



## **FIFTH NATIONAL ASSEMBLY**

### **PARLIAMENTARY DEBATES (HANSARD)**

**SECOND SESSION  
TUESDAY 18 DECEMBER 2012**

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<b>(Formed by Dr. the Hon. Navinchandra Ramgoolam)</b>	
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 Beebejaun, GCSK, FRCP	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Vice-Prime Minister, Minister of Finance and Economic Development
Hon. Anil Kumar Bachoo, GOSK	Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping
Dr. the Hon. Arvin Boolell, GOSK	Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Abu Twalib Kasenally, GOSK, FRCS	Minister of Housing and Lands
Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
Dr. the Hon. Vasant Kumar Bunwaree	Minister of Education and Human Resources
Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security
Hon. Devanand Virahsawmy, GOSK	Minister of Environment and Sustainable Development
Dr. the Hon. Rajeshwar Jeetah	Minister of Tertiary Education, Science, Research and Technology
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Hon. Yatindra Nath Varma	Attorney General
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## 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
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**MAURITIUS**

**Fifth National Assembly**

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**SECOND SESSION**

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**Debate No. 32 of 2012**

**Sitting of 18 December 2012**

**The Assembly met in the Assembly House, Port Louis,**

**At 11.30 a.m**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

## **PAPERS LAID**

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

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

- (a) The Annual Report 2011 of the Gambling Regulatory Authority.
- (b) The Annual Report 2011 of the Financial Intelligence Unit.
- (c) The Double Taxation Avoidance Agreement (Federal Republic of Germany) Regulations 2012 (Government Notice No. 210 of 2012).
- (d) The Statutory Bodies Pension Funds (Amendment of Schedules) (No. 6) Regulations 2012 (Government Notice No. 211 of 2012).

**B. Ministry of Education and Human Resources –**

- (a) The Report of the Director of Audit on the Financial Statements of the Pre-School Trust Fund for the years ended 30 June 2001, 30 June 2002, 30 June 2003 and 30 June 2004.
- (b) The Report of the Director of Audit on the Financial Statements of the Pre-School Trust Fund (now) The Early Childhood Care and Education Authority for the years ended 30 June 2005 and 30 June 2006.

**C. Ministry of Tertiary Education, Science, Research and Technology –**

- (a) The Annual Report and Accounts 2011 of the Tertiary Education Commission.
- (b) The Annual Report 2010/2011 of the University of Mauritius.

**D. Ministry of Tourism and Leisure –**

The Tourism Authority (Prohibition of Activity) (Navigation Channel and Mooring Zones) (Grand Rivière Noire) Regulations 2012 (Government Notice No. 212 of 2012).

**E. Ministry of Health and Quality of Life –**

The Report of the Director of Audit on the Financial Statements of the Mauritius Institute of Health for the year ended 31 December 2011.

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

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No.15) Regulations 2012 (Government Notice No. 213 of 2012).

**G. Ministry of Civil Service and Administrative Reforms –**

- (a) The Civil Establishment Order 2012.
- (b) The Civil Establishment Order (Rodrigues Regional Assembly) 2012.

**ORAL ANSWERS TO QUESTIONS**

**DR. MAURICE CURÉ POLLING CENTRE - MRS N. S. AND MR Y. S. - INCIDENT**

**The Leader of the Opposition (Mr P. Bérenger)** (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the incident involving Mrs N. S. and Mr Y. S. at the Dr Maurice Curé Polling Centre, on 10 December 2012, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto, indicating

- (a) the names of the Police Officers and of the Electoral Officers involved therein;
- (b) if Mrs N. S. -
  - (i) was registered as an electoral agent;
  - (ii) has given a statement to the Police, and
  - (iii) took possession of two mobile phones from Mr Y. S. and proffered threats against him;
- (c) if charges have been preferred against Mr Y. S. and, if so, give details thereof, and
- (d) if any Police Officer has been transferred as a result thereof and, if so, the reasons therefor.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that, at about 11 00 hours on 10 December 2012, Mrs N. S. reported that while she was on the premises of Dr. Maurice Curé SSS, as a duly appointed counting agent for the PTR/PMSD Alliance, she noticed that one Mr Y. S., official election agent of the MSM/MMM Alliance, was taking pictures of her on his cell phones without her authorisation. Immediately, she called upon that person, seeking an explanation for his act, but Mr Y. S. moved away without giving any clarification. She then solicited the help of the Police Officers on duty at the Centre. The Police

Officers promptly intervened, and the two mobile phones in possession of Mr Y. S. were secured. Mr Y. S. initially denied having taken any photograph of Mrs N. S. However, he subsequently admitted, in front of all those present, having taken the photograph of Mrs N. S. He tendered his apology to Mrs N. S., and undertook to delete the photographs.

At one moment, a scuffle arose between supporters of the PTR/PMSD Alliance and MSM/MMM Alliance. One of the Senior Presiding Officers, Mr D. Nursiah, intervened and called both parties to his office. The two mobile phones were viewed in the presence of Mrs N. S., Mr Y. S., the Senior Presiding Officer and a Police Corporal, Mr R. Kanhye. It was found that the picture of Mrs N. S., as she was dressed on the particular day, was in the photo gallery of one of the mobile phones in possession of Mr Y. S., as alleged by Mrs N. S. As a result, the two impugned mobile phones were secured and remitted to the Police for investigation.

Now, to forestall any deterioration of the situation, the Senior Presiding Officer made arrangements for the personal safety and security of Mr Y. S, which he voluntarily accepted.

At 12 30 hours on the same day, Mrs N. S. gave a statement to the Police, in which she related all these facts and stated that the acts and doings of Mr Y. S. have caused her prejudice, and that she considers that such acts constituted a breach of her privacy. She also stated that the photographs could be used to harm her and for other wrongful purposes.

The statement of Mrs N. S. was supported by two witnesses, namely Mr S. D. and Mr P.D.U., the former being a candidate of the PTR/PMSD Alliance, and the latter an official agent of the PTR/PMSD Alliance. Police Corporal R. K., who was on duty at Dr. Maurice Curé SSS, corroborated the version of Mrs N. S. and the two witnesses.

At 14 00 hours on the same day, that is, on 10 December 2012, Mr Y. S. gave a statement in the presence of his Counsel, in which he initially denied having taken any picture of Mrs N. S. He did not say anything else except that he would give evidence in Court.

At 14 40 hours, again on the same day, the said Mr Y. S. gave a further statement wherein he acknowledged having remitted his two mobile phones to the Police.

On the next day, that is, 11 December 2012, at 12 50 hours, in a statement given under warning, in presence of his Counsel, and after examination of both secured cell phones by the IT, that is, the IT Department of the Police, he then admitted having himself taken the pictures downloaded by the IT Department of the Police, and he admitted having taken the offending pictures with his mobile phones.

Mr Speaker, Sir, in regard to part (b) (i) of the question, I am informed by the Electoral Commissioner that Mrs N. S. was indeed a duly appointed counting agent of the PTR/PMSD Alliance.

In regard to part (b) (ii) of the question, as I have indicated earlier, she has given a statement to the Police at 12 30 hours on 10 December 2012.

Regarding part (b) (iii) of the question, I am informed by the Commissioner of Police that the two mobile phones in possession of Mr Y. S. were secured and taken by Mrs N.S. from him and immediately remitted to the Police Constable R. K.

Mr Speaker, Sir, I am informed by the Commissioner of Police that there is no mention in the statement given to the Police by Mr Y. S. that threats were proffered against him by Mrs N. S. In fact, in the course of the inquiry, Mr Y. S. has given three statements to the Police, two of which were given on 10 December 2012 at 14 00 hours and 14 40 hours respectively. The third statement was given on 11 December 2012 at 12 50 hours. In none of the statements he mentioned any threat being proffered by Mrs N. S. against him.

I am also informed that, at 15 10 hours on 10 December 2012, Mr Y. S. made a precautionary measure declaration, again in the presence of his Counsel, in which he claims, for the first time, that certain threatening words were uttered by Mrs N. S. against him in the office of the Senior Presiding Officer. It is worth noting that, since 10 December 2012, no statement has been given by Mr Y. S. further to his precautionary measure declaration.

I am further informed by the Commissioner of Police that 21 Police Officers headed by a Chief Inspector were on duty at the Counting Centre and Mr Y.S. did not make any complaint of threat to any of the Police Officers.

Regarding part (c) of the question, I am advised by the Commissioner of Police that Mr Y.S. has been convened this morning to the Central CID where a provisional charge of breach of section 46 of the Information and Communication Technology Act will be preferred against him, but I say it is a provisional charge.

As regards part (d) of the question, I am informed by the Commissioner of Police that two Police Inspectors, who were involved in the enquiry, have been transferred to the Western Division. Both...

*(Interruptions)*

Listen! Why don't they listen?

**Mr Speaker:** Silence!

**The Prime Minister:** Look at this, Mr Speaker, Sir! Both Police Inspectors, it is reported, acted in gross violation of standard Police procedures regarding safekeeping and handling of exhibits. Exhibits are meant to be kept.

*(Interruptions)*

And they were told that they had to be kept because they were going to be used as evidence, but they returned the said exhibits to the owner of the mobile phones in the course of the enquiry, thus allowing the exhibits to be possibly tampered with and, in fact, there is evidence that it has been tampered with.

I am also informed by the Commissioner of Police that action has been initiated against the Superintendent of Police who was then in charge of Vacoas Police Station.

I understand that this is, in fact, why the Commissioner of Police has entrusted the enquiry to the Central CID.

Mr Speaker, Sir, I am also informed by the Commissioner of Police that the statement of Mrs N. S. is being taken very seriously in view of the fact that on the 13 December 2012, two salesgirls working at a shop owned by her have reported that on 11 December 2012, that is, on the day following the incident at Dr. Maurice Curé SSS, two unknown men came to the said shop and asked for the owner in a threatening tone. This has created insecurity and fear among the salesgirls.

*(Interruptions)*

*Gagne droit rentrer et ménace dimounes! Taler to pou koner toi...*

*(Interruptions)*

**Mr Speaker:** I say, silence!

**The Prime Minister:** *Gagne droit faire sa!* That is normal!

**Mr Speaker:** I say, silence! Order!

**The Prime Minister:** That is normal according to him! In fact, Mr Speaker, Sir, the CCTV footage has been obtained showing the two persons as described by the salesgirls sitting in front of the shop observing for some minutes and then entering the shop. Police is inquiring into the matter.

*(Interruptions)*

**Mr Bérenger:** Mr Speaker, Sir, we have been provided with the name of the Senior Presiding Officer in whose presence all this started. Has a statement by the Police been taken from him?

**The Prime Minister:** Normally, I believe he would have made a statement - if he has to - to the Electoral Commissioner. That has to be looked into. I didn't enquire into that.

(*Interruptions*)

But he would have had, there is no problem.

**Mr Bérenger:** The problem is that the hon. Prime Minister can't tell me whether he has given his statement.

**The Prime Minister:** I can't tell the hon. Leader of the Opposition because it is not my duty. It is the Electoral Commissioner's duty.

(*Interruptions*)

**Mr Bérenger:** This is not an electoral ...

(*Interruptions*)

*Pas zourer encore, hein! Pas commencer!*

(*Interruptions*)

**Mr Speaker:** Silence! Put the question!

(*Interruptions*)

I say, silence! Order! Yes, hon. Leader if the Opposition, put your question!

**Mr Bérenger:** Mr Speaker, Sir, last time he used very unparliamentary and rude words. We are not going to accept that!

(*Interruptions*)

**Mr Speaker:** Are you rising on a point of order? Put your question!

(*Interruptions*)

I say, silence! Silence, please!

(*Interruptions*)

**Mr Bérenger:** As far as the second part of my question is concerned, I have heard the hon. Prime Minister saying that Mrs N.S. was a duly appointed agent. Was she wearing a badge issued by the Electoral Commissioner in her name or was she using somebody else's badge? Has this been checked and why was not that recorded in the statement which she gave to a Police Officer?

**The Prime Minister:** She was wearing her own badge in her own name as an electoral agent on that day, Mr Speaker, Sir.

**Mr Bérenger:** Can I know how was this checked? How can the hon. Prime Minister be so categorical? Who checked?

**The Prime Minister:** In fact, Mr Speaker, Sir, the Police started to have the enquiry. They asked for the statement. They checked whether, in fact, she was the agent of the *Parti Travailiste* alliance on that day. I don't know what else the hon. Leader of the Opposition wants.

**Mr Bérenger:** She was not asked anything about the badge which she was wearing in her statement. I have a copy of her statement. Now, the hon. Prime Minister is saying that a Police Officer checked. Can I have the name of the Police Officer who checked?

**The Prime Minister:** The hon. Leader of the Opposition is just making insinuation and trying to make up things.

(*Interruptions*)

You are! You are making insinuation!

**Mr Speaker:** Order!

(*Interruptions*)

Order, please! I say, order! I am on my feet! When I say order, there should be order in the House!

**Mr Bérenger:** I was going to raise a point of order. I am not making any insinuation. The hon. Prime Minister has said that a Police Officer checked that she was wearing a badge in her name. I am asking for the name of the Police Officer who supposedly checked.

**The Prime Minister:** Mr Speaker, Sir, somebody cannot be there without being an agent. The Returning Officer...

(*Interruptions*)

No, no! On the day of the counting...

(*Interruptions*)

**Mr Speaker:** The hon. Prime Minister is answering. I am on my feet!

(*Interruptions*)

I say, silence! Order! Hon. Ms Deepalsing, I order you to withdraw the word! Withdraw the word '*imbécile*'!

