause 6A be added as follows –

“6A. Section 26 of principal Act amended

Section 26 of the principal Act is amended –

- (a) in the heading, by inserting, after the word “workers”, the words “and employees”;
- (b) by inserting, after subsection (1A), the following new subsection –

(1AA) The exemptions referred to in subsections (1) and (1A) shall not apply unless the deed witnessing the transfer of land contains a certificate from the Mauritius Cane Industry Authority, stating that the transferee is entitled to that exemption.”

The Chairperson: The question is that new clause 6A be read a second time.

Question put and agreed to.

New Clause 6A ordered to stand part of the Bill.

Motion made and question proposed: “that the clause stand part of the Bill”.

Clause 7 (Section 27 of principal Act amended)

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 7 –

“(d) in clause 7(b), by deleting the proposed definition of “expenditure” and replacing it by the following definition –

“expenditure” –

- (a) effected in relation to a factory closure, a VRS or an ERS, means –
 - (i) on site infrastructural costs in relation to the land being offered to employees, and such offsite infrastructural costs as may be approved by the Minister;
 - (ii) cash compensation paid to employees;
 - (iii) cumulative interest at prime lending rate for a maximum period of 2 years on loans contracted for the project implementation costs approved by the Minister; and

- (iv) any of the expenditure incurred in the implementation of the conditions specified in Part I of the Eleventh Schedule;
- (b) effected in relation to a factory closure, includes costs for the upgrading or modernising of a factory or factories receiving canes in the context of a factory closure and any contribution made to the General Fund set up under section 46 of the Mauritius Cane Industry Authority Act;”

Amendment agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 (Section 28 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 8 –

“in clause 8 –

- (i) by deleting paragraph (a) and replacing it by the following paragraph –
 - (a) by repealing subsections (2), (2A) and (2B);
- (ii) in paragraph (b)(iii), in the proposed new subparagraph (iii), by inserting, after the word “land”, the words “other than land”;
- (iii) in paragraph (d)(iii), in the proposed new sub subparagraph (C), by inserting, after the word “land”, the words “other than land”;
- (iv) by inserting, after paragraph (d), the following new paragraph –

- (da) by inserting, after subsection (4C), the following new subsection –

(4CA) For the purposes of subsections (4A) and (4C), the minimum plot size for land subdivided for agricultural purposes shall be

–

- (a) where the subdivision relates to a donation by an ascendant and the site is –

- (i) within the settlement boundary, 10 perches;
 - (ii) outside the settlement boundary, 20 perches;
 - (b) in any other case, 50 perches.
- (v) in paragraph (f), by deleting the proposed new subsection (8AA) and replacing it by the following new subsection –
 - (8AA) (a) The committee may direct an applicant to amend his application where the application does not comply with relevant planning policy guidance issued under the Planning and Development Act.
 - (b) In particular, the committee may, in exercising its power under paragraph (a), direct an applicant to amend his application so that the conversion is for a mixed development use, comprising residential, commercial, leisure and social components, with a defined percentage allocated to each component.
 - (c) Where the applicant does not amend his application as directed by the committee under paragraph (a), the application shall not be considered by the committee.”

Amendment agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Section 29 of principal Act amended).

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 9 –

“in clause 9, by deleting paragraph (b) and replacing it by the following paragraph –

- (b) in subsection (1A), by deleting the figure “3.5” and replacing it by the figure “5.5”.”

Amendment agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (*Twelfth Schedule to principal Act amended*)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move for the following amendment in clause 10 –

“in clause 10, by deleting paragraph (a) and replacing it by the following paragraph –

(a) by repealing paragraphs 8 and 8A and replacing them by the following paragraph –

8. Subject to paragraph 9, any applicant shall –

- (a) endeavour to obtain all necessary clearances and permits, including any Building and Land Use Permit, within a period of 2 years after having been granted authority for land conversion;
- (b) start the conversion of the land within a period of 6 months from the date on which he obtained the last clearance or permit required for the proposed conversion, failing which the authority shall lapse automatically;
- (c) complete the project in the manner specified in the authority granted within a period of 5 years from the date on which he obtained the last clearance or permit required for the conversion, failing which the authority shall lapse automatically.”

Amendment agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clauses 11 to 12 ordered to stand part of the Bill.

New Clause 13 (*Savings*)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Faugoo: Mr Chairperson, I move that a new clause 13 be added as follows –

“13. Savings

(1) Any application for land conversion that is pending at the commencement of this Act shall be dealt with and processed as if this Act has not come into operation.

(2) Any application for land conversion in relation to a factory closure shall be dealt with and processed as if this Act has not come into operation”.

The Chairperson: The question is that new clause 13 be read a second time.

Question put and agreed to.

New Clause 13 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

The motion was made and seconded for the Sugar Industry Efficiency (Amendment) Bill (No. IX of 2013) be read a third time and passed.

ADJOURNMENT

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): I beg to move that this Assembly do now adjourn to Tuesday 02 July 2013 at 11.30 a.m.

Dr. A. Boolell rose and seconded.

The Deputy Speaker: The House stands adjourned.

MATTERS RAISED

The Deputy Speaker: I would like to remind the House that we have got as many as 16 hon. Members who want to intervene during Adjournment Time. I hope you are going to share the time, so that each and every hon. Member gets the opportunity to intervene.

(9.58 p.m.)

L'ECOLE DE MEDECINE LOUIS PASTEUR - CLOSURE

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, je souhaiterais m'adresser ce soir à l'honorable ministre de l'Enseignement Supérieur.

Il y a deux semaines de cela, je lui avais lancé un pressant appel en faveur des étudiants de la dite Ecole de Médecine Louis Pasteur. L'honorable ministre nous avait informés de la solution - apparemment trouvée par l'Université de Maurice - qui était d'offrir un cours d'une année à ces jeunes qui avaient été laissés à eux-mêmes suite à la fermeture de l'Ecole de Médecine Louis Pasteur ou alors suite à l'échec de l'arrangement projeté avec les autorités françaises.

Alors que l'honorable ministre nous avait annoncé une solution, dont nous nous étions tous félicités, de cette place même - il y a deux semaines - j'avais dit au ministre que ces jeunes vivaient dans l'angoisse totale, n'ayant reçu aucune communication officielle leur informant de l'issue de ces longues négociations entre l'Etat, les étudiants, les autorités françaises et l'Université de Maurice. Et l'honorable ministre nous avait dit –

“I will definitely ensure that they get to know it promptly.”