(*Interruptions*)

I say order! I am on my feet. I have ordered the hon. Member to withdraw the word.

(*Interruptions*)

**Ms Deepalsing:** Can I be allowed to withdraw? Mr Speaker, Sir, the truth hurts, but I withdraw it.

(*Interruptions*)

**Mr Speaker:** Next question!

**Mr Bérenger:** She has to withdraw unconditionally!

(*Interruptions*)

She has put conditions, Mr Speaker, Sir. You order her to withdraw, she should withdraw unconditionally.

(*Interruptions*)

**Mr Speaker:** She has withdrawn the word.

(*Interruptions*)

Hon. Ms Deepalsing, no more provocation!

**Mr Berenger:** No more comments, specially! Mr Speaker, Sir, if I can move on to the next part of my question: whether Mrs N. S. has given a statement. Can I know - the normal procedure is for *un citoyen ou une citoyenne ordinaire* to give a statement - why was a Police Officer dispatched to record a statement on her behalf? Why was that procedure followed and can I know who ordered that Police Officer, from which Police Station?

**The Prime Minister:** In fact, Mr Speaker, Sir, I do not know whether the hon. Leader of the Opposition has all the facts. She made an official statement to the Police at Dr. Maurice Curé. That is where she made the statement and then the Police followed up at Vacoas Police Station.

**Mr Bérenger:** Mr Speaker, Sir, will the hon. Prime Minister agree that a statement was recorded on her behalf by a Police Officer ...

**The Prime Minister:** No, no!

**Mr Bérenger:** PC Marday...

(*Interruptions*)

I will lay a copy later on, but I'll need it. Is there a statement by the lady and signed by her?

(*Interruptions*)

**The Prime Minister:** In fact, there is a statement by the lady, duly signed by her, but in front of the Police, she made a statement to the Police. Obviously, the hon. Leader of the Opposition does not know this. But then, the Police Officer - like very often - has to follow up and make an entry. That is what has happened.

*(Interruptions)*

**Mr Bérenger:** My point is that the Police Officer ...

*(Interruptions)*

**Mr Speaker:** Silence!

*(Interruptions)*

**Mr Bérenger:** On the spot, a Woman Police Constable was sent on the spot almost immediately to record on her behalf a statement. My question is: who...

**The Prime Minister:** No...

*(Interruptions)*

**Mr Bérenger:** I will lay a copy...

**The Prime Minister:** That's not true!

*(Interruptions)*

You are not a lawyer; you don't know what you are saying!

**Mr Bérenger:** I will lay a copy, Mr Speaker, Sir.

*(Interruptions)*

It is on record and it even says – I'll come to that later on. It is even recorded that she secured two portable phones. I will come to that later on, Mr Speaker, Sir.

*(Interruptions)*

I will ask again: from which Police Station was that Woman Police Officer dispatched?

*(Interruptions)*

**Mr Speaker:** I say order! I cannot even hear the question of the hon. Leader of the Opposition. There is too much noise in this House. So, hon. Members have to give the opportunity to the hon. Prime Minister to answer the question. If they make noise nobody would understand what is the question and they will have no answer. Yes, hon. Prime Minister!

**The Prime Minister:** In fact, obviously, the hon. Leader of the Opposition has not been told this. She made a statement with a Police Officer in the formal statement in front of the

Police Officer and she signed the statement, where she said she secured the phone. She is not denying that she secured the phone. Then, she made the formal statement. Unfortunately, I don't have it with me; I left it in my office, but I can put it here. Then, the Police Officer goes to make an entry in the OP book and makes the statement which is normal. Where is the problem?

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Bérenger:** I am tabling a copy later on of the statement recorded on her behalf by a Woman Police Officer.

*(Interruptions)*

Can I request the hon. Prime Minister, since he says that he has a copy of the statement she made, but somehow it is not with him, to table a copy of that statement?

**The Prime Minister:** In fact, I can table a copy and, in fact, I can ask somebody from my office to go and get me a copy and I will table it straightaway. I don't know whether - I think I might have it actually with me. Let me see. I think I might have it with me actually. Yes, I do have it with me, Mr Speaker, Sir. I am just making sure, yes, I do have it with me.

*(Interruptions)*

**Mr Speaker:** Order! Next question!

*(Interruptions)*

**Mr Bérenger:** We will look at the document very carefully because it is not the end of the affair. In fact, in the statement which the Police Officer recorded on her behalf, the lady concerned admitted that she secured two phones. Well, this is an illegal act. How can a private citizen secure? We were given to understand that somehow it is the Police that secured. She secured the portable phones illegally and handed them over to the Police. Can I know whether the Police recorded that act and what action followed?

*(Interruptions)*

**Mr Speaker:** Silence!

**The Prime Minister:** You know, Mr Speaker, Sir, the Leader of the Opposition says he is for gender equality, the defence of women.

*(Interruptions)*

Now, photographs ...

(*Interruptions*)

No, he says so! He pretends!

Now, a photograph illegally without authorisation is taken of a lady. What was she supposed to do? Do nothing! Do nothing just because she is a lady. In fact, what she did - and I will tell you, when you have time, look at the statement – she, in fact, stresses the fact. She says that she secured herself the phone and gave it immediately to the Police who were there. That's what she did.

**Mr Bérenger:** Mr Speaker, Sir, we have a different view of what is private or not. When you wear a red T-shirt or whatever, when you wear a badge whether it is yours or not, where you are in a public place like acting as an agent, I don't think you can prevent people from taking pictures of the crowd and of agents.

(*Interruptions*)

**Mr Speaker:** Order! Order!

(*Interruptions*)

I say order!

(*Interruptions*)

Well, I say order!

(*Interruptions*)

I want some order, please! I want some order. The hon. Leader of the Opposition, next question!

**Mr Bérenger:** In fact, Mr Speaker, Sir, I will also lay a copy of the statement...

(*Interruptions*)

... from Mr Y. S. where he says that he was threatened, that the lady told him: "*mo pou fini zotte enn par enn*".

(*Interruptions*)

And he adds that he felt that his own safety and the safety of his family was threatened, Mr Speaker, Sir.

(*Interruptions*)

**Mr Speaker:** I say order! Well, hon. Leader of the Opposition...

(*Interruptions*)

Will hon. Members listen, please? Hon. Leader of the Opposition, the matter is still under enquiry. We are not here to try anybody or to accuse anybody. I would suggest to let the Police complete its enquiry and let it follow the normal course.

*(Interruptions)*

No, no! I would not allow any question with regard to evidence. You may put your question.

**Mr Bérenger:** We all know that in cases like that, it is the person accused of issuing threats, when somebody says: "my safety and the safety of my family is in danger," that person should be taken to task, if not arrested.

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Bérenger:** Whereas in this case, it is the victim that is taken to task.

*(Interruptions)*

**Mr Speaker:** I said the Police is enquiring.

*(Interruptions)*

I want some order.

*(Interruptions)*

Members should understand that if this continues, I am going to apply Standing Order 48. Just be careful! Yes, hon. Prime Minister!

**The Prime Minister:** Mr Speaker, Sir, I ask the hon. Members and the hon. Leader of the Opposition to draw their own conclusions. Mr Y. S. made three statements. In none of these statements, he says there were threats against him. There were 21 Police Officers there, including a Chief Inspector. He does not complain of any threats against him, but later he makes a precautionary measure in the presence of his Counsel to say those words which are being denied. So, you can draw your own conclusions there.

*(Interruptions)*

**Mr Speaker:** Next question!

**Mr Bérenger:** We can all draw our conclusion, Mr Speaker, Sir. As far as what the Police said...

*(Interruptions)*

**Mr Speaker:** Silence!

**Mr Bérenger:** ...to that gentleman, Mr Y. S., he was *séquestré* in the room of the Returning Officer. Then he was taken to the Police Station. Then, his house was searched and we are told now there is a provisional charge under the ICT Act. Can I know under what piece of legislation, under what authority was all this is done? He was *séquestré* in the room. He was taken to the Vacoas Police Station, and his house was searched under whose authority?

(*Interruptions*)

**The Prime Minister:** Mr Speaker, Sir, the hon. Leader of the Opposition has been in politics for a long time, he has been in elections ...

(*Interruptions*)

He has participated in elections.

(*Interruptions*)

**Mr Speaker:** Silence!

**The Prime Minister:** Mr Speaker, Sir, I said in my answer, when there was a scuffle, the Returning Officer decided, for his own safety, to put him in a classroom. That happens many times, it is not the first time. So, what the Returning Officer should have said? Tell the Police to walk away and let him be assaulted! He, in his own safety - and he agrees that it was for his own safety. So, I don't know why the Leader of the Opposition is insinuating again that there has been as if...

(*Interruptions*)

Yes, you are! That is the way you act and that is the way you proceed!

(*Interruptions*)

**Mr Speaker:** I say silence.

(*Interruptions*)

**Mr Bérenger:** Mr Speaker, as far...

(*Interruptions*)

*Eta ale occupe Timol do volère !*

*Sale volère! Volère!*

(*Interruptions*)

**Mr Speaker:** Silence! I say order!

(*Interruptions*)

Look!

(*Interruptions*)

Well, I have warned hon. Members that if this state of affairs continues, I am going to apply Standing Order 48. Members who are in breach of the Standing Orders, if I decide, will have to leave the House. So, let us do the job in a peaceful and respectful manner. I hope all Members will cooperate.

**Mr Sayed-Hossen:** Mr Speaker, Sir, I heard the Leader of the Opposition using the word '*volère*' vis-à-vis me. I ask him to withdraw that word.

(*Interruptions*)

**Mr Speaker:** Silence! Well, there is a point of order. I have not heard that word. Proceed!

(*Interruptions*)

**Mr Bérenger:** Can I know from the hon. Prime Minister on whose...

(*Interruptions*)

**Mr Speaker:** I have again to warn certain Members on my left. I said silence. I am on my feet. Silence! I have given a first warning. I have given a second warning. I hope the third warning will not come. So, let us proceed in order and in peace. I have already earmarked certain Members in this House who are not prepared to cooperate, so be careful!

**Mr Sayed-Hossen:** Mr Speaker, Sir, I clearly heard the word '*volère*'.

**Mr Speaker:** Are you rising on a point of order?

**Mr Sayed-Hossen:** We can check on the recordings, Mr Speaker, Sir.

**Mr Speaker:** We will check it.

**Mr Bérenger:** Can I ask the hon. Prime Minister, since I am given to understand that the Police landed at Mr Y S's home and searched the premises, who issued the search warrant and whether he has enquired from the Commissioner of Police what was the Police looking for?

**The Prime Minister:** Mr Speaker, Sir, I explained perhaps not in enough detail. The exhibits were supposed to be kept by the Police. In any case, when there is evidence, the exhibits are supposed to be kept. Inexplicably the exhibits were given back to Mr Y S. I think I mentioned this in my answer, it has now come to light that it is much, much likely - in fact, it is from the information I've got this morning - that it has been tampered with. We don't know what has been tampered with, whether these photographs were taken and managed to be put on a

disc because they usually do this, Mr Speaker, Sir. They have done this with Arvin Boolell, I don't know whether he is aware – a manipulated photograph of Arvin Boolell and being given...

*(Interruptions)*

**Mr Speaker:** I said order. Allow the Prime Minister to answer!

*(Interruptions)*

**The Prime Minister:** You have not seen the photograph done by the MSM. Police are looking for them - a manipulated photograph has been done. It is obvious that the Police have to look now that this mistake has been made inexplicably...

*(Interruptions)*

**Mr Speaker:** Silence over there!

**The Prime Minister:** Inexplicably the exhibit has been given back when it should not. I have mentioned also what has happened; the further threat that has happened I have been told this morning, including hon. Nando Bodha following her...

*(Interruptions)*

Let the Police enquire!

*(Interruptions)*

I am saying what I have heard...

**Mr Speaker:** Is the hon. Member rising on a point of order?

**Mr Bodha:** Mr Speaker, Sir...

*(Interruptions)*

**Mr Speaker:** Order!

*(Interruptions)*

I have said order.

*(Interruptions)*

Now I am going to apply Standing Order 48, please! Don't go further! Put your question!

**Mr Bodha:** On a point of personal explanation, may I solemnly say to the House and to the hon. Prime Minister that I have never set eyes on this lady.

*(Interruptions)*

**Mr Speaker:** Time is over!

**The Prime Minister:** If you would allow me, I want to answer the last question. The Police are enquiring; you will deal with the Police, my friend.

(*Interruptions*)

I know he has done ...

(*Interruptions*)

*Pou bann zenfants nou ine tender sa, mais mo pa koner si pa sa ki to pe rod fer! Mo pa koner mwa!* What I want to say, Mr Speaker, Sir, it is a classic case...

(*Interruptions*)

**Mr Speaker:** Hon. Baloomoody!

(*Interruptions*)

I say, stop laughing here!

(*Interruptions*)

Look, you are laughing in such a way that you are disturbing everybody in this House.

(*Interruptions*)

Hon. Leader of the Opposition, I am speaking to hon. Baloomoody! Yes, Prime Minister!

**The Prime Minister:** Mr Speaker, Sir, I hope the journalists who are there have noticed how a woman is being treated in this House and if the Leader of the Opposition is in public, I would ask him, if tomorrow pictures were taken of Rajini Rajoo, how would he like it; if pictures were taken of Sareefa Bana, how would he like it; if pictures were taken of Marie-Lourdes Ariane Louis how would he like it?

(*Interruptions*)

Tell me how would he like it?

(*Interruptions*)

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

(*Interruptions*)

Silence, please ! Last question, hon. Leader of the Opposition!

(*Interruptions*)

I said last question, please!

**Mr Bérenger:** Can I ask the hon. Prime Minister....

(*Interruptions*)

**Mr Speaker:** Silence now!

(*Interruptions*)

I want some silence now.

**Mr Bérenger:** *La honte lor twa !* Shame on you! *Méprisable....*

(*Interruptions*)

**Mr Speaker:** Silence!

**Mr Bérenger:** I heard the hon. Prime Minister saying that two Police Officers have been transferred and action is being taken against one Superintendent. Can I have the names of the three Police Officers concerned and whether any Police Officer has been suspended as at to date?

**The Prime Minister:** I will have to check with the Commissioner of Police, Mr Speaker, Sir. He has acted because there has been gross violation of Police procedures. That is why he has acted.....

(*Interruptions*)

Whoever it is, he has to act.

**Mr Speaker:** Time is over!

(*Interruptions*)

Well if that continues, I am going to suspend the sitting. Either Members want to proceed or I'll decide! Let us proceed to questions addressed to the hon. Prime Minister. The Table has been advised that PQ Nos. B/712 and B/713 have been withdrawn. PQ No. B/740 will be replied by the hon. Prime Minister.

(*Interruptions*)

Silence please, no more!

## **COMMISSION FOR DEMOCRATISATION OF THE ECONOMY – CHAIRPERSON & MEMBERS**

**(No. B/711) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Commission for Democratisation of the Economy, he will state, since 2005 to date, the –

- (a) names of the Chairperson and of the members thereof, indicating the amount of fees and other allowances paid to each of them;
- (b) total expenses incurred therefor, and

(c) number of meetings held, on a yearly basis.

**The Prime Minister:** Mr Speaker, Sir, I wish to refer the hon. Member to the replies I gave to PQ No. B/760 on 18 October 2011 and PQ No. B/352 on 26 June 2012 in which I provided all the information being sought by the hon. Member about the names, and other terms and conditions of appointment of the Chairperson and Vice-Chairperson.

*(Interruptions)*

**Mr Speaker:** Silence! Hon. Prime Minister, you may proceed!

**The Prime Minister:** I have just answered the question.

**Mr Speaker:** I warn, no interruption again!

**Mr Soodhun:** Can the hon. Prime Minister inform the House if any report has been submitted since 2005 and what are the conclusions or any recommendations thereof?

**The Prime Minister:** Mr Speaker, Sir, probably the hon. Member does not know. There is no report as such, but they come and talk to me; occasionally, they put things on paper. That is how they do.

**Mr Soodhun:** Would the Prime Minister inform the House how many times the Chairperson met the Prime Minister?

**The Prime Minister:** As often as need be, I cannot remember how many times, but very often when she needs me.

**Mr Jugnauth:** When the 2011 Budget was being prepared, I had asked for any proposal from this Commission for Democratisation of the Economy and there was none at all, not a single proposal.

*(Interruptions)*

**Mr Speaker:** Please!

**Mr Jugnauth:** May I ask the hon. Prime Minister, therefore, is it not a waste of public funds...

*(Interruptions)*

*To pan donner! Narien, zero!*

*(Interruptions)*

**Mr Speaker:** I say, silence!

*(Interruptions)*

Silence! Hon. Ms Deerpalsing!

(*Interruptions*)

Hon. Ms Deepalsing, withdraw that word ‘*crétin*’!

(*Interruptions*)

**Ms Deepalsing:** I withdraw.

**Mr Speaker:** And no more statement! The hon. Member has a question?

(*Interruptions*)

Silence, over there!

(*Interruptions*)

Hon. Minister, would you continue to interrupt?

(*Interruptions*)

Sit down!

**Mr Bundhoo:** I made a comment about money of Sun Trust and I withdraw it, Sir.

**Mr Jugnauth:** Therefore, does not the hon. Prime Minister consider that it is an absolute waste of public funds paying those bills and that no record, no proposal at all and nothing has been forthcoming?

(*Interruptions*)

**Mr Speaker:** It appears that some Members from all sides are not prepared to cooperate. There is a question which I could not listen because of the noise. Wait a minute!

(*Interruptions*)

Hon. Member, put your question again, because I want to hear the question and to rule whether the question is admissible or not. So, Members should give me the opportunity to listen and to understand the question. Yes, put your question!

**Mr Jugnauth:** I am saying, Mr Speaker, Sir, in the course of the preparation of the 2011 Budget, I had asked for any report, proposal or recommendation from this Commission for Democratisation of the Economy and not a single proposal had been made. Therefore, my question is: is it not a waste of public funds for this committee to be sitting for so many years and yet not being able to propose any single measure in favour of the democratisation of the economy?

**The Prime Minister:** Mr Speaker, Sir, probably the hon. Member does not care about democratisation. It is a sensitive issue. I know when he was Minister of Agriculture...

(*Interruptions*)

**Mr Speaker:** Do not interrupt!

**The Prime Minister:** ...he was summoned by the MSPA and he went in the office, which no Minister on my side did.

*(Interruptions)*

In other words, where the money is, he is there.

*(Interruptions)*

Where the money is, he is there! Democratisation is not about this. Democratisation is about to opening up access, giving opportunities to others to attain the economic resources.

*(Interruptions)*

**Mr Speaker:** Silence!

**The Prime Minister:** It is a delicate matter. For the information of the hon. Member, I can tell him, since its inception, the Commission has provided inputs into numerous sectors: the sugar cane industry, the agriculture; apart from sugar cane, the food security issues, agricultural diversification, energy, on the competition issues - in fact, later on we went on with the Competition Commission - the empowerment of the Small and Medium Enterprise. I could give a list, Mr Speaker, Sir. In the Tourism Industry, it must be democratised; it cannot be the same people all the time. It is sensitive.

**Mr Bérenger:** Since the hon. Prime Minister has the file in his hand, and clearly he has studied that carefully, can I ask for the total sum of public funds paid to date to hon. Ms Deerpalsing in her capacity as Chairperson of this thing, and hon. Sayed-Hossen, for the time that he was Chairperson? The total sum of public funds paid to each of them.

*(Interruptions)*

**Mr Speaker:** Silence!

**The Prime Minister:** In fact, Mr Speaker, Sir, that question was answered. I gave the details, it is all there; she is paid a salary of Rs30,000 a month for all the work that she does and she gets a driver's allowance. When hon. Cader Sayed-Hossen was Chairperson, he was given the same sum. At the moment, we do not have a Deputy for her. We are not paying any Deputy, because there is no Deputy.

**Mr Ameer Meea:** Since the setting up of the Commission in 2005 and apart from having successfully democratised the gambling sector, can I ask the hon. Prime Minister what other sectors of the economy has been democratised since 2005?

*(Interruptions)*

**Mr Speaker:** Silence, hon. Ms Deepalsing!

**The Prime Minister:** I stopped because the list is long, but I will go through it. The sugar cane industry, agriculture, apart from sugar cane, food security issues, energy, SMEs, competition issues in general, the tourism industry, fisheries and empowerment of small fishermen, the emergence of new sub-sectors - we want to ensure that these new sub-sectors support the vulnerable groups in Mauritius - the national initiative for civic education, which, in fact, I think the President has already opened, or will open, and I will be closing it. The projects for small scale farmers in the context that he has said. There is a list of this. So, if he wants me to go through it again, I will do it.

#### **ICAC – DIRECTOR & BOARD MEMBERS - APPOINTMENT**

**(No. B/712) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Independent Commission Against Corruption, he will state if Government will consider –

- (a) commissioning an independent external audit of the powers and of the effectiveness thereof, and
- (b) introducing an amendment to the Prevention of Corruption Act to provide for the Director General and the Board Members of the Commission to be appointed by a committee composed of the President of the Republic, the Prime Minister and the Leader of the Opposition.

*(Withdrawn)*

#### **POLICE QUARTERS - WILLOUGHBY ROAD, VACOAS**

**(No. B/713) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the police quarters situated at Willoughby Road, Vacoas, in the vicinity of the new Police Band Headquarters, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number thereof which are –
  - (i) occupied, and
  - (ii) unoccupied, and

(b) if any project has been earmarked for implementation thereat and, if so, give details thereof.

*(Withdrawn)*

**PMO - MR S. D. - SENIOR ADVISER**

**(No. B/714) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr S. D., he will state his terms and conditions of appointment as Senior Adviser in his Ministry.

**The Prime Minister:** Mr Speaker, Sir, the services of Mr S. D. have been retained by my Office as Senior Adviser/Project Coordinator to provide assistance and support to Mr Osman Mohamed, the Executive Chairperson of the Commission on *Maurice Ile Durable*, in particular for the finalisation of the *Maurice Ile Durable* Strategy and Action Plan and its timely implementation.

This, as I have said so many times, is a long term vision and we are, therefore, reinforcing the capacity of the MID Commission so that it can deliver on its mandate of translating the MID vision into concrete actions more effectively.

The salary and other terms and conditions of the contract of Mr S. D. are in line with those prescribed for Senior Advisers in the PRB Report.

**Mr Bérenger:** Can I know from the hon. Prime Minister the date on which Mr Sunil Dowarkasing was appointed Senior Adviser and whether it is of the fact that as soon as he was appointed Senior Adviser, the so-called Independent Commission against Corruption found that it was no longer interested interviewing Mr Sunil Dowarkasing from one day to the next?

**The Prime Minister:** Obviously, if that would have been the case, they would not have done it one day to the next. It is not actually true. He is about to start work or he started today, I am not sure.

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan!

*(Interruptions)*

Wait a minute! I invite hon. Aimée to refrain from making unpleasant comments!

*(Interruptions)*

**Mr Speaker:** Silence!

**Mrs Labelle:** Mr Speaker, Sir...

**Mr Speaker:** Are you rising on a point of order?

**Mrs Labelle:** Yes. Mr Speaker, Sir, I consider that the argument just raised by the hon. Minister is most offending to women in Parliament, because breastfeeding is our role and we are proud of breastfeeding. So, breastfeeding cannot be considered in such offensive manner. I have breastfed my kids; I do not allow breastfeeding to be treated in this way.

**Mr Speaker:** Silence!

(*Interruptions*)

Silence! I am on my feet!

(*Interruptions*)

I am still on my feet! Hon. Aimée, you made unpleasant remarks. I invite you to withdraw.

**Mr Aimée:** Just before that, Mr Speaker, Sir, she said...

(*Interruptions*)

What should happen if I do not want to withdraw? I am not going to withdraw.

(*Interruptions*)

**Mr Speaker:** I say, silence! Hon. Aimée, I have invited you to withdraw.

**Mr Aimée:** I am not prepared to withdraw, Mr Speaker, Sir.

(*Interruptions*)

**Mr Speaker:** Wait a minute! Let us have some peace. I have invited the hon. Minister to withdraw, and as a gentleman I expect him to simply withdraw. He is withdrawing.

**Mr Aimée:** No, Mr Speaker, Sir.

(*Interruptions*)

Mr Speaker, Sir, allow me to say something.

**Mr Speaker:** Yes, I allow you.

**Mr Aimée:** The word “*boire dilait to mama*” is not unparliamentary.

(*Interruptions*)

**Mr Speaker:** Now, the hon. Minister should listen to my ruling.

(*Interruptions*)

Hon. Members, listen to my ruling! The words uttered by hon. Aimée are not parliamentary. I invite him again to withdraw the words.

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

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

**Mr Jugnauth:** Mr Speaker, Sir, the hon. Prime Minister stated during the course of the Budget of 2012 that the financial mess in which the casinos find themselves today is the direct consequence of the price of the legacy of the decisions taken before we came to Government between 2000 and 2005 - the Dowarkasing *raj* - and after what he said, that I wanted to appoint Mr Dowarkasing as Chairperson of Gambling Authority. The Prime Minister said: "I don't want to go into *illico presto* actions to appoint some people in certain situations who earn the nickname of rent collectors." May I know, now that this gentleman has now become an advisor, who propagates the Dowarkasing *raj* ...

(*Interruptions*)

**Mr Speaker:** Order!

**Mr Jugnauth:** ... and becomes a better rent collector?

(*Interruptions*)

**Mr Speaker:** I am on my feet. Silence! First of all, I am not prepared to accept the words "Dowarkasing *raj*"...

(*Interruptions*)

... and any insinuation the hon. Member has made! I don't find it proper to make such kind of insinuation. He should put his question in a straightforward manner.

(*Interruptions*)

Silence! The question is rephrased.

**Mr Jugnauth:** Mr Speaker, Sir, I am referring to Hansard, what the hon. Prime Minister has said. After he has made such comments on this gentleman, how is it now that he has nominated the same gentleman as a special advisor? This is my question.

**The Prime Minister:** I managed to hear bits of it. Well, in fact, hon. Jugnauth stated what I said. I suppose he is quoting verbatim. But, in fact, now I know; Mr Sunil Dowarkasing has come to see me. As Minister of Finance, he directed that 130 acres of land be given at Côte d'Or for Mr Michel Lising ...

(*Interruptions*)

Mr Sherry Singh was on the Board. Who was the guilty guy? Now I know why the hon. Member is afraid of the truth. When the truth comes out, they don't like it. They don't want to hear. I am giving facts.