J'ai le regret de vous informer, M. le président, que deux semaines plus tard, nous sommes encore dans la même situation. Ces étudiants n'ont reçu aucune communication officielle à tel point qu'aujourd'hui, nous faisons face à la menace - je dis bien menace - d'une grève de la faim. Le gouvernement a déjà sur les bras une grève de la faim à la CNT, et je ne pense pas qu'il soit de l'intérêt de qui que ce soit d'aboutir une deuxième grève de la faim. Donc, je voudrais aujourd'hui, réitérer mon appel au ministre, lui dire l'angoisse, la souffrance de ces étudiants et de leurs parents en lui demandant de communiquer directement et officiellement avec ces étudiants pour leur dire une bonne fois pour toutes si oui ou non, il y a une solution à la portée de la main et laquelle.

Merci, M. le président.

The Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah): Mr Deputy Speaker, Sir, the students are well aware of the situation and, perhaps, I may remind hon. Obeegadoo that he is at the root cause of the predicament of these students. He was Minister of Education in 2001 and 2002 and what actually happened, Mr Deputy Speaker, Sir, himself, hon. Obeegadoo, and Professor Baligadoo allowed a Medical School to operate...

(Interruptions)

The Deputy Speaker: Hon. Obeegadoo, please! You have raised an issue and the hon. Minister is responding, let us listen to the hon. Minister!

(Interruptions)

No, but there is no argument! I am sorry!

(Interruptions)

Dr. Jeetah: Mr Deputy Speaker, Sir, hon. Obeegadoo and Professor Baligadoo...

(Interruptions)

The Deputy Speaker: Hon. Members, we don't have much time. We cannot afford to waste time.

Dr. Jeetah: ...allowed a Medical School to operate without the students taking part in the *concours*.

(Interruptions)

The Deputy Speaker: I am sorry! Hon. Member, please resume your seat!

Mr Baloomoody: I am taking a point of order.

The Deputy Speaker: There is no point of order at Adjournment Time!

(Interruptions)

I am sorry; resume your seat, please!

Dr. Jeetah: Mr Deputy Speaker, Sir, thank you. It is hon. Obeegadoo and Professor Baligadoo who actually enabled...

(Interruptions)

The Deputy Speaker: I should like to remind you that we are running short of time. So, I would request the hon. Minister to be as short as possible.

Dr. Jeetah: If I was allowed to. Yes, Mr Deputy Speaker, Sir, it is a very serious matter. It is, in fact, hon. Obeegadoo and Professor Baligadoo who allowed a Medical School to operate with students

not taking part in the *concours*, that is, PACES. This is one of the reasons why we are in this predicament.

(Interruptions)

The Deputy Speaker: Please!

Dr. Jeetah: Now, with regard to...

(Interruptions)

I have a letter that I can bring about and it stated: Dear Minister and *Cher Ami* or something of that nature. Anyway, I can provide this letter.

Mr Deputy Speaker, Sir, I have replied to several questions in the past and a decision of the Senate of the University of Mauritius is still being awaited.

Thank you.

BEACH TRADERS -LICENCE

Mrs S. Hanoomanjee (Second Member for Savanne & Black River): Mr Deputy Speaker, Sir, I have an issue to raise which concerns...

(Interruptions)

The Deputy Speaker: Order, please!

Mrs Hanoomanjee: ...the hon. Minister of Local Government and Outer Islands. He is not here. There should be somebody to reply.

(Interruptions)

The Deputy Speaker: Hon. Minister Jeetah!

(Interruptions)

I am sorry. I want some order in the House! Already, we are running short of time. There are so many...

(Interruptions)

Hon. Baloomoody! Yes, hon. Mrs Hanoomanjee!

Mrs Hanoomanjee: Yes, I was saying, Mr Deputy Speaker, Sir, that I have an issue to raise which concerns the Minister of Local Government and Outer Islands. In fact, beach traders have received a letter dated 06 June from the Beach Authority to inform them that the Board has approved a standard prototype structure to enable all those issued with a beach trader's licence to carry out their trading activities on public beaches. A designed plan with description of the structure has even been submitted to them. These beach traders...

(Interruptions)

The Deputy Speaker: I want some order in the House!

(Interruptions)

You are interrupting the hon. Member!

(Interruptions)

Hon. Minister Jeetah, can you afford to remain silent? I want some order in the House!

(Interruptions)

Hon. Members, I want some order! Hon. Lesjongard! Please, carry on, hon. Mrs Hanoomanjee!

Mrs Hanoomanjee: I don't know whether I'll have to start all over again, because the hon. Minister who has got to reply needs to understand what has happened.

The Deputy Speaker: I am sorry, we have got only half an hour for Adjournment Time.

Mrs Hanoomanjee: Yes, but, at least the hon. Minister has to understand. Beach traders have received a letter dated 06 June from the Beach Authority to inform them that the Board has approved a standard prototype structure to enable all those issued with a beach trader's licence to carry out their trading activities...

(Interruptions)

The Deputy Speaker: Hon. Minister Jeetah, I have got to warn you that you are not supposed to have cross talking.

(Interruptions)

I am sorry, please, afford to remain silent! Hon. Members, on this side! Hon. Mrs Hanoomanjee, please!

(Interruptions)

Mrs Hanoomanjee: I don't think I can continue.

(Interruptions)

The Deputy Speaker: Have you finished!

Mrs Hanoomanjee: No, I have not yet...

(Interruptions)

The Deputy Speaker: Please!

(Interruptions)

Hon. Baloomoody!

(Interruptions)

You are interrupting the hon. Member of the Opposition! Please!

Mrs Hanoomanjee: So, I was saying, even a designed plan with description of those structures has even been submitted to the beach traders. Now, these beach traders have been requested to conform and comply by 31 October, otherwise their licences will not be renewed during the Financial Year 2014. The hon. Minister concerned is not here, but he will surely appreciate that these beach traders have taken loans to purchase appropriate vehicles for them to operate on beaches. They are already facing problems to refund these loans. Now, where would they get money to put up another structure? Would they need to take loans again? The Minister of Local Government and Outer Islands should examine this issue very closely before implementing such a decision. Most of the traders, if not all, are not in a position to put up the structure mentioned. I am requesting the hon. Minister to look urgently into the matter.

Now, at the same time that the Beach Authority is coming up with this decision, another problem is cropping up where the Beach Authority has already put up structures called teak shops on St. Félix beach since seven years. For the first two years, watchmanship was provided by the Beach Authority, but was subsequently withdrawn. Since then, these people are subject to thefts regularly. The place where they operate is dark, no lights are provided, and still these traders are paying Rs2,600 per month to the Beach Authority without getting any services in return. I am, therefore, requesting the hon. Minister to look into the possibility of providing watchmanship and light as a matter of urgency and, at the same

time, to look at all which is concerned with the Beach Authority, the question of putting up structures and I think this is urgently required.

The Minister of Social Integration and Economic Empowerment (Mr S. Dayal): Mr Deputy Speaker, Sir, I will, of course, refer the point raised by the hon. Member to the relevant authorities.