(*Interruptions*)

**Mr Speaker:** Silence! Hon. Bhagwan, put your question!

**Mr Bhagwan:** Mr Speaker, Sir, I find the hon. Prime Minister very nervous. I will ask him to stop being nervous.

**Mr Speaker:** The hon. Member should put his question, that's all! No comment on the Prime Minister!

**Mr Bhagwan:** Mr Speaker, Sir, can I ask the hon. Prime Minister how does he reconcile the statement made here, in this House, to what hon. Ms Deepalsing, while I was questioning the behaviour of Mr Dowarkasing, said: "this is a *chor* and *mahachor*." How does the hon. Prime Minister reconcile this?

**Ms Deepalsing:** Mr Speaker, Sir, I would like to know whether there is any recording of what I said. The hon. Member is saying anything as usual. *Mouvement Menteur Mauricien!*

(*Interruptions*)

*Mentere, mentere, mentere!*

**Mr Speaker:** Silence! I say silence! Well, a point has been raised. I have to check the recordings and then I will give a ruling. Any more question, hon. Bhagwan!

**The Prime Minister:** In fact, hon. Bhagwan is right. He did ask the question on that issue, about the GRA and the Côte d'Or issue. But at the time, we did not have it. He was the Minister of Finance. He was hiding everything.

(*Interruptions*)

**Mr Speaker:** Silence! Hon. Soodhun, please!

(*Interruptions*)

Hon. Bhagwan, please! Silence!

#### **MAURITIUS TELECOM - MR A. D. – CHAIRPERSON**

**(No. B/715) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Mr A. D., he will state -

- (a) when Government recommended him to be appointed as Chairperson of the Board of the Mauritius Telecom, and
- (b) for the benefit of the House, obtain from the Mauritius Telecom, his terms and conditions of appointment.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, Government has, as the main shareholder, nominated Mr A. D. for appointment as Director and Chairperson of the Board of Mauritius Telecom. The Government's decision was conveyed to the Company Secretary on 04 December 2012.

In regard to part (b) of the question, I am advised the information on remuneration of Directors is not disclosed individually on the grounds of commercial sensitivity and confidentiality requirements. However, an aggregate of Director's fees is to be found in the Director's Annual Report and in the Financial Statements which are incorporated in the company's Annual Report. As regards remuneration policy, this is also laid down in the Annual Report of the company.

**Mr Bérenger:** Mr Speaker, Sir, can I ask the hon. Prime Minister whether Mr Asraf Dulull is still under investigation by the so-called Independent Commission Against Corruption or whether the ICAC has submitted a report on his case to the Director of Public Prosecutions and, if yes, on what date and what has happened to that report from the ICAC?

**Mr Speaker:** Before the hon. Prime Minister answers, I would like to refer the hon. Leader of the Opposition to Standing Order 22(1)(h), according to which it is not allowed to mention names.

*(Interruptions)*

Hon. Baloomoody, are you challenging me on the Standing Order 22(1)(h)?

*(Interruptions)*

I am referring it to you. I am on my feet. He can interpret Standing Order 22(1)(h). I am saying that no name should be mentioned and this, according to Standing Order 22(1)(h). This is my ruling.

**The Prime Minister:** Mr Speaker, Sir, I don't follow up what ICAC is doing or not doing. But there is what is called presumption of innocence. If it is found something is wrong, we will take the action that needs be.

*(Interruptions)*

**Mr Bhagwan:** Mr Speaker, Sir, can I ask the hon. Prime Minister to inform the House whether Mr Dulull, Mr D...

(*Interruptions*)

**Mr Speaker:** That is not proper. I have ruled.

**Mr Bhagwan:** Mr D.

**Mr Speaker:** But the hon. Member said the word.

**Mr Bhagwan:** Mr D., yes.

**Mr Speaker:** The hon. Member may proceed.

**Mr Bhagwan:** Mr D., ex-Minister, has been appointed just to campaign for the Municipal election and can he give the date of his appointment?

**The Prime Minister:** The hon. Member was not listening, I have mentioned. But he has not taken ...

(*Interruptions*)

*Twa to pas zourer twa! Quand mo mentionne certain nom to commence zourer ! Twa, sane là to commence zourer. Zotte peur quand mo mentionne nom.*

(*Interruptions*)

**Mr Speaker:** No cross-talking!

**The Prime Minister:** But he has not, in fact, taken his appointment. He is going to take it, I think, in the beginning of January.

**Mr Bhagwan:** Can I ask the hon. Prime Minister whether it will be in the public interest, in the interest of one and all - because we are paying our telephone bills and so on - to ask this person to declare his assets before assuming office?

**The Prime Minister:** Whatever the law says, he will do.

## **MUNICIPAL COUNCIL ELECTIONS 2012 – ALLEGED ELECTORAL BRIBERY**

**(No. B/716) 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 Municipal Council Elections held on 09 December 2012, he will, for the benefit of the House, obtain from the Electoral Commissioner, information as to if any complaint has been lodged therewith for alleged electoral bribery and, if so, indicate the number thereof, giving details thereof in each case.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to Parliamentary Question Nos. B/716 and B/720 at the same time as they relate more or less to the same issue.

I am informed by the Electoral Commissioner that there has been no complaint lodged with regard to alleged cases of election bribery in connection with the Municipal Council Elections 2012.

However, in a letter dated 03 November 2012, signed by hon. R. Bhagwan and hon. S. Obeegadoo, the MMM party complained to the Electoral Supervisory Commission of -

- (i) the ongoing recruitment by the Local Government Service Commission after Government has announced the holding of Local Government Elections before the end of the year, and
- (ii) the abusive use of Municipal Council vehicles by Mayors, and requested that appropriate regulations be made as a matter of urgency to make an Electoral Code of Conduct legally binding for the next Municipal Elections.

On 06 November 2012, the Electoral Supervisory Commission wrote to the Local Government Service Commission to find out -

- (i) whether recruitment of various personnel for Municipal Councils was ongoing;
- (ii) when the last recruitment had been effected, and when such decision to recruit had been made, and
- (iii) whether it proposed to effect further recruitment before the holding of the forthcoming Village Council Elections.

In a letter dated 07 November 2012, the Local Government Service Commission informed the Electoral Supervisory Commission that -

- (a) there had been no recruitment following the issue of the writ for the Village Council Elections on 01 November 2012;
- (b) that letters concerning recruitment/appointment/promotion, which had been issued by the Local Government Service Commission and which had not been acted upon by the Local Authorities, were recalled when the writ for Municipal Council Elections was issued on 06 November 2012, and
- (c) that the Local Government Service Commission would not effect any further recruitment until after the elections.

On 08 November 2012, hon. R. Bhagwan and hon. S. Obeegadoo were informed of the reply of the Local Government Service Commission. They were also informed that a Code of Conduct for the forthcoming Village Council and Municipal Council Elections was in preparation, and would include a section dealing with Municipalities and para-statal bodies.

The Electoral Supervisory Commission also drew their attention to the fact that it was not within its remit to give statutory sanctions to any breach of the Code in the absence of an appropriate legislation.

On 26 November 2012, following a request from hon. S. Obeegadoo, members of the Electoral Supervisory Commission and the Electoral Commissioner had a meeting with hon. R. Bhagwan and hon. S. Obeegadoo, as well as hon. S. Soodhun and hon. N. Bodha.

In the course of the meeting, complaints were voiced against -

- (i) coverage of the *Festival Creole* by the MBC;
- (ii) the use by the Mayor of Beau Bassin/Rose Hill of vehicles belonging to the Municipal Town Council;
- (iii) the late tarring of roads, and
- (iv) the recent guidelines issued by the IBA to private radio stations.

There was also a request for more space to be provided for the purpose of posting election materials in towns.

The Electoral Supervisory Commission asked the complainants to submit a letter detailing their grievances, so as to enable the Commission to pursue the matter further.

The complainants indicated that they would send a letter to the Electoral Supervisory Commission on the same day.

On 30 November 2012, the Electoral Supervisory Commission reminded the complainants, in writing, that they had not yet submitted the letter requested by the Commission.

This letter from the Electoral Supervisory Commission has remained unanswered so far.

**Mr Jhugroo:** Can the hon. Prime Minister confirm to the House whether there had been any complaint lodged at Eau Coulée Police Station on 08 December 2012 for alleged electoral bribery against a senior Minister, for distribution of macaroni, flour and rice in Curepipe on the eve of the Municipal elections and, if so, what action has been taken?

*(Interruptions)*

**The Prime Minister:** If the hon. Member had listened to my answer, he would have got the reply. The answer is no.

(*Interruptions*)

**Mr Bhagwan:** The hon. Prime Minister has mentioned a code of conduct. Everybody knows that this code of conduct is a *bouledogue sans dents*. Can the hon. Prime Minister inform the House whether he is contemplating to bring legislation to prevent such abuses as the Labour Party has been doing?

**The Prime Minister:** Well, I can give many examples of what the MMM and especially the MSM has done, with bags of money from house to house...

(*Interruptions*)

Hon. Bodha...

(*Interruptions*)

I am saying hon. Bodha...

(*Interruptions*)

Mr Pradeep Jeeha...

(*Interruptions*)

I know!

(*Interruptions*)

There are photographs! Don't worry!

(*Interruptions*)

Don't try to be on one side...

(*Interruptions*)

You don't know what these people are!

(*Interruptions*)

But a code of conduct will be good...

(*Interruptions*)

**Mr Jugnauth:** Does the hon. Prime Minister find it in order that, on the eve of the Municipal elections, a number of roads have been tarred, namely by Gamma Civic contractor, for example, at Rue Willoughby, Curepipe, and Cité La Caverne? Does the hon. Prime Minister find that to be in order?

(*Interruptions*)

**The Prime Minister:** Mr Speaker, Sir, I would like the hon. Member to understand. Everything that has been done was before the writ was issued. No...

*(Interruptions)*

But once the work order has been issued, do they stop? If the election is for six months, we don't do anything?

*(Interruptions)*

No, when the writ was issued, no contract was given to anyone to tar roads.

*(Interruptions)*

But what has been done before, they have to do the work!

*(Interruptions)*

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

*(Interruptions)*

Hon. Uteem, put your question!

**Mr Uteem:** May I ask the hon. Prime Minister, out of all the complaints made to the Electoral Commissioner, whether the Electoral Commissioner has referred any case to the Police for enquiry?

**The Prime Minister:** The hon. Member said all the complaints. I have just mentioned that there are not that many complaints. I think I mentioned what the complaints were. There were four. I cannot go and tell the Electoral Commissioner to go to the Police. They will do what they have to.

*(Interruptions)*

**Mr Speaker:** Next question!

#### **ELECTIONS - IDENTITY CARD**

**(No. B/717) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to elections, he will state if he will consider amending the relevant legislations with a view to making it mandatory for voters to produce their respective Identity Card to ascertain their identity before being allowed to vote.

**The Prime Minister:** Mr Speaker, Sir, I wish to assure the House that Government will come up with appropriate amendments to the existing legislation to make it mandatory for voters to produce their respective Identity Card at the time of voting.

An important step has already been taken in that direction. As a matter of fact, Regulation 31 of both the Municipal City Council and Municipal Town Council Elections Regulations 2012 and the Village Council Elections Regulations 2012 already provide that every voter desiring to record his vote shall state his name and produce, when required by the Presiding Officer, his National Identity Card or such other document bearing his photograph, as may be approved by the Electoral Supervisory Commission.

Mr Speaker, Sir, many countries of the world face challenges of ascertaining the identity of eligible voters at polling stations and ensuring that only registered individuals vote.

The international practice is for countries to make it mandatory for voters to produce a proof of identification.

It has not been made mandatory so far for an elector to produce his Identity Card at the time of voting in Mauritius, as the existing National Identity Card which was issued in 1986 has major flaws. It can easily be tampered with, and it does not allow several levels of verification and authentication of the card holder. This type of card is generally no longer used for identification purposes across the world.

Mr Speaker, Sir, as hon. Members know, Government has decided to replace the National Identity (NID) Card with a new Smart Identity Card, which will have several levels of security features.

**Mr Speaker:** Time is over! I suspend the sitting for one and a half hours.

*At 12.55 p.m. the sitting was suspended.*

*On resuming at 2.37 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** Hon. Members, the Table has been advised that Parliamentary Question Nos. B/728 will be replied by the hon. Minister of Education and Human Resources, B/735 and B/746 have been withdrawn, B/737 will be replied by the hon. Vice-Prime Minister, Minister of Finance and Economic Development.

#### ***FEDERATION CANINE CENTRALE /MSPCA - CONFLICT OF INTEREST***

**(No. B/724) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Agro-Industry and Food Security whether, in regard to the *Fédération Canine Centrale* and the Mauritius Society for the Prevention of Cruelty to Animals, he will state if there is any issue of conflict of interest between the two and if so, if an inquiry has been carried out in relation thereto, indicating the outcome thereof.

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am informed that in 2010, ICAC conducted an inquiry into a case of alleged conflict of interest between the Mauritius Society for the Prevention of Cruelty to Animals (MSPCA) and the *Fédération Canine Centrale (FCC)* and the investigation therein revealed no case of corruption nor any conflict of interest under the Prevention of Corruption Act 2002 (PoCA).

I am also informed that three members of the FCC are also members of the MSPCA Council. In this regard, I am advised by the State Law Office that dual membership of some members in the Mauritius Society for the Prevention of Cruelty to Animals (MSPCA) and the *Fédération Canine Centrale (FCC)* at the same time *per se*, does not raise any issue of conflict of interest.

Mr Deputy Speaker, Sir, the Act which governs the functioning of the MSPCA dates back to 1971. My Ministry is currently reviewing all legislations on animal welfare, control and the role of NGOs to provide, among others, appropriate mechanisms to ensure good governance.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the hon. Minister has just said that there is no conflict of interest. Can the hon. Minister say whether, as at today, the Chairperson, the vice-Chairperson, the Treasurer, the Assistant Secretary and another member, they are equally members of the *Fédération Canine Centrale*? When the MSPCA organises its dog show, those who want to participate, they have compulsorily to become a member of the FCC first, then they are allowed to participate in the dog show, otherwise they are not allowed. Doesn't the hon. Minister consider this as being conflict of interest?

**Mr Faugoo:** On the first issue, Mr Deputy Speaker, Sir, I am told that this has been checked from the Registrar of Association that only three persons who are members of the FCC are also members of the MSPCA Council. These members are Mr Ghurburrun, Mrs Jennu Zahir and Mr Avinash Jeeloll. They do not form part of either the President or Vice-President of the MSPCA.

Secondly, as I have said, following a PQ put by the hon. Member, back in 2009, there was an enquiry which was conducted by ICAC. They have found that there is no conflict of interest. Mr Speaker, Sir, the MSPCA has collaborated as far as dog shows are concerned with FCC.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, there is a question of public funds being involved because when participants take part in the dog show or in the pet show, they have to

contribute. When they contribute, this money has to go to the MSPCA. But what is asked of the participants is that they have to compulsorily become a member of the FCC, otherwise they are not allowed to participate. Can the hon. Minister say what has been done on this score to correct this anomaly?

**Mr Faugoo:** Mr Deputy Speaker, Sir, I do not hold this information. I do not have any evidence of what the hon. Member is saying. If she does have any evidence to that effect, she is free. I have said it last time in 2009, before the ICAC's inquiry, that as a responsible Member of Parliament and as a citizen of this country, she should take the evidence that she holds and go to ICAC or to the Police. It is so simple. I do not have that evidence. It is not just because of her saying it here, under parliamentary immunity, that I should go and rush and do things that I should not be doing.

**Mrs Hanoomanjee:** Does not then the hon. Minister think that, as Minister responsible for the MSPCA, it is his duty also to go into details and find out what is happening?

**Mr Faugoo:** There has been an inquiry by the ICAC. What does the hon. Member wants now, a Commission of Enquiry? There has been exactly on the allegations that the hon. Member has made back in 2009 an independent inquiry by ICAC. I have conducted by own inquiry. I do not have any evidence of what the hon. Member is saying. If the hon. Member does have any evidence, she should act.

**Mrs Hanoomanjee:** Can the hon. Minister say whether he has received a request for official recognition of the FCC and whether he has given his approval for this?

**Mr Faugoo:** I am not aware if we have received any request for approval or recognition. But what I can say, as a matter of fact, is that the FCC is not recognised neither by the MSPCA as an institution to deal with certain matters as far as welfare of dogs is concerned nor is it recognised by my Ministry. I have no intention to do so.

**Mrs Hanoomanjee:** Is the hon. Minister aware that in an interview given to a daily paper, one of the officers of the MSPCA has confirmed that there has been a request made by the FCC, which has been transmitted to the Ministry, for recognition of the FCC since three years back and, up to now, there has been no reply?

**Mr Faugoo:** I cannot answer for any officer of the MSPCA and still less for what has been put in the paper.

**(No. B/725) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Tourism and Leisure whether, in regard to the Brazilian dancers who performed at the carnival in the context of the shopping fiesta, he will state the names thereof, indicating the procedures followed for the selection thereof.

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I have been informed by the Mauritius Tourism Promotion Authority (MTPA) that the *Carnaval de Brazil* comprised 31 performers. I am tabling the list.

Regarding their selection, I am informed that the MTPA had established contacts with two renowned groups from Brazil, namely: Pier Carioco Brazilian Group and Global Marketing and Eventos, both of which are involved in the organisation of the famous annual Rio Carnival and which quoted the following rates –

- (a) Pier Carioco Brazilian Group - USD 193,333 (i.e. approximately Rs5.8 m);
- (b) Global Marketing and Eventos - USD 20,000 (i.e. approximately Rs623,000)

The Board of the MTPA approved the quotation of the Global Marketing and Eventos, which was the most responsive and competitive offer. The Global Marketing and Eventos with its network with the main TV Channels and anchors together with the participation of Miss Brazil, enabled Mauritius to benefit from extensive TV coverage in Brazil and in other countries.

Mr Deputy Speaker, Sir, it would be opportune for me to emphasise that in terms of visibility, the Carnival was a resounding success and enhanced the image of Mauritius as a destination of choice for tourists.

The event was covered by 86 foreign journalists from 14 countries, including United Kingdom, France, India, Russia, China and Brazil, and Mauritius made the headlights of various international press and media during the holding of the Carnival. The media fall out of the Carnival in our tourist markets, as compiled by our PR representatives amounted to Rs389.5 m. which is equivalent to the total annual budget of the MTPA. I am also tabling a copy of the media fall out.

In fact, Mr Deputy Speaker, Sir, the event constituted the most intense international media coverage the destination ever experienced.

**Mr Jhugroo:** Can the hon. Minister inform the House how much money has been spent on these Brazilian dancers during their last visit in terms of air tickets, accommodation and gratification?

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, in fact, I have already answered the question on PQ B/540, but I don't mind to give the details. Concerning air tickets and taxes: Rs1.2 m. For accommodation, we have received sponsorship from La Pirogue Hotel. However, there is also an amount of Rs525,000 that has been paid.

**Mr Jhugroo:** Can the hon. Minister confirm to the House whether there were *travestis* among these Brazilian dancers and, if so, was he aware before they came to Mauritius?

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, I am not aware, but next time maybe I will ask him to come and check.

(*Interruptions*)

**The Deputy Speaker:** Hon. Bhagwan, please go ahead!

(*Interruptions*)

**Mr Bhagwan:** Can I know ...

(*Interruptions*)

**The Deputy Speaker:** Silence please!

(*Interruptions*)

I want some silence in the House! Yes, hon. Bhagwan.

**Mr Bhagwan:** Can I know from the hon. Minister whether following this *carnaval*, the MTPA has issued annual calendars for 2013 with Mauritian personalities and the Brazilian dancers and whether these have been circulated around the world.

**Mr Yeung Sik Yuen:** In fact, we have got media coverage; I have just said that I will table it. I am not aware of any calendars.

(*Interruptions*)

**Mr Jhugroo:** Is the hon. Minister confirming to this House that there were no *travestis* in the delegation?

**Mr Yeung Sik Yuen:** I have answered the question. Next time, I will ask the hon. Member to come and check.

(*Interruptions*)

**The Deputy Speaker:** Please hon. Jhugroo!

(*Interruptions*)

Hon. Jhugroo, please go ahead with your question! Hon. Jhugroo!

(*Interruptions*)

Order! Yes, hon. Jugnauth.

**Mr Jugnauth:** Is the hon. Minister satisfied ...

(*Interruptions*)

**The Deputy Speaker:** I am sorry; I want some silence in the House. I allow the hon. Member to set his question so that the hon. Minister can answer. Please hon. Jugnauth!

**Mr Jugnauth:** Is the hon. Minister satisfied with the way that this whole *carnaval* was organised at Flic en Flac with regard ...

(*Interruptions*)

Let him reply! It was excellent, I know for you!

... with regard to the traffic jam that was caused on that day from the early hours till very late causing a number of problems to not only all the business in the vicinity, but to ...

(*Interruptions*)

**The Deputy Speaker:** Hon. Jhugroo, you have already asked your question, allow hon. Jugnauth to ask his question now.

**Mr Jugnauth:** ... all the inhabitants of Flic en Flac?

**Mr Yeung Sik Yuen:** Well, Mr Deputy Speaker, Sir, in fact, the event was a great success. I do agree that there was a problem of traffic. However, let's compare it with the 'Soul of the World'. My predecessor spent Rs14 m. and the visibility of Mauritius was zero.

(*Interruptions*)

**The Deputy Speaker:** Next question! Sorry, the hon. Minister is not present in the House to answer Parliamentary Question No. B/726. So, we proceed with P.Q. No. B/727.

#### **CONSTITUENCY NO. 14 – BUS SERVICE**

**(No. B/727) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Baie du Cap, Choisy, Le Morne, La Galette, Case Noyale, Chamarel, Rivière Noire and Tamarin, he will state if he has been informed of the difficulties faced by the inhabitants residing thereat and in the vicinity thereof to have access to public transport to carry out their daily activities, including going to work and school, for shopping, attend to personal business, health facilities, further education and leisure, and if so, indicate the remedial measures, if any, that have been or will be taken in relation thereto.

**The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, I am informed by the National Transport Authority that complaints are occasionally received from inhabitants residing along Route 5, Quatre Bornes/Baie du Cap which is served by Perle de la Savanne Co. Ltd and the Bus Owners Cooperative Society of Quatre Bornes. Twenty buses operate along that route.

The complaints are about delays and failure to observe the time table. For the year 2012, 28 contraventions have been established on Route No. 5.

Complaints have also been received from inhabitants residing along Route 243 – Quatre Bornes to Chamarel via Case Noyale. The route was formerly being served by Perle de la Savanne only. However, last year, following complaints made to me by inhabitants of Chamarel about the frequent breakdown of buses and the fact that no other buses were available to replace them, I personally requested the NTC to allow two 40-seater buses to operate along that route. The service started on 18 June 2011. An additional service is being provided by the NTC between Chamarel and Rivière Noire, near London supermarket, throughout the whole day, on an hourly basis between 16.00 hrs and 18.00 hrs with a 35-seater bus.

The region is additionally being served by the NTC along Route 119, Black River to Port Louis via Tamarin, Bambous and Petite Rivière.

Route 58 which is operated by the Bus Owners Cooperative Society of Quatre Bornes is a circular route connecting Chamarel, Case Noyale, Rivière Noire, La Galette, Le Morne Brabant, Le Morne Village, Baie du Cap, Choisy and Chamarel. Two buses operate along that route and eight trips are performed daily between 5.50 a.m. and 5.15 p.m.

This service was introduced since 28 July 2011 with a view to facilitating commuters of Chamarel to have access to buses which proceed towards Quatre Bornes and Port Louis.

School and short services are also being provided to cater to the needs of the inhabitants.

Mr Deputy Speaker, Sir, I am informed that the National Transport Authority is monitoring the situation and defaulters are being punished.

**Mrs Radegonde:** Mr Deputy Speaker, Sir, I understand from the inhabitants of these regions that the buses run on erratic timetable. The problem that they face concerns the bus stop at Rivière Noire. I would like to ask whether consideration can be given for buses that run from Chamarel to end their journey at the bus station in Rivière Noire to extend to Bambous so that

passengers who need a bus connection to other parts of the island are able to make that connection. And as concerns the bus from Choisy during peak hours, I would also like to ask that during peak hours in the morning and after school hours, buses that end their journey at the bus station in Rivière des Galets to extend their journey to Choisy so that they can facilitate the passengers to reach their respective places.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I will not be in a position to give an affirmative answer. However, I am going to hand over the request of the hon. Member to the NTA.

**Mrs Hanoomanjee:** Can the hon. Minister say whether he can give due consideration to the request from inhabitants for a bus line to run from Rivière Noire to Quatre Bornes during peak hours since there are many students who travel from Rivière Noire to Quatre Bornes and they are every day being late either to school or they come back very late in the evening?

**Mr Bachoo:** I have taken note of the request of the hon. Member and I will look into the issue.

**Mr Ganoo:** I have noted that he has mentioned the fact that the Officers of the NTA have been very active and have booked operators for contraventions. May I ask him whether he is aware that there is still a complaint that there should be better monitoring and control by the NTA so that the operators abide by the time table and this is the cause of a lot of disruption which is causing hardship to the passengers?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I can give assurance to the House. In fact, we have established 28 contraventions in one particular route. I am going to request them to continue the inspection work and there have been other complaints which I have already received and the NTA is monitoring the situation. I can assure the hon. Member.

**Mr Ganoo:** Can the hon. Minister also see to it whether he has received any complaint that there are illegal vans early in the morning which start operating at Baie du Cap and they are also a cause of the disruption in the harmony of the time table. Has he received complaints to that effect?

**Mr Bachoo:** Mr Deputy Speaker, Sir, these complaints have already been directed towards the Commissioner of Police, and we have received not only in that region, but even from Quatre Bornes to Baie du Cap also where there have been many illegal operations going on. We have already requested the Police to look into the issue.

**Mr Jugnauth:** Is the hon. Minister aware that not only there, but island wide there has been a number of complaints by students and old age people, but especially students, whereby the buses do not, in fact, stop to pick them up and they attend their school late? That is causing a number of inconveniences, especially to the students.

**Mr Bachoo:** Mr Deputy Speaker, Sir, this is a different question, but I can assure the hon. Member that I am monitoring it; the work is being conducted and very often our officers are also visiting the secondary and the primary schools in order to get the support of the institutions in order to regulate the matter. But I can assure the hon. Member that we are looking into the issue.

**The Deputy Speaker:** We go back to PQ No. B/726. Hon. Mrs Labelle!

#### **NGOs & FOUNDATIONS - CSR ACTIVITIES - FOREIGNERS**

**(No. B/726) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the foreigners employed by the Non-Governmental Organisations and by the Foundations engaged in Corporate Social Responsibility activities in Mauritius, he will state the number of work permits issued thereto, since 2010 to date.