CONSTITUENCY NO. 2 - CAMP MANA – LIVING CONDITIONS

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, it is with sadness that I stand up to raise another issue which I have raised three years ago and yesterday, that was published in the press and that is the plight of the people of my Constituency who reside in the area known as Camp Mana.

These people who live in subhuman conditions, most of them are from Rodrigues. They came here for a better living, but, in fact, they are living without electricity, without water, without toilets, in the most inhumane conditions certainly not fit for 2013 and following the heavy floods in Port Louis, most of these houses were damaged. I personally wrote to the hon. Prime Minister after he stated in this august Assembly that he will still consider genuine cases. All these 250 families had proof, Police statement, that their houses had been damaged, that the school materials of their children had been damaged, but nothing was done. Last year, these people petitioned to the Minister of Social Integration and Economic Empowerment.

The people, the hon. Minister and the officials did not even consider it fit to do a site visit to see in what subhuman conditions they are living. Three years ago, when I raised the same thing at Adjournment Time, the hon. Deputy Prime Minister who has been serving this Constituency for 18 years, came and had only a single word to say: 'they are squatters'.

Mr Deputy Speaker, Sir, squatters are human beings. They are living in subhuman conditions and I would make a solemn appeal to the hon. Prime Minister, through the hon. Vice-Prime Minister, who is replacing the hon. Prime Minister at the Adjournment Time, to please give urgent attention to this social problem. Give them houses, give them financial assistance, but please show that you care.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I will convey the request of the hon. Member to the hon. Prime Minister.

COMMERCIAL COURT - E-JUDICIARY

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, I wanted to address an issue regarding the Judiciary, but I don't know who is responsible. Given that the ex-Attorney General is not around, I don't know to whom I should address. But anyway, I will raise the point because it is matter of concern with regard to the Judiciary.

(Interruption)

The Deputy Speaker: Hon. Baloomoody, please go ahead!

Mr Baloomoody: Mr Deputy Speaker, Sir, I raise this issue today not as a lawyer, but as a *porte-parole* for the litigants and also with regard to young practitioners. As you are aware, the Judiciary had started what they call the e-Judiciary, it came into operation on 01 April and it was introduced at the Commercial Court. The concern, Mr Deputy Speaker, Sir, is that when we apply for the funding to the ICF which is the Investment Climate Facility for Africa, they agree to fund that project of e-Judiciary - this is from the website - with the idea of reducing time and cost at the Commercial Court, that is, the Supreme Court, but unfortunately this is not the case. The cost has increased tremendously. Practitioners, be it Barristers or Solicitors, they have to make a down payment of Rs10,000 to appear before that Court and, of course, this goes to the client and the fees for lodging a case has increased from Rs330 to more than Rs1,000. What I am saying is that the e-Judiciary is making justice more expensive in civil matters before the Commercial Court. The funding is 75% from ICF and 25% from the Government of Mauritius. I am sure that the ICF is not aware that justice now, because of this project, is costing more expensive to litigants. So, I am appealing to Government to intervene financially - not personally or politically in the Judiciary - to ensure that the implementation of this project does not increase the cost to litigants as this is causing tremendous prejudice to *ti dimounes*.

Thank you, Mr Deputy Speaker, Sir.

The Minister of Business, Enterprise and Cooperatives (Mr J. Seetaram): Mr Deputy Speaker, Sir, I very much understand the concern of the hon. Member, I will surely pass on the message to the Attorney General.

VALENTINA - FLYOVER

Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien): Mr Deputy Speaker, Sir, the issue that I am going to raise this evening concerns the Ministry of Public Infrastructure. Much has been said about the amount spent on the Road Decongestion Programme. Many billions of rupees have already been spent so far and yet, instead of seeing positive results, Mr Deputy Speaker, Sir, the road users are facing worse conditions of road traffic every day. *Même des semi-intellectuels, M. le président, auraient fait mieux. L'exemple concret, c'est la cacophonie qu'on témoigne tous les jours au rondpoint de Phoenix. Cette situation est en train de causer un stress sans précédent aux chauffeurs tous les jours. On ne serait pas surpris de voir des gens se comporter comme des hors-la-loi si une solution n'est pas trouvée à temps. Depuis l'installation de nouvelles caméras et de la baisse de limitation de vitesse sur l'autoroute M1, cela cause davantage de bouchons dans les deux sens même jusqu'à fort tard. Tous les usagers de cette autoroute M1 et en particulier les résidents de Valentina attendent qu'un flyover soit construit sur ce rondpoint au plus vite possible pour trouver une solution durable pour l'avenir. Merci.*

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I don't have any magic formula. I have, on many occasions, informed the House that the procedures are on and I have also stated a few weeks ago that the award of the PPP will be made in the weeks to come. The hon. member has to bear with us because in the PPP project there is one concept called the Grade Separated Junction that will be a link among all the three roundabouts and that is the only solution. We don't have a third solution for that.

The Deputy Speaker: Hon. Mrs Labelle!

APEIM – HANDICAPPED CHILDREN- GRANT-IN-AID

Mrs F. Labelle (Third Member for Vacoas & Floreal): M. le président, ce n'est pas de gaieté de cœur que je me vois dans l'obligation de prendre le temps de la Chambre pour parler à nouveau du problème de l'APEIM.

Presqu'un mois de cela, le 28 mai, l'honorable ministre de l'éducation, en réponse à la préoccupation de ma collègue, l'honorable Madame Ribot, déclarait qu'il n'y a pas de problème, que le problème a été réglé. Cette déclaration de l'honorable ministre, M. le président, rend perplexe plus d'un. L'honorable ministre peut-il être un peu plus explicite sur la nature du problème qui, selon ses dires, a été réglé et sur le tout qui continue? Est-ce à dire que le ministère a décidé de respecter la question de parité en ce qu'il s'agit des frais de scolarité des enfants souffrant d'un handicap? Est-ce à dire que l'honorable

ministre a pris en considération le *ratio* profs-élèves et par conséquent le gouvernement, à travers le ministère de l'éducation, a décidé d'accorder un *grant-in-aid* plus élevé pour les enfants handicapés? Est-ce à dire que le ministère a signé un MoU avec les organisations qui s'occupent de l'éducation des enfants handicapés, y compris les plus déficients, les grabataires les poly-handicapés, etc qui sont suivis à la maison ? Ou est-ce à dire, M. le président, que le ministère a déjà enclenché un processus de validation des acquis du personnel ? Ou peut-être le ministère a-t-il établi un calendrier de travail, lequel calendrier a été communiqué aux parties concernées ?