**Mr Mohamed:** Thank you, Mr Deputy Speaker, Sir. I apologise, I was not here earlier on.

Mr Deputy Speaker, Sir, since January 2010 to 17 December 2012, 114 work permits have been issued to foreigners employed by 13 Non-Governmental Organisations engaged in Corporate Social Responsibility activities in Mauritius and which have been credited by the National Corporate Social Responsibility Committee.

There is no record at the Employment Division indicating that work permits have been issued to expatriates employed by Foundations engaged in Corporate Social Responsibility activities in Mauritius.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister has mentioned that there is no record regarding Foundations. Some foreigners set up companies and it is these companies which enter into contract with these Foundations. May I ask the hon. Minister whether this state of affairs has been brought to his notice and whether his Ministry has investigated into the issue?

**Mr Mohamed:** I must admit that such situations have not been brought to my attention and the first time that I am listening to this is when the hon. Member is saying it. However, I have been given some additional information a few minutes ago. Basically, there is the

Mauritius Wildlife Foundation. I am sure that is not one of the issues that the hon. Member is referring to, as far as Foundations are concerned, and this organisation has 20 local workers in employment registered with the NPF.

Then, there is another organisation called PAWS. This one is for the protection of animals, Non-Governmental, Corporate Social Responsibility organisation and is not exempted from payment of work permit fees.

However, should the hon. Member have information that we can work on together, she should feel free to come and see me, and I will do my utmost to assist.

**Mrs Labelle:** A last question, with your permission, Mr Deputy Speaker, Sir. May we know how many of these permits have been issued through the BOI?

**Mr Mohamed:** I can only tell the hon. Member what I issue and I would not have the figures of what is issued by any other organisations such as the BOI. As I have said, should the hon. Member want additional information with regard to the BOI, there are two options: one, the Minister concerned, otherwise, I could enquire and I would gladly communicate it to the hon. Member.

#### **SAVANNE & BLACK RIVER - PRE-JOB TRAINING SCHEME**

**(No. B/728) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Pre-Job Training Scheme, he will state the -

- (a) number of persons residing in Constituency No. 14, Savanne and Black River, who have been trained thereunder;
- (b) names of the companies and of the hotels which have adopted same;
- (c) number of persons trained thereunder who have secured employment thereafter, and
- (d) overall cost thereof.

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** Mr Deputy Speaker, Sir, with your permission, I will reply to this Parliamentary question.

The Pre-Job Training initiative launched in November 2011 involves a number of institutions namely the Human Resource Development Council, the National Empowerment Foundation, the Mauritius Employers' Federation. The HRDC is responsible for part financing of this training expense as well as part of the payment of stipend during the training period.

In these circumstances, being given that only the HRDC falls under my responsibility, I have gathered, in fact, information from the NEF to reply to the question and with regard to information sought by the hon. Member in parts (a), (b) and (c), after liaising with the National Empowerment Foundation. I am arranging to lay on the Table of the National Assembly details of persons who have been trained/placed in jobs and residing in the Savanne and Black River District Council areas.

I am further depositing on the Table of the National Assembly details furnished by the HRDC in respect of training and placement for the same areas.

It is necessary, Mr Deputy Speaker, Sir, to point out that a database is constituted at national level. However, it is only possible to retrieve information recorded at district level and not at constituency level. The data I have submitted is for the District of Savanne and Black River.

**Mrs Hanoomanjee:** Can I ask the hon. Minister, after the training has been completed, what is being done by his Ministry to ensure that those who have been trained in the locality, they are those who obtain employment in the hotels of the locality?

**Dr. Bunwaree:** Yes, I understand the point raised. In fact, it is a very pertinent point. The HRDC does some follow-up, the NEF also. I can assure that the best chances are given to those who have already been trained to get employment.

***CENTRE TECHNIQUE NATIONAL FRANÇOIS BLAQUART - DIRECTOR***

**(No. B/729) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to *Centre Technique National François Blaquart*, he will -

- (a) for the benefit of the House, obtain information as to -
  - (i) the name of the director thereof, indicating his scheme of duties, and
  - (ii) a breakdown of the income and expenditure thereof for period January 2012 to date, and
- (b) state the budget allocated by his Ministry for financial year 2012.

**Mr Ritoo:** Mr Deputy Speaker, Sir, I have to inform the House that the “*Centre National de Formation de Football*” now known as “*Centre Technique National François Blaquart*” was

set up in the early nineties with a view to providing training to elite football players of under 17 and 19 years of age.

The Centre was at that time managed by a “*Comité de Gestion*” presided by Mr Vincent Rogers and subsequently by Mr Jacques Mallié and Mr Sydney Adelson. The activities of the Centre were funded partly by my Ministry and the rest from sponsors.

Mr Deputy Speaker, Sir, after the Indian Ocean Island Games 2003, the activities of the Centre were reduced drastically.

When I took office as Minister, I revamped the activities of the Centre. The Centre was renamed “*Centre Technique National François Blaquart*” and its management was entrusted to the “*Fondation pour la Formation de Football*” represented by Mr Vincent Rogers. The “*Fondation*” is supposed to be self financing through the CSR money.

As regards part (a) (i) of the question there is no Director as such. However, the overall responsibility for training at the Centre is entrusted to the National Technical Director. But pending the appointment of a new National Technical Director, the Officer in Charge who is also the Regional Sports Facilitator of Moka Region, is coordinating the technical aspect of the Centre. All maintenance works relating to the infrastructure of the Centre are under the responsibility of the Mauritius Sports Council. The question of schedule of duties of the Director, therefore, does not arise.

Regarding part (a) (ii) of the question, I have requested the “*Fondation*” to compile the information and make it available as soon as possible. On receipt of same, it will be placed in the Library of the National Assembly.

As for part (b) of the question, no funding is provided to the “*Fondation*” by my Ministry.

**Mr Quirin:** M. le président, le ministre avait engagé des discussions avec la MFA pour revoir tout le fonctionnement du Centre. Est-ce qu'il peut nous dire quelles sont les décisions qui ont été prises et appliquées à ce jour?

**Mr Ritoo:** Mr Deputy Speaker, Sir, in fact, we had discussions with the Mauritius Football Association regarding the functioning of the *Centre* but, in the meantime, the Mauritius Football Association decided to have a new National Technical Director, I mean a local DTN. We are waiting for the nomination of the local DTN so that we can come up with new arrangements at the Centre.

**Mr Quirin:** M. le président, le ministre est-il au courant qu'à un certain moment les joueurs du Centre Technique National eux-mêmes avaient dû assurer les frais de certains de leurs équipements tels que les chaussures? Est-ce que le ministre peut nous dire ce qu'il en pense de ça?

**Mr Ritoo:** Mr Deputy Speaker, Sir, in fact I am very surprised as to where the hon. Member gets all this information. If there is a lack of shoes, they should come to me; lack of transport, they should come to me, lack of equipment and lack of food, they should come to the Ministry. But so far, I have not received any such requests.

**Mr Quirin:** M. le président, je pense que le Parlement est le lieu approprié pour poser les questions au ministre.

*(Interruptions)*

Le ministre peut-il, M. le président, indiquer à la Chambre s'il a déjà donné son aval à la MFA dans le choix du prochain DTN?

**Mr Ritoo:** M. le président, en ce qui concerne le DTN, c'est la fédération qui a fait une demande et qui, je crois, avait décidé subitement de changer de DTN et de faire appel à un DTN local. Donc, ils ont fait appel de candidatures au niveau des techniciens qui sont disponibles. Ils ont *short-listed* trois techniciens et là, on attend toujours le choix final de la fédération et nous, au niveau du ministère, on attend.

#### CONSTITUENCY NO. 20 – HOUSES - CONSTRUCTION

**(No. B/730) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Housing and Lands whether, in regard to the Constituency No. 20, Beau Bassin and Petite Rivière, he will state if any project for the construction of houses for low and middle income groups has been earmarked for implementation in the near future, and, if so, give details thereof.

**Dr. Kasenally:** Mr Deputy Speaker Sir, I wish to mention at the very outset that housing projects are not implemented on a constituency-wise basis. So far, in the region of Beau Bassin/Petite Rivière, four housing projects for the low and middle income groups have been earmarked for implementation -

At Chebel some 73 housing units comprising 55 units of 39m<sup>2</sup> and 18 units of 57m<sup>2</sup> will be constructed over an extent of 5A38. Construction works are expected to start in mid 2013 and

the expected completion date is early 2015. This project forms part of a group of projects over six sites including Chebel. The other sites are Camp Ithier, Pte aux Piments, Quatre Cocos, Sebastopol and Beau Bois at the cost of Rs833m. Household drawing an income between Rs6,200 – Rs15,000 will benefit from this project.

Mr Deputy Speaker, Sir, a total of 347 housing units will be constructed on 24 existing NHDC housing estates across the island on available vacant plots of State land. The total cost of this project is estimated at Rs303m. At Chebel, some 20 additional housing units of 39m<sup>2</sup> will be provided in the existing Firinga 2 (14 housing units) and Firinga 4 (6 housing units) NHDC Housing Estates. Construction works are expected to start by early 2013 and completed by mid 2014. Household drawing an income between Rs6,200 – Rs10,000 will benefit from this project.

Mr Deputy Speaker Sir, furthermore, at Gros Cailloux, the National Empowerment Foundation (NEF) is implementing a housing project on State land of an extent of 4A24. Some 59 housing units of 33m<sup>2</sup> will be constructed. Household drawing an income less than Rs6,200 will benefit from this project.

Mr Deputy Speaker Sir, under the Housing Development Trust Scheme, land of an extent of 5A76 at Gros Cailloux has been earmarked for the construction of some 75 housing units by the MCCI Foundation. Household drawing an income less than Rs6,200 will benefit from this project.

**Mr Quirin:** M. le président, l'honorable ministre du logement peut-il nous indiquer le nombre de demandes que la NHDC a reçu à ce jour venant des habitants de la circonscription Beau Bassin/Petite Rivière?

**Dr. Kasenally:** I don't have the exact number, but there is a high demand and as you can see Chebel has been particularly favoured in view of the fact of a demand which is relatively higher from this region than other parts of this country. If the hon. Member has any problem, he is always invited to come...

*(Interruptions)*

...to my Ministry where information is provided to everybody.

**Mr Quirin:** M. le président, l'honorable ministre peut-il nous donner le nombre de maisons qui ont été construites par la NHDC dans la circonscription de 2005 à ce jour ?

**Dr. Kasenally:** I do not have the exact number, but it has been a substantial number. In fact, Chebel has been particularly favoured in that.

**Mr Bhagwan :** Can I ask the hon. Minister to make a correction? Every time the present hon. Minister - even the one before - made mention of Gros Cailloux; it is not Gros Cailloux. The houses which are being built are at Petite Rivi  re. There is a mistake somewhere in the file. Can I ask the hon. Minister to correct that? In the public perception, the public of Gros Cailloux will tend to believe that the houses are being constructed for them whereas it is not the case. The houses which are being built are situated at Petite Rivi  re.

**Dr. Kasenally:** I will ask the hon. Member to come to my Ministry to...

*(Interruptions)*

enlighten my officers who made that and we can all learn about it because they have always mentioned Gros Cailloux.

### **PETROLEUM HUB - PROJECT**

**(No. B/731) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the project for the development of Mauritius into a petroleum hub, he will state –

- (a) if a prior study was carried out in relation thereto and, if so, indicate
  - (i) when and
  - (ii) the names of the consultants therefor and
- (b) how and why the site of Pointe aux Caves was chosen to house the facility in connection therewith.

**Mr Sayed-Hossen:** Mr Deputy Speaker, Sir, I wish to inform the House that according to the State Trading Corporation, in 2012 Mauritius will be importing about 1,345,000 tons of petroleum products or 15 % more than last year. The increase is mainly due to growing demand for bunker fuel, aviation fuel and heavy oils. It is expected that double digit growth percentages in the coming years for these products is quite likely. On the other hand, demand for automotive fuels Mogas and Gasoil is expected to continue growing by 4% to 5% a year.

Moreover, in recent years, the Port Louis Harbour has shown a marked potential to emerge as an important bunkering station. This is being influenced to a large extent by external factors such as geography, growing South-South trade and as well as piracy threats in the northern parts of the Indian Ocean.

Bunker sales, to vessels passing by and calling at Port Louis for re-fuelling have evolved as follows-

2009:	225,000 tonnes
2010:	236,000 tonnes (+ 5%)
2011:	285,000 tonnes (+ 21%)
2012:	Estimated 320,000 tonnes (+ 12%)

However, further growth in the sale of bunker fuels is limited by limited availability of supply which is itself restricted by storage capacity for additional imports. Many vessels which would have stopped in Port Louis simply do not do so knowing that there is not enough stock to meet their demand on a regular basis.

This market is highly competitive. The success of our own operation in the wake of the newly positioned bunkering barges in 2011 and 2012 clearly demonstrates that Port Louis has an advantage over competing ports such as Singapore and Durban despite the fact that Port Louis does not have a refinery nearby and our products are subject to the cost of freight from Mangalore.

Given the circumstances and the fact that there is a growing need for petroleum products not only for bunkering purposes, but also for local consumption, Government has agreed to the setting up of a High-Level Committee to assess the possibility of developing Mauritius into a petroleum hub and to transform the petroleum industry into a national pillar of the economy.

Mr Deputy Speaker, Sir, the Committee was chaired by the hon. Vice Prime Minister and Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping and the other two members were the hon. Minister of Education and Human Resources and myself.