M. le président, d'après les informations dont je dispose, la menace des fermetures des écoles de l'APEIM est toujours présente. Les parents des enfants préparent une marche à présent parce que l'APEIM n'a rien reçu de concret. Il y a eu certes des réunions, mais rien de concret n'est sorti de ces réunions. Les parents de ces enfants qui fréquentent les écoles de l'APEIM et le personnel sont dans l'angoisse et attendent des réponses aux questions que je viens de poser.

Je vous remercie, M. le président.

The Minister of Education and Human Resources (Dr. V. Bunwaree) : M. le président, je pense qu'il y a eu une confusion quelque part. Je ne sais pas d'où cela émane. Je crois que je viendrai avec une déclaration, parce qu'il n'y a pas le temps - à la Chambre juste pour dire qu'il y a eu plusieurs réunions importantes qui ont été organisées au niveau du ministère, mais il y a une qui est très importante, et à la suite de laquelle les dirigeants de l'APEIM nous ont envoyé une lettre pour dire qu'ils ont compris qu'il y avait une confusion quelque part. On est en train de revoir le *grant-in-aid* complètement. Donc, ils savent qu'ils doivent attendre un peu. On a référé une partie du travail au ministère du travail pour le *Remuneration Order* pour les personnes qui travaillent là-bas. Il y a beaucoup de choses qu'on est en train de faire. Je viendrai avec une déclaration à la Chambre et je remercie l'honorable membre.

ROSE-BELLE - RESIDENCE MON ROSE – INFRASTRUCTURAL PROBLEMS

Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) : M. le président, le sujet que je vais aborder concerne le ministre des Terres et du Logement. Le problème concerne le complexe de la NHDC situé à Balisson, Rose Belle, connu comme la Résidence Mon Rose. Ce complexe fut construit en 2007 et les résidents ont pris possession de leur maison dans la même année. Dès le départ, il y avait des problèmes structurels dans ces bâtiments. Il y a eu plusieurs rencontres entre les résidents et les responsables de la NHDC. Ils ont été promis que la réparation allait être faite. Donc, en 2012, une somme a été prévue dans le budget. On avait dit aux résidents que les travaux vont commencer

dès que le budget soit approuvé. Il y a eu des visites des experts, il y a eu des contracteurs qui sont venus et qui ont fait des *surveys*. L'année 2012 s'est écoulée, six mois de 2013 sont déjà partis et toujours rien.

Nous sommes en hiver et le ministre doit savoir dans la région de Rose Belle que c'est un temps pluvieux et quel est le calvaire de ses résidents. Donc, je fais un appel au ministre pour qu'il intervienne auprès de la NHDC et que les travaux démarrent dans un bref délai. Que tout soit fait comme il faut et que les résidents puissent vivre convenablement. Merci beaucoup.

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Deputy Speaker, Sir, I think the contract is supposed to be awarded, but we have a problem really with the PPC which is delaying it. In fact, I am meeting the NHDC tomorrow and I will certainly raise the matter and make sure that if the contract has been approved, they should start work expeditiously, because I have had many requests, as the hon. Member said, from other Members of the same Constituency. I will look into it personally. I agree with the hon. Member that, in winter, in Rose Belle, it is not pleasant if there is leakage of water around. Thank you.

PRE-VOCATIONAL EDUCATION – SCHOOL MATERIAL

Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue): Mr Speaker, Sir, the issue I wish to raise is addressed to the Minister of Education and pertains to the ongoing reforms in the education sector and more specifically to the new strategy for pre-vocational education. It concerns those students who have failed the CPE exams for the first time and who decide to join pre-voc education to take part in the CPE exams and, if they pass, join the main stream or continue as pre-voc students. I think this issue has been aired recently on the radio and I think the hon. Minister is well aware of the concern expressed by those parents, Mr Deputy Speaker, Sir.

Cela concerne plus particulièrement le manque de professeurs, le manque de matériel scolaire et manque de programme tout court. Alors moi, M. le président, j'interviens suite, comme je l'ai dit, à des interventions des parents à la radio qui se sont plaints de manque de matériel scolaire à la fin de ce deuxième trimestre et ils voudraient que le ministère concerné agisse dans le plus bref délai pour que ces enfants là puissent avoir le matériel scolaire nécessaire. Comme je l'ai dit, on est au mois de juin et ces parents sont très inquiets.

Alors je fais un pressant appel au ministre pour qu'il puisse, lui, intervenir le plus vite possible afin que, non seulement, ces élèves puissent avoir leur matériel scolaire mais aussi pallier à ce manque de professeurs qui existe à ce niveau, c'est-à-dire, pre-voc year one.

Merci, M. le président.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, I think I have had the opportunity to explain the policy behind this project and it is already known that it has already started.

As for the question of books, I will look into this problem, but I am aware that the MIE has prepared a very special programme for these students and as it has started only this year, so it is going as and when. It is not all at the same time, but I will look into the matter if ever there is any difficulty somewhere.

CHEBEL – NHDC – BUS SERVICE

Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière): M. le président, ma requête ce soir s'adresse à nouveau au ministre des Infrastructures Publiques et concerne le complexe NHDC les Chebecs à Chebel où je dois dire il n'y a toujours pas d'autobus pour permettre aux habitants de se déplacer vers Rose Hill et dans le sens inverse.

J'avais sollicité, M. le Président, l'honorable ministre le 27 juillet 2010 à travers une question parlementaire, 1A/37. Dans sa réponse il avait répondu que –

‘After consultation with the Rose Hill Transport Bus Services Limited, it was finally agreed to serve the locality with 29-seater buses. On 23 July 2009 the company submitted an application to operate two 29-seater buses between Rose Hill and Chebel new NHDC Complex. The application has already been published and will be heard soon.’

J'avais relancé le ministre une deuxième fois à l'ajournement de la séance du 22 mars 2011 et il avait répondu, je le cite –

‘The application was already published, and I have now to inquire into the cause why Rose Hill Transport has not taken over these routes. If Rose Hill Transport fails to take it, then I have no alternative but to seek the support of other companies.’

A ce jour, M. le président, le problème n'est toujours pas résolu et j'espère que vu c'est la troisième fois que je soulève ce problème il sera enfin résolu. Merci.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, I don't know there might have been challenge on the part of other companies, other stakeholders in that field.

I'll have to check it up and I'll try to take the necessary measures that are required.

EAU COULÉE – PONT ADAM

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Deputy Speaker, Sir, I would like to bring to the attention of the Vice-Prime Minister, Minister of Public Infrastructure the closure of a bridge at Eau Coulée known Pont Adam which connects the Royal Road, Eau Coulée to a Morcellement des Camphriers where there are about 60 houses which are out of reach of the main road; the inhabitants have to go round. I shall be grateful if the matter concerning this bridge could be looked into as they are open partly pending repairs so as to help the inhabitants of the area. Thank you.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): I'll do the needful Sir.

VACOAS-PHOENIX - POULTRY PENS

Ms S. Anquetil (Fourth Member for Vacoas & Floreal): Mr Deputy Speaker, in Vacoas-Phoenix, there are presently some 18 poultry pens in operation for a number of years. Some years back, as a precautionary measure against the epidemic bird flu, the Council came up with a policy decision of creating a buffer zone of two hundred metres all around the pen operating areas as recommended by the planning policy guidance and the guidelines from the Ministry of Environment, but the private land owners, who are found within the buffer zones, are unable to undertake any development.

Je fais un appel au ministre concerné pour qu'un comprehensive survey be carried out in all the 18 poultry pens listed by the Health Department and to consider on a case-to-case basis approval of development permits so as to cause less inconveniences to private land owners found in those supposed buffer zones.

Thank you.

The Minister of Environment and Sustainable Development (Mr D. Virahsawmy): Mr Deputy Speaker, this is a matter concerning the Ministry of Agro Industry and I shall pass the message to the Minister accordingly.

Ms Anquetil: Thank you.

MGI SOLFERINO - TOBOGGAN - INCIDENT

Dr. M. Sorefan (Fourth Member for La Caverne & Phoenix): Mr Deputy Speaker, Sir, my issue is to the attention of the hon. Minister of Education. Last Friday, at a fun and music day at about 1.30 p.m., there was an incident at MGI Solferino where seven to eight students have been injured from an *inflatable* toboggan.

From my information, the toboggan was provided by a private enterprise and the headmistress accepted to have this toboggan in the yard of the college. The toboggan, for some reason, deflated and caused those children to fall from about seven to eight feet to the ground. During the incident, the headmistress failed to inform the parents although she had their mobile phones and did not even call the SAMU, Mr Deputy Speaker, Sir.

One injured girl had to phone her parent; those injured children were taken to hospital by teachers. The headmistress, instead of looking after the children, was more concerned to go to the Police Station to file a statement. The Minister came to the site at about 4 p.m. to 5 p.m. and promised an internal inquiry.

Mr Deputy Speaker, Sir, parents want to know who accepted the toboggan, whether a stipend fee was claimed from the children to play in the toboggan? Will the parents be provided with the report of the inquiry and action taken by the Ministry and what financial support will be given to those seriously injured children? One had a knee fracture and another one had a severe spinal bone injury. Will the Minister look into this issue and meet the parents to reassure them?

Thank you.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, in fact, that incident occurred. An enquiry is on, has already started. Police also is enquiring. I have personally met all the parents of all those children who have been injured and who stayed in hospital. I am in direct contact with them and, of course, everything will be done in all transparency.

The Deputy Speaker: Time is up!

At 10.43 p.m., the Assembly was, on its rising, adjourned to Tuesday 02 July 2013 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

EQUAL OPPORTUNITIES TRIBUNAL - CASES

(No. B/540) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Equal Opportunities Tribunal, he will -

- (a) state if it is operational and, if not, why not, and
- (b) for the benefit of the House, obtain from the Equal Opportunities Commission, information as to the number of cases referred thereto.

(Reply not available)

MR S. L. - ARRESTATION - 14 DECEMBER 2012 - INQUIRY

(No. B/541) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to one Mr S. L., who was arrested by the Central Criminal Investigation Department on 14 December 2012, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) where matters stand as to the inquiry carried out in relation thereto, and
- (b) if he has been -
 - (i) granted Mauritian citizenship and if so, when, and
 - (ii) involved in other cases of embezzlement in Mauritius and abroad.

(Reply not available)

LOCAL PRIVATE TELEVISION - INTRODUCTION

(No. B/543) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the proposed introduction of local private television, he will state where matters stand.

(Reply not available)

PHONE CONVERSATIONS, ELECTRONIC MAILS & SHORT MESSAGE SYSTEMS - INTERCEPTION

(No. B/545) Mr P. Roopun (Third Member for Flacq & Bon Accueil) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the interception of phone conversations, electronic mails and short message systems, he will state if consideration will be given for the introduction of legislation/mechanisms, including watchdog institutions, to ensure that same is resorted to only and scrupulously in case of threat to the sovereignty of the State, national security and public safety.

(Reply not available)

POLICE OFFICERS - DISCIPLINARY PROCEEDINGS

(No. B/547) Dr. A. Boolell (Second Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to disciplinary proceedings, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if –

- (a) the Police Officers subject thereto are allowed to choose their Counsel and, if not, why not ,and
- (b) if consideration will be given for the process thereof to be revisited in line with a human rights based approach.

(Reply not available)

E-JUDICIARY - COST

(No. B/548) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the E-Judiciary, he will, for the benefit of the House, obtain information as to –

- (a) the total cost thereof;
- (b) the source of funds therefor;
- (c) if the Chief Justice has received complaints from members of the legal profession in relation thereto and, if so, the actions taken, if any, and
- (d) the measures taken, if any, to ensure that the cost of litigation does not increase, as a result thereof, thereby making access to justice more expensive.

(Reply not available)

**PRIME MINISTER'S RELIEF FUND - CONTRIBUTIONS - FLASH FLOODS 30
MARCH 2013**

(No. B/549) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Prime Minister's Relief Fund, he will, for the benefit of the House, obtain therefrom, information as to the contributions made therein, following the flash floods of 30 March 2013, giving a breakdown thereof.

(Reply not available)

**METHADONE SUBSTITUTION THERAPY - REPORTED CASES AGAINST
PATIENTS - PERIOD 2010-25 JUNE 2013**

(No. B/550) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Methadone Substitution Therapy, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported

cases against patients undergoing same, since 2010 to date, indicating if inquiries have been carried out thereinto and the outcome thereof.

(Reply not available)

SAINT GERAN HOTEL - EXPATRIATES – OCCUPATION PERMITS

(No. B/566) Mr P. Roopun (Third Member for Flacq & Bon Accueil) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the expatriates employed at the Saint Gérán Hotel, he will state the number thereof, indicating in each case the –

- (a) terms and conditions of employment, and
- (b) nature of the job held.

Reply: According to our records, as at date, there is no expatriate holding valid work permit, issued by my Ministry, and employed by the One and Only Le Saint Gérán.

However, I am informed that presently, there are 12 non-citizens who have been granted Occupation Permits as professional to work at the One and Only Le Saint Gérán Hotel.

The application for Occupation Permit in the professional category is made by the employer through the Board of Investment to the Passport and Immigration Office and the terms and conditions of the employment of the expatriates are available at the Board of Investment, which falls under the preview of my colleague, the Minister of Finance and Economic Development.