During the various meetings held, representatives of the following Ministries and agencies have been consulted –

- (a) External Affairs Division of the Prime Minister's Office;
- (b) Ministry of Energy and Public Utilities;
- (c) Ministry of Finance and Economic Development;
- (d) Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping;
- (e) Ministry of Housing and Lands;
- (f) Ministry of Local Government and Outer Islands;

- (g) Mauritius Ports Authority, and
- (h) State Trading Corporation.

The Committee members had discussions with the relevant stakeholders regarding the various strategies for the development of Mauritius into a petroleum hub. Consequently, it was agreed that to meet the medium to long term requirements of the country, an oil terminal of approximately 160,000 tonne capacity would need to be constructed to start with and the land requirement for the project would be around 35 *arpents*. Moreover, to service the oil terminal, a jetty would need to be built for the unloading of the petroleum products close to the shoreline where a draft of at least 16 metres can be attained within a short distance.

Government approved the recommendations made by the High-Level Committee on 05 October 2012 and agreed to the Board of Investment being entrusted with the responsibility of securing and providing consultancy services with a view to identifying and selecting promoters to advise us on the design, construction, financing and operation of a petroleum terminal with the necessary jetty facilities.

Mr Deputy Speaker, Sir, I wish to inform the House as follows -

Procedures have already started for the construction of storage facilities for mogas and gasoil of a capacity of 25,000 metric tons to cater for the increase in local demand and allow a buffer stock of at least 30 days.

With regard to part (a) of the question, a combined request for proposal to secure transaction advisory services for a petroleum pier and storage facilities has been prepared by the Ministry of Finance and Economic Development, and will be launched shortly.

The Board of Investment, in collaboration with the STC, will be carrying out a market study on the bunkering potential.

With regard to part (b) of the question, Pointe aux Caves has been tentatively earmarked for this project due to the fact that it is by the sea, as well as the availability of land nearby to develop such a project. The sea and wind conditions prevailing in that region are also favourable for accommodating sea vessels having a draft level requirement of approximately 16 metres.

The recommendations of the market study and the report of the transaction advisers who would be working on this project will provide for more clarity with regard to both the feasibility of the project and the site selection for this development.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, the hon. Minister is stating that studies are ongoing. May I ask him why the site of Pointe aux Caves has been selected? Is it because of the CT Power Project?

**Mr Sayed-Hossen:** Mr Deputy Speaker, Sir, there is no relation between the CT Power Project and the Petroleum Hub Project. I just mentioned in my reply that tentatively we have earmarked the Pointe aux Caves region because of the availability of land, because of the fact that it is by the sea and because of the fact that, according to the Mauritius Ports Authority reports, the availability of a draft of 16 metres very close to the shore is present at Pointe aux Caves.

**Mr Lesjongard:** May I ask the hon. Minister whether Pointe aux Caves is the only region that has been selected? Is there any other region around that coastline where we have such specifications for building a jetty?

**Mr Sayed-Hossen:** Mr Deputy Speaker, Sir, there could be other regions. I just said in my answer that we are waiting for the studies not only to assess the feasibility of the project, but also to finalise the site selection for this development. I just said that in my reply.

**Mr Bérenger:** What is not clear is that the hon. Minister told us that the High-Level Committee, chaired by the Vice-Prime Minister and Minister of Public Infrastructure, made recommendations, and he gave the date on which Cabinet approved those recommendations. Now, the Ministry of Finance, from what I have understood, is preparing a kind of tender for a transaction adviser, for a consultant.

Can I know whether the consultant, the transaction adviser will be for implementation of the recommendations already approved by Government or will the consultant, the transaction adviser review those recommendations, have a holistic view of things and make recommendations?

**Mr Sayed-Hossen:** If you allow me, Mr Deputy Speaker, Sir, I will read just a few lines from the recommendations of the committee to appoint a consultant, that is, the transaction adviser, with the following terms of reference -

- (i) to prepare a feasibility study, preliminary design and performance specification for the construction of storage tanks etc;
- (ii) to carry out all studies and investigations such as Environment Impact Assessment, geotechnical survey among others;

- (iii) to prepare documents for pre-qualification;
- (iv) to assist in the evaluation of bids, and
- (v) after the pre-qualification exercise, to prepare the tender documents and to supervise the project till completion and commissioning.

What I mean by that, Mr Deputy Speaker, Sir, is that the recommendation of the High-Powered Committee was to appoint transaction advisers to carry out studies because this is a big project. This is a project which is not going to cost only a few million rupees. It is estimated at this moment in time that it will cost around Rs3 to Rs3.5 billion. So, all these precautions are being taken, and the recommendation was that Government approves that we launch request for proposals to appoint consultants to the effect that I have just mentioned.

**Mr Jugnauth:** May I know from the hon. Minister which other sites are being considered with regard to the study that he has just mentioned?

**Mr Sayed-Hossen:** I cannot know what the sites are. It is not up to me or up to any member of the committee to decide on the site. It will be up to the experts and consultants, who will recommend possible sites.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, I refer the hon. Minister to the communiqué issued by Cabinet on 05 October. It is clearly stated that with regard to the loading and unloading of petroleum products, the site would be put up in the region of Pointe aux Caves to meet the increasing demand of petroleum products and for export in the region. Nowhere is it mentioned that tentatively that site has been chosen.

**Mr Sayed-Hossen:** Mr Deputy Speaker, Sir, again as I said in my reply, according to the reports that we have received from the Mauritius Ports Authority, in the region here, the only site that seems to be feasible is the Pointe aux Caves site. Now, we will wait for the reports of the geotechnical surveys to see whether there would be any other site.

### **JIN FEI PROJECT – FDI, JOBS & GOVT. INVESTMENT**

**(No. B/732) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Jin Fei Project at Riche Terre, he will state the -

- (a) amount of Foreign Direct Investments injected therein;

- (b) number of jobs created for the Mauritian nationals, and
- (c) amount of money invested by government in terms of -
  - (i) road infrastructure;
  - (ii) drains;
  - (ii) sewerage, and
  - (iv) water infrastructure and network, giving details thereof in each case.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I am informed by the Board of Investment that as at date the Jin Fei project has attracted a total of about Rs1.7 billion in terms of Foreign Direct Investment.

Of the 211 hectares of land leased to Jin Fei and excluding land used for roads and other infrastructure, some 172 hectares are available for commercial development.

Of these 172 hectares, some four hectares have been or are presently being developed by the promoters and/or their sub-lessees, and expressions of interest on another 84 hectares have been received.

Projects being undertaken at present represent a total investment of Rs1.2 billion. This is in addition to an investment of Rs575 m. towards the costs of onsite infrastructure such as roads, enclosures and sundry amenities.

Projects completed or currently under way consist of -

1. A warehouse, which has been developed on 1.2 hectares, with a built-up space of 5,800 square metres. This has entailed investment to the tune of Rs84 m. Construction started in mid-November 2011, and was completed on 01 December 2012.
2. A residential complex of 40 residential units on 6,800 square metres, with a built-up area of around 4,500 square metres. The investment in the residential units amounts to some Rs242 m. The construction works, which started in April 2012, are expected to be completed by the end of April 2013.
3. A business centre on two hectares, with a built-up area of 14,000 square metres on four levels. It will comprise office buildings, conferencing facilities, data centre and iCloud computing infrastructure. The investment in the business centre amounts to some Rs597 m. Construction works started in October 2012 and the business centre is expected to be operational by October 2013.

4. Additional common facilities to the tune of Rs245 m. are also being constructed.

The Jin Fei project has already attracted four foreign companies with whom sub-lease agreements have already been signed, namely –

1. Mauri-China Freezone Development Ltd, from Hong Kong, involved in logistics and distribution, and which has leased warehouse facilities.
2. Goldox Ltd, from China, involved in engineering and decoration, which are constructing their own facilities.
3. Fujian Shengli, from China, involved in food catering.
4. Business Line, from the Middle East, involved in trading of heavy machinery and equipment.

Following a marketing event organised by the Shanxi Provincial Government in Taiyuan, several expressions of interest from foreign companies for other projects have also been registered. Jin Fei has thus signed three MoUs with foreign investors for future development, involving 84 hectares of land.

Jin Fei is currently paying to Government an annual rental of some Rs9 m. for land leased.

I wish to inform hon. Members that a steering committee under my chairmanship has been set up to oversee the project. In July 2012, I met the Vice-Minister of Commerce of the People's Republic of China together with his delegation whilst he was on visit to Mauritius to discuss the implementation of the Jin Fei project. It was agreed that the promoters would be given further time to implement the project and that a delegation would be sent to Mauritius as a follow-up mission.

I am pleased to inform the House that a delegation headed by the Vice-Secretary General of the China Association of Overseas Development Zones arrived in Mauritius yesterday for this purpose. This delegation comprises consultants, master planners and experts in development zones and free trade zones.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, I am also informed by the Board of Investment that 356 Mauritian nationals are currently employed in the Jin Fei project.

With regard to part (c) of the question, Government has invested a total amount of Rs267.4 m. in the provision of utilities and off-site infrastructure namely -

- (i) Rs 90 m. in road infrastructure and drains;

- (ii) Rs 82 m. for sewerage works, and
- (iii) Rs 94.9 m. for water infrastructure and network

**Mr Lesjongard:** With regard to the project, it was promised that some 15,000 jobs would be created in the Jin Fei project and I hear from him that only 356 jobs have been created up to now. He will also agree that this project was launched since 2006 and we have already spent a total of Rs250 m. on the project. Since, in a reply, Government stated that the first phase of the project will end in September 2012, can I know where we are with regard to the implementation of the first phase?

**Mr Duval:** Mr Deputy Speaker, Sir, there is no doubt that the project is behind schedule. There is no doubt that the project has not taken off as quickly as Government would have hoped, but there is also, Mr Deputy Speaker, Sir, a bilateral consideration. We are dealing with the Government of China. During the joint Commission, the Vice-Minister of Commerce, himself, took up the matter and we raised the concern of the Mauritian Government that the project was not going as fast as necessary. The Vice-Minister asked, Mr Deputy Speaker, Sir, for more time. He did send and has sent a very technical and high level delegation which is in Mauritius at this moment in time to see if the whole project needs to be reshaped; to be marked more properly and if it needs to be amended in anyway. These people are here. We are looking very closely at the matter, but there are bilateral issues involved. There is a lot of money which has been spent by the Mauritian Government, but also by the Chinese counterpart. We mentioned Rs1.7 billion of foreign direct investment. This is not negligible and we have to take all these into consideration.

**Mr Bérenger:** Can I ask the hon. Vice-Prime Minister, are these investors being allowed to bring in manual labour and professionals completely freely for building purposes, for infrastructure, not roads and so on?

**Mr Duval:** By free, it means no work permit fees. I am not aware of the work permit fees, but I know there is provision, Mr Deputy Speaker, Sir, for Chinese nationals to come to work in the construction of the project.

**Mr Jugnauth:** Will the Vice-Prime Minister say whether Jin Fei is authorised to construct residential units including village apartments; mixed use housing for rent or sale to Mauritians or foreigners?

**Mr Duval:** Sold to Mauritians I don't know, but it was quite a wide ranging project for residential, leisure and everything.

**Mr Ganoo:** Can the hon. Vice-Prime Minister inform the House whether the promoters are not putting on sale land which has been parcelled out because there are people who deal in property; who are pretending that they are offering for sale plots of land which have already been parcelled out.

**Mr Duval:** The plots are not for sale, they are for lease. They were leased to Jin Fei. Jin Fei is subleasing to others. Now, there are conditions to who they can be leased. They can be leased to foreigners, to Mauritians for construction of buildings to be used by foreigners. These are the two conditions that I am aware of.

**Mr Bérenger:** To come back to my question, my point was: is there any limit on the number of manual workers and professionals which the investors are allowed to bring into the country and the same question as far as materials are concerned? I am given to understand that they are free to bring in the amount of manual labour and professionals they want, and to bring in materials including sand and macadam which will be imported into the country.

**Mr Duval:** I must check, I don't know about that. There is much mention, but I must refresh my memory in the Jin Fei project as to labour. As far as construction is concerned, whether they would import themselves directly or not, again I would need to check, but I would like to say that this is a Freeport area and the agreement does cover the fact that within a Freeport area these materials are tax-free.

**Mr Lesjongard:** This project was flagged by the present Government as one of the most important projects in the region and they even said that Mauritius will realise its ambition of becoming a bridge between Africa and Asia. Doesn't he think that the delay in implementing this project is giving a very wrong signal in the region and even our countrymen have completely lost hope in this project?

**Mr Duval:** Mr Deputy Speaker, Sir, we must look at it relatively; I mean it is a start. It has obviously attracted a number of Chinese companies which probably never have come to Mauritius. I have mentioned the names of the 4-5 companies here. Shanxi province - I presume after the joint Commission in July - organised an event in China which was quite a big event, I understand. That event attracted interest in some 84 more actors. There is obviously supervision by the Central Government in China. We have a delegation here to look at the whole concept again and whether it needs to be revamped in any way. It is not being left by the side; it is being promoted actively. It is going on slower than before, but it is an excellent project, Mr Deputy

Speaker, Sir. Often these things take a bit of time, but I think that, at the end of the day, it will get it.

**Mr Jugnauth:** I am sure that the hon. Vice-Prime Minister is aware that Article 2 of the Agreement states that the purpose of this lease is for development of the economic trade and co-operation zone by the zone company in accordance with development guidelines of the lessor. Will the hon. Vice-Prime Minister agree that if Jin Fei had been given the authorisation to construct residential units and so on for sale to Mauritians and foreigners, that would be in direct violation of Article 2 of the lease agreement? Will he agree to that?