TAXI OPERATORS (ILLEGAL) - SURVEY

(No. B/570) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the illegal taxi operators, he will state when the last survey was effected to ascertain the number thereof, island-wide, indicating the –

- (a) number thereof operating district-wise, and
- (b) number of Public Service Vehicle Licence available for delivery district-wise, indicating if it is proposed to approve the allocation of additional ones and, if so, indicate the locations and regions concerned therewith.

Reply: I am informed by the National Transport Authority that following a survey carried out on illegal taxi operators (*taxi marrons*) in 2007, 65 taxi licences were granted for twelve (12) localities, namely Camp Levieux-Rose Hill, Carreau Lalo-Vallée des Prêtres, Cassis, Cité La Cure, Coromandel, Grand River North West, Plaisance, Riche Terre, Roche Bois, Sainte Croix, Stanley and Trèfles.

Licences are granted on a strictly felt need basis as and when required.

As regards part (b) five thousand two hundred and ninety four (5,294) taxis excluding hotel based ones are licensed to date to operate throughout the island.

Applications for the grant of taxi licences have been received from the following thirteen (13) localities: Bambous, Cité La Ferme, Gros Cailloux, Mon Goût, Residence Bois Marchand, Terre Rouge, Balisson-Rose Belle, Cité Alma, Ruisseau Rose-Long Mountain, St. François Xavier, Calodyne, l'Espérance Trébuchet and Gokoola. These applications are under process.

Since 2005, 247 licences have been granted.

MEDICAL NEGLIGENCE – FINANCIAL COMPENSATION

(No. B/572) Dr S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to medical negligence, he will state the amount of financial compensation paid by Government in cases of in and out of court settlements in alleged or proved cases thereof, over the past five years.

Reply: I am tabling the information asked for in respect of financial compensation paid by Government in cases of in and out of court settlements in alleged or proved cases of medical negligence for the past five years.

TOURISM INDUSTRY - DEBT

(No. B/573) Mr A. Gungah (First Member for Grand'Baie & Poudre D'or) asked the Minister of Tourism and Leisure whether, in regard to the tourism industry, he will state if he has held discussions with the operators thereof in relation to their level of indebtedness and, if so, when, indicating the outcome thereof.

Reply: I wish to inform the House that meetings are regularly held with the operators of the tourism industry in their individual field of activity to take stock of the situation in the sector. During my meetings with tourism operators, only AHRIM has raised the issue relating to the financial difficulties faced by some hotels.

The House will appreciate that Government has put in place the ERCP, now known as the Restructuring Working Group and which operates under the aegis of the Ministry of Finance and Economic Development to, *inter alia* -

- (i) support the long-term restructuring and deleveraging of firms; and
- (ii) provide short-term breathing space, especially on cash flow problems and financing requirements.

As at date, two hotels have obtained assistance from the ERCP under the Invest Hotel Scheme.

APAVOU GROUP OF HOTELS – JOB LOSSES

(No. B/574) Mr A. Gungah (First Member for Grand' Baie & Poudre D'or) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Apavou Group of Hotels, he will state if he has held discussions with the management thereof in relation to the recent job losses at managerial level thereat and, if so, when, indicating the outcome thereof.

Reply: I am informed that during my mission abroad, 10 employees holding managerial positions and all reckoning less than six months' service at the Indian Resort of the Apavou Hotels called on 13 June 2013 at my Ministry informing that the Management intended to terminate their employment on economic ground.

Following a first enquiry carried out by an officer of my Ministry on the same day at the Hotel, it was revealed that on 11 June 2013 Management has, in a meeting, informed all Heads of Departments of both Indian resort and Mornea Hotels that in view of the low occupancy rate (4%), they were contemplating to grant leave to some workers.

Furthermore, in an email dated 13 June 2013, Management notified my Ministry of its intention to reduce its workforce in view of its difficult financial situation. They were, however, considering all avenues to preserve the employment of a maximum number of workers including reshufflement of some workers to La Plantation Resort & Spa or grant of leave without pay for a specified period.

I am informed that on 14 June 2013, at the request of the employees, an officer of my Ministry attended a meeting which they had with management in the presence of their counsel.

During that meeting Management made an initial proposal of one month's leave without pay to the 10 employees, with contribution to the National Pension Fund on their behalf. After discussions, the

initial proposal was reviewed to one month's leave with half pay, which was rejected by the employees who insisted that they be paid full wages during the period of leave.

I am informed that further enquiry carried out by my Ministry on 18 June 2013 revealed that the 10 employees were informed in writing that they would be on leave with full pay as from 15 June 2013.

On 21 June 2013, Management further informed my Ministry that the employment of eight out of the ten employees had been terminated on 20 and 21 June 2013 on ground of mismanagement.

I am also informed that to date, seven out of the eight employees have registered a complaint of summary dismissal at my Ministry.

Following the intervention of my Ministry, the Management has agreed to pay to the eight employees indemnity to which they are entitled to under the Employment Rights Act, that is, one month's wages in lieu of notice.

Enquiry in all cases is proceeding.

PIG BREEDERS - ROCHE BOIS

(No. B/575) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Agro-Industry and Food Security, the Attorney General whether, in regard to Roche Bois and the vicinity thereof, he will state if all the pig breeders thereat have been removed therefrom and, if not, why not.

(Reply not available)

TURKEY FARMING - STUDY

(No. B/576) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Agro-Industry and Food Security, the Attorney General whether, in regard to turkey farming, he will state if a study therefor is presently under consideration at the level of his Ministry and, if so, indicate where matters stand.

(Reply not available)

MITD – ALLEGED SEXUAL ABUSE

(No. B/577) Mr N. Bodha (First Member for Vacoas & Floréal) asked the Minister of Education and Human Resources whether, in regard to the alleged case of sexual abuse at the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the Institute, information as to if mention was also made of alleged sexual abuse of students, other than minor V. A., in the report submitted by the psychologist P. B., in October 2011 and, if so, indicate the actions taken, if any, in relation thereto.

Reply: I am informed by the MITD that in the Report dated 03 November 2011 regarding visit effected on Friday 28 October 2011 at Sir Rampersad Neerunjun Training Complex (SRNTC) by Mrs P.B, Psychologist, no other case of alleged sexual abuse as such on students was reported. The Psychologist had, however, made mention about a proposal to a minor student of the Centre whose initials were indicated but referring to a fictitious name.

In terms of action, it should be noted from the report that was circulated that the minor was being followed by the Psychologist P.B. herself.

PONT COLVILLE DEVERELL BRIDGE - WIDENING

(No. B/578) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the widening of the Pont Colville Deverell Bridge Project by the Sinohydro Company Ltd., he will state the -

- (a) percentage of works completed to date, and
- (b) number of foreign workers on site

Reply: I am informed that the project has reached 82% completion and that 25 skilled foreign workers, most of whom are specialist in bridgeworks, have been deployed on site.

POINTE AUX SABLES – SHELTER - TENDER

(No. B/579) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the shelter owned by Government at Pointe aux Sables, she will state if a tender has been launched for the management thereof and, if so, indicate -

- (a) when, and
- (b) the name of the successful bidder.

(Withdrawn)

SMALL & MEDIUM ENTERPRISES - ECONOMIC CRISIS

(No. B/580) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the Small and Medium Enterprises, he will state the number thereof which are having difficulties by reason of the economic crisis, indicating the nature thereof in each case.

(Withdrawn)

NTC – SPEED LIMITERS

(No. B/581) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the speed limiters, he will, for the benefit of the House, obtain from the National Transport Corporation, information as to –

- (a) the cost of purchase thereof;
- (b) if a tender was launched therefor and, if so indicate –
 - (i) when, and
 - (ii) the name of the bidders and of the successful bidder therefor, and
- (c) if a survey was carried out prior to the installation thereof in the buses.

(Withdrawn)

PEDESTRIAN CROSSING - LA PAIX STREET - ILLEGAL PARKING

(No. A/194) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the pedestrian crossing situated at La Paix Street, near the Villiers René Government School, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if vehicles parked thereat causing safety hazards to the students and to the other pedestrians and, if so, indicate –

- (a) the number of drivers booked for illegal parking thereat over the past two years, and
- (b) if remedial measures will be taken in relation thereto.

(Reply not available)

COTTEAU RAFFIN - FOOTBALL GROUND

(No. A/195) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Local Government and Outer Islands whether, in regard to the surfacing, fencing and lighting of the Cotteau Raffin football ground, in Constituency No.14, he will state where matters stand.

Reply: I am informed by the District Council of Black River that the football ground at Cotteau Raffin does not fall under its responsibility.

I am, however, informed by the Ministry of Youth & Sports that a plot of land of the extent of OA.93 at Cotteau Raffin had been taken on lease in 1987 from Cie Le Petit Morne Ltd and had been put at the disposal of the *Force Vive* of the region for the setting up of a football ground on a self-help basis.

BLACK RIVER - YVES CANTIN HOSPITAL

(No. A/196) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Health and Quality of Life whether, in regard to the Yves Cantin hospital in Black River, he will state if the conversion thereof into a regional hospital is being envisaged and, if not, why not.

Reply: I wish to inform the House that at present there is no project as such for the conversion of Dr. Yves Cantin Community Hospital into a regional hospital for the following reasons -

- (i) the catchment area caters for a small population of about 12,000 and the yearly attendance rate is 73,000;
- (ii) both Dr. A. G. Jeetoo Regional Hospital and Victoria Regional Hospital are already providing health care services to the population of Black River, and
- (iii) additional trained health personnel to man a sixth regional hospital is not available.

TRAFFIC LIGHTS - INSTALLATION

(No. A/197) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the traffic lights, he will –

- (a) state the total number thereof –
 - (i) in operation, and
 - (ii) available for fixing, and
- (b) give a list of the –

- (i) localities where a request for installation thereof has been made and approved, indicating if consideration will be given thereto and, if so, when, and
- (ii) give a list of the approved suppliers thereof as at to date.

Reply: There are as at present 252 traffic lights in operation around the island.

There are currently no sets of traffic signal equipment available for installation on new sites.

The following are sites where new sets of traffic lights will be installed after the next bidding exercise around October/November 2013 -

- Beau Bassin near Police Station
- Cascavelle near School
- Grande Rosalie
- Belle Mare near Public Beach

With regard to part (c) of the question, traffic signal equipments are procured annually through an open bidding exercise whereby any qualified company can bid. As such, no definite list of approved suppliers exist.

L'ESPÉRANCE, QUARTIER MILITAIRE - DRAINS

(No. A/198) **Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to l'Espérance, Quartier Militaire, he will state if he is aware of drain overflow in spite of recent overhauling works thereat and, if so, indicate if remedial measures will be taken in relation thereto.

Reply: Neither the National Development Unit nor the Road Development Authority (RDA) is aware of any flooding problem at l'Espérance, Quartier Militaire and none of the abovementioned authorities has carried out any major road/drain project in that region in the recent past.

The nearest place to l'Espérance where major road works are being undertaken by the RDA is in the village of Bonne Veine which is located near Quartier Militaire. The project includes the construction of an underpass along l'Espérance Road, the construction of two box culverts to replace the existing pipe culverts and the provision of storm water drainage system.

During the heavy rainfalls of February and March 2013, no flooding problem was noted at this location. Site visits conducted by Engineers of the RDA on 21 and 22 June 2013 also confirmed that the drainage system done on the project is functioning properly.

The RDA, however, proposes to examine further the risk of any impending flooding problem and remedial measures, as appropriate, will be taken during the course of the project, if so required.

ELECTRONIC TRANSACTIONS - PUBLIC KEY INFRASTRUCTURE PROJECT

(No. A/199) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Information and Communication Technology whether, in regard to the Public Key Infrastructure Project, he will state the -

- (a) nature thereof;
- (b) cost and implementation schedule thereof, indicating if any tender exercise has been carried out therefor.

Reply: The Electronic Transaction Act provides for an appropriate framework to facilitate electronic transactions and communications by regulating electronic records and electronic signatures and the security thereof.

The Public Key Infrastructure (PKI) is a mandatory system, under section 24 of the Electronic Transactions Act, for a Certification Authority to conduct the business of generating Digital Signature Certificates. In PKI-enabled transactions, the user is identified through a unique digital signature which cannot be falsified, thus protecting the integrity of his electronic transactions and preventing unauthorised access thereto.

One of the statutory functions of the ICT Authority under the ICT Act is to act as the Controller of Certification Authority (CCA) and to issue licences to Certification Authorities. For a person to be considered as a Certification Authority, he has to apply for a licence to the Controller of Certification Authority in accordance with the Electronic Transaction Act Regulations (GN 213 of 2010).

With regard to part (b) of the question, the cost of setting up a PKI varies between Rs40 m. to Rs90 m. and this cost has to be borne by the Certification Authority when it is issued a licence by the Controller of Certification Authority. In terms of the provisions of the Public Procurement Act, where there is a sole provider of a given good or service, any public body may procure directly from that sole provider. As of date, there is only one licenced Certification Authority in Mauritius, namely EMudhra Consumer Services Ltd, an Indian Company which has tie-up with local agencies, as required by the Electronic Transaction Act Regulations for the purpose of offering digital certificate service.

**NATIONAL RESILIENCE FUND EQUITY FUND & SMALL AND MEDIUM
ENTERPRISE PARTNERSHIP FUND LTD**

(No. A/200) Mr K. C. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the National Resilience Fund Equity Fund and the Small and Medium Enterprise Partnership Fund Ltd., he will for the benefit of the House, obtain information therefrom, respectively –

- (a) the date of the setting up thereof;
- (b) size thereof, and;
- (c) the amount of funds disbursed as at to date, indicating the names of the beneficiaries and purpose therefor.

(Reply not available)

**CONSTITUENCIES - EMBELLISHMENT PROJECTS - PERIOD 2005-25 JUNE
2013**

(No. A/201) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Environment and Sustainable Development whether, in regard to the embellishment projects, he will, since 2005 to date, on a yearly basis –

- (a) state the amount of money spent thereon, in respect of each constituency and
- (b) table a list of the beneficiaries thereof.

(Reply not available)

TRANQUEBAR - FOOTBALL PLAYGROUND - CONSTRUCTION

(No. A/202) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Youth and Sports whether, in regard to the project for the construction of a football playground in Tranquebar, he will -

- (a) state the -

- (i) name of the contractor therefor;
 - (ii) contract value thereof, and
 - (iii) procurement method used therefor, and
- (b) table copy of the contract.

Reply: From information submitted by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, the construction of a football playground at Tranquebar is being undertaken by the National Development Unit and the contract has been awarded to Modern Jurassic Building and Construction Ltd through a restricted bidding exercise for the sum of Rs3,957,328 (VAT inclusive).

As regards part (b) of the question, the National Development Unit further informs that the contract between the two parties is confidential.

DISTRICT CONTRACTORS

(No. A/203) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the approved district contractors, he will -

- (a) table a list thereof in the category of -
 - (i) road and drain;
 - (ii) civil works, including building;
 - (iii) electrical work, and
 - (iv) general, and
- (b) give -
 - (i) details of the contracts allocated, since 2005 to date, and
 - (ii) a list of the ongoing works, category wise.

Reply: The information is being compiled and will be placed in the Library of the National Assembly as soon as it is ready.

NATIONAL EMPOWERMENT FOUNDATION - JOB FAIRS

(No. A/204) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the National

Empowerment Foundation, he will, for the benefit of the House, obtain therefrom, information as to the number of job fairs it has held, since its setting up to date, indicating the venue thereof in each case.

Reply: In line with the objectives of its Placement and Training Programme aiming at the economic empowerment of unemployed people, the National Empowerment Foundation (NEF) organises job fairs to enable interaction between job seekers and employers.

Prior to 2011, NEF has informed that it was operating an *Espace des Métiers*, which was a permanent platform where services such as counselling, training in writing CVs and participation in interviews, were being provided to job seekers.

Eighteen (18) job fairs have been organised in various regions across the island from January 2011 to date. A list thereof has been placed in the Library.

EBÈNE – NOXIOUS VEGETATION & SECURITY

(No. A/205) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to the region adjoining the river in Ebène, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to if it has received complaints as to the presence of noxious vegetation on abandoned land and of security hazards thereat and, if so, indicate if urgent remedial measures will be taken in relation thereto.

Reply: I am informed by the Municipal Council of Quatre Bornes that it receives at times complaints regarding noxious vegetation and bare lands which might represent security hazards to residents and passers-by at Ebène.

I am informed that the following remedial measures have been taken by the Council, in this respect -

- a team of five workers has been assigned to effect trimming of vegetation and overgrowth at green spaces, vicinity of river and road reserves at Ebène on a cyclic basis;
- a strip of 10 to 15 metres from the roadside boundaries and residential premises are cleaned by Municipal labour, and
- for land located within residential area and whose owners are abroad or unknown and which are in bad state, notices are served upon them.

It is, however, to be noted that since January 2013 to date 39 notices have been served upon such land owners at Ebène.

NATIONAL EMPOWERMENT FOUNDATION – PORT LOUIS MARITIME & PORT LOUIS EAST - BENEFICIARIES

(No. A/206) **Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the National Empowerment Foundation, he will, for the benefit of the House, obtain therefrom, information as to the number of inhabitants of Constituency No. 3, who have benefitted from assistance therefrom, indicating the nature and the value thereof.

Reply: The National Empowerment Foundation collects and compiles data on a districtwise/cum basis and not on a constituency basis.

In line with the vision of Government to eradicate absolute poverty, a three-pronged strategy has been adopted since 2010. This strategy includes the following programmes –

- (a) Social Housing and Community Empowerment;
- (b) Child Welfare and Family Development, and
- (c) Training and Placement.

Information on the number of beneficiaries in the regions of Plaine Verte and Roche Bois and their surroundings, having benefitted from assistance under various programmes, as well as the nature and value thereof, is being placed in the Library of the National Assembly.

POLICE – PROJECTS - IMPLEMENTATION

(No. A/207) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the projects submitted by the Police Department, for design and implementation, he will give a list thereof, indicating -

- (a) the scope thereof;
- (b) the date of receipt, and
- (c) where matters stand, including the details of the works programmed.

Reply: The information requested is being placed in the Library.

**MINISTRY OF SOCIAL INTEGRATION AND ECONOMIC EMPOWERMENT -
ADVISERS/PRESS ATTACHÉS - CONTRACT**

(No. A/208) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Advisers/Press Attachés and/or persons appointed on a contract basis by his Ministry, since May 2011 to date, he will give a list thereof, indicating, in each case, the -

- (a) date of appointment;
- (b) qualifications;
- (c) salaries and terms and conditions of appointment, and
- (d) position held.

Reply: Information with regard to Advisers/Press Attachés and/or persons appointed on a contract basis has been placed in the Library.

PORT LOUIS FIRE STATION - RELOCATION

(No. A/209) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the proposed relocation of the Port Louis Fire Station, he will, for the benefit of the House, obtain from the Government Fire Services, information as to if another plot of land has been identified therefor and, if so, indicate -

- (a) the location and extent thereof;
- (b) the offices that will be housed thereat;
- (c) if a sub-station will be operational in Port Louis;
- (d) where matters stand, and
- (e) why the site at Colline Monneron has not been considered.

Reply: I wish to inform the House that a plot of State land of the extent of 16 A 30 at Riche Terre has been vested in my Ministry for the relocation of the Port Louis Fire Station thereat.

As regards part (b) of the question, the site will also accommodate the Headquarters of the Mauritius Fire and Rescue Services as well as a Training Academy.

With regard to part (c) of the question, I am informed that as soon as an opportunity arises or soon as the station at Riche Terre will become operational, the Port Louis Fire Station will be closed temporarily for its complete renovation and upgrading. That station will again become fully operational thereafter. Thus, there will be, not a substation, but a fully fledged Fire Station in Port Louis.

As far as part (e) of the question is concerned, I am informed that the site may have to be abandoned. In effect, in view of the topography of the area, the cut and fill process required to prepare the land, would be as costly as the construction of the station itself.

Further the access in and out of the station, particularly on race days, will be difficult.