**Mr Duval:** Mr Deputy Speaker, Sir, I cannot discuss in detail. I'll look into this point but, as I have mentioned, there are residential apartments being built at the moment. I have always understood that it was for foreigners. I am not aware that it was being sold to Mauritians. I don't think it is being sold to Mauritians. The Member has asked a question, I will look into the matter, and provide the reply at an appropriate time.

**Mr Ganoo:** Can the hon. Vice-Prime Minister indicate to the House whether, by virtue of the agreement, the Chinese promoters would have been given a number of Mauritian passports and whether any of them has been granted nationality so far?

**Mr Duval:** I am not aware, Mr Deputy Speaker, Sir.

**Mr Ameer Meea:** Will the hon. Vice-Prime Minister agree that, with the concept of Jin Fei, all this development being done by foreigners is in total contradiction with the concept of democratisation of the economy which shall be done by Mauritians themselves and whether this Democratisation Commission has done any report in relation to this project?

**Mr Duval:** I am not aware of any report in relation to this project, but this is a very valid and valuable project, Mr Deputy Speaker, Sir, whereby its aim is to attract Chinese Foreign Direct Investment and we all know the amount of huge sums of money that are being generated in China and the huge wealth that is being generated in China and a huge interest that China has in Africa, but like many pioneer projects, it takes a bit of time and we have to give it its time. What is important is that it is being looked into and managed so that it achieves this potential.

**The Deputy Speaker:** Last question, hon. Member!

**Mr Jugnauth:** Is the hon. Vice-Prime Minister aware that if the lessee fails to complete the construction works of Phase I within the time that has been specified in the construction

schedule, that is, from September 2009 - at which date the contract was signed - up to September 2012, that would be, in fact, one reason and one justification for cancellation of the lease?

**Mr Duval:** I know that, Mr Deputy Speaker, Sir; that is obvious. Mr Deputy Speaker, Sir, the hon. Member was a previous Minister, he is quoting extensively from the confidential document, I presume, which we have signed as Ministry of Finance - the previous Minister of Finance has signed too and it says clearly there that it is a confidential document, and somewhere along the line something is wrong.

#### BEACHES – EROSION

**(No. B/733) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Environment and Sustainable Development whether in regard to the beaches, he will state if a study has been carried out recently to assess the state thereof and if so, indicate –

- (a) when;
- (b) the outcome thereof, and
- (c) the measures taken to combat beach erosion.

**Mr Virahsawmy:** Mr Deputy Speaker, Sir, my Ministry is presently implementing a 3-year project as from June 2012 with the help of experts from the Japan International Cooperation Agency (JICA) for the development of an action plan to address coastal erosion around Mauritius in a holistic manner. The project consists of the identification of affected coastal sites, the development of coastal conservation and action plans, the implementation of coastal protection works at selected sites and capacity building of relevant authorities.

Following previous studies carried out by consultants, my Ministry in collaboration with authorities concerned, has been carrying out regular surveys of our coastline with a view to identify degraded beaches. As such, nine critical sites requiring major rehabilitation works have been identified, namely at Poudre d'Or, Cap Malheureux, Quatre Soeurs, Bain Boeuf, GRSE, Baie du Cap, Le Morne, La Prairie and La Preneuse. Contracts have already been awarded for Poudre d'Or and Cap Malheureux sites and works have started this month. Coastal protection works will be undertaken at four additional sites in 2013 and at the remaining three sites in 2014. All nine projects estimated to cost more than Rs250 m. will be funded through the National Budget.

Besides, my Ministry is also implementing as from July 2012 the Climate Change Adaptation Programme in the coastal zone of Mauritius. This is a 5-year programme which is

fully funded through a grant to the tune of Rs270 m. from the Adaptation Fund Board set up by the UN. The programme is meant to address current climate change risks at three vulnerable coastal sites, namely Mon Choisy, Rivière des Galets and Quatre Soeurs and will involve application of specific adaptation measures for coastal protection.

I wish to add that beach reprofiling works have also been carried out during this financial year at nine public beaches. These works involve beach replenishment by sand to address the problem of coastal erosion.

**Ms Anquetil:** *L'Erosion Control Techniques* qui a été utilisé sur la plage de Grand'Baie a quelque peu défiguré cette plage. Est-ce que le ministre pourrait indiquer à la Chambre ce que compte faire son ministère afin de rétablir le *natural beauty* de cette plage ?

**Mr Virahsawmy:** Mr Deputy Speaker, Sir, the problem with the beach of Grand'Baie is that the erosion was so severe that it was on the point of eroding even the public road. So, major immediate works had to be carried out and these were done on part of the beach using rock revetment. The works have been completed and we are now in the process of carrying out embellishment works on the rocks to give the site a more touristic aspect.

**Mr Bérenger:** We are talking about protection and development of beaches. I heard the hon. Minister referring to studies and projects, but I did not hear any mention of Rodrigues, Agalega and St. Brandon. Do the studies and the projects include Rodrigues, Agalega and St. Brandon?

**Mr Virahsawmy:** Once the Japanese will complete with the work in Mauritius, we shall submit a request to JICA to carry out a similar work in Rodrigues.

**Ms Anquetil:** Can the hon. Minister inform the House whether the works undertaken at Ile aux Cerfs have been completed?

**Mr Virahsawmy:** Yes, Sir. The works have been completed and now l'Ile aux Margenies and l'Ile aux Cerfs are separated by a flow of natural water. The site has regained its previous beautiful aspects.

**Mr Ganoo:** I did not hear the hon. Minister mentioning the cases of Flic en Flac and even the Riambel coast where works have already been undertaken, where gabions have been placed/stacked to prevent erosion. One of the causes of beach erosion, we were told, was because sand was being removed from the lagoons at one time and used for construction works. This has stopped years now, but still we see that beach erosion is still a problem. Can the hon. Minister

tell the House what is, in fact, continuing to cause beach erosion in so many parts of the island? Has a study revealed the principal reason for that phenomenon?

**Mr Virahsawmy:** In fact, Mr Deputy Speaker, Sir, erosion has not been caused mainly by the removal of sand, because this was done more than 10/15 years back. Beach erosion is caused mainly by the movement of the sand caused by current which is causing the sand to move away from the beaches. Then, we have to do beach reprofiling, that is, we put the sand back on the beach. So, the erosion is mainly caused, especially by climate change, by surges and important waves and, like I mentioned also, by the current, but not by removal of sand.

**Mr Bhagwan:** There are surveys carried out on erosion of our islets. I take the example of one very beautiful islet, Ile aux Bernaches, one of the treasures of Mauritius. Can I ask the hon. Minister whether there are studies which are being effected on the status of our islet, especially concerning beach erosion?

**Mr Virahsawmy:** Yes, in fact, there are teams which are carrying out works jointly with the Ministry of Agriculture, which are responsible for all the different islands and wherever we find any major works which have to be done, they attend to the works.

**Mr Ameer Meea:** Is the hon. Minister aware of the deplorable state of Mon Choisy beach where the roads are completely broken? There are illegal constructions on the right hand side of the beach and the specific building does not have any permit to operate and gradually it is being run down, broken windows and so on? Therefore, can I ask the hon. Minister if he is aware of it and what measures does he intend to take to remedy to the situation, because Mon Choisy beach is one of the favourite beaches of Mauritians?

**Mr Virahsawmy:** Mr Deputy Speaker, Sir, the construction at Mon Choisy falls under the responsibility of the Beach Authority. Perhaps the hon. Member will have to address the question to it.

**Mr Ganoo:** The hon. Minister has mentioned the sum of Rs250 m. which has been budgeted for the rehabilitation works. Can he tell us who will undertake these works? Is it the State agencies, the NDU or will these works be contracted out?

**Mr Virahsawmy:** All these are specialised works and are contracted out by public tenders.

**Mrs Radegonde:** Mr Deputy Speaker, Sir, I heard the hon. Minister stating that there are nine sites detected that need to be repaired. I would like to ask him whether he is aware that

there was a survey carried out in 2004 detecting 21 sites and 16 were to be repaired by 2015 including the coast plan in Baie du Cap. The condition of the road also was included in that survey.

**Mr Virahsawmy:** I understand the hon. Member is mentioning the Baird's Report. This was a long time back. After that, there have been other reports which are identified in a matter of urgency beaches. But I believe, eventually, there will be about 20 to 21 beaches which will have to be attended to. But I have given those which have to be attended urgently because the erosion is more severe.

**Ms Anquetil:** Mr Deputy Speaker, Sir, can the hon. Minister inform the House if an Implementation Committee will be set up by his Ministry to follow up on the recommendation made by the Japanese consultants?

**Mr Virahsawmy:** Definitely, the Japanese will submit a report and the report will then be followed and implemented by a committee in my Ministry called the ICZM.

#### **INDEPENDENCE OF MAURITIUS - 45<sup>th</sup> ANNIVERSARY - CELEBRATIONS**

**(No. B/734) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Arts and Culture whether, in regard to the celebration of the 45<sup>th</sup> anniversary of the Independence of Mauritius, he will state where matters stand as to the organisation thereof.

**Mr Choonee:** Mr Deputy Speaker, Sir, Government has set up two committees to look into the organisation of activities to celebrate the 45<sup>th</sup> Anniversary of our independence.

I am chairing a committee with representatives of Ministries/Departments and Local Authorities on the popular activities to be organised.

As regards the official ceremony, *cérémonie protocolaire*, this is being looked into by the committee chaired by the Senior Chief Executive of the Prime Minister's Office.

Mr Deputy Speaker, Sir, the House may wish to know that a sum of Rs30 m. has been provided in the next year's Budget for the celebrations of the 45<sup>th</sup> Anniversary of the independence.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, we know that foreigners are invited to the celebration. Can I ask the hon. Minister whether Brazilians would be invited to this celebration?

*(Interruptions)*

**Mr Choonee:** Mr Deputy Speaker, Sir, this is a solemn celebration. The hon. Member should understand it is not a joke.

(*Interruptions*)

**Ms Anquetil:** M. le président, dans le but de créer un élan de patriotisme pendant cette période, est-ce que le ministre envisage de demander aux restaurants et aux commerces à travers l'île d'afficher les couleurs de notre drapeau national et de faire des promotions ?

**Mr Choonee:** Of course, yes, Mr Deputy Speaker, Sir, we will consider not only the restaurants, but all other parties to help us because 45<sup>th</sup> anniversary is not a low key event. It is a main event and we will do it in the best possible way.

### **PRB (2013) REPORT**

**(No. B/735) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, following the publication of the Pay Research Bureau (2013) Report, he will state the stand of his Ministry in regard to -

- (a) the principle of equal pay for equal qualifications within the teaching profession ;
- (b) uniformity of the conditions of employment among the staff of the pre-primary level, and
- (c) alignment of the conditions of employment between the staff of the pre-vocational stream in the public and the private sectors.

(*Withdrawn*)

### **STATE LANDS - AGRICULTURAL PURPOSES - PRESS COMMUNIQUÉ**

**(No. B/736) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Agro-Industry and Food Security whether, following a press communiqué dated 30 September 2010 released by his Ministry and entitled *Use of State Lands for agricultural purposes*, he will state the number of planters to whom agricultural plots of land have been allocated and table a list thereof.

**Mr Faugoo:** Mr Deputy Speaker, Sir, in September, 2010, a press communiqué was issued by my Ministry inviting planters who were cultivating lands on which they do hold any lease agreements but same have been leased to other parties, to express interest for these lands to maintain their activity. I am informed by the Land Use Division of my Ministry that there was a very poor response to this communiqué. Consequently no allocation of land was effected.

As I informed the House in my reply to PQ B/578 on 23 November last, AREU had initiated field verification and also undertaken ground truth. I also requested AREU to include the few cases at Plaine Sophie referred to me by the hon. Member.

I have been informed that AREU has already submitted its report and appropriate action is being contemplated.

**Mrs Labelle:** Mr Deputy Speaker, Sir, I think I have heard the hon. Minister mentioning that there has been a poor response following the communiqué of 2010. Will the hon. Minister give us some details about this poor response and how many planters responded to that?

**Mr Faugoo:** I am told less than 10, Mr Deputy Speaker, Sir.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister what actions his Ministry has taken towards these less than 10 planters?

**Mr Faugoo:** As I said, Mr Deputy Speaker, Sir, following the poor response, we initiated action on a more comprehensive basis nationwide - not limited to Plaine Sophie. We have already received the report and we are acting upon it.

**Mrs Labelle:** Mr Deputy Speaker, Sir, is the hon. Minister aware whether a letter has been sent by planters to his Ministry? Maybe this has not reached him. I am going to table a letter from planters who have been subletting land leased by Government at, I think, Rs1,500 per *arpent*. These planters are subleasing these for Rs11,000 to Rs18,000 per year. Mr Deputy Speaker, Sir, with your permission, I am going to lay a copy on the Table of the Assembly and these persons have the cheek to have proper agreement between the planters and themselves. I am going to table, at least, two examples of the subleasing at Rs11,000 and Rs18,000 as well as a letter addressed to the hon. Minister. Maybe this has not reached him through his Ministry. In view of this situation, Mr Deputy Speaker, Sir, may I ask the hon. Minister what immediate action his Ministry will be taking to relieve these planters of this chaotic situation which is actually prevailing?

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am not aware which letter the hon. Member is referring to. I am sure cases referred to in those two letters are covered by the report of AREU. I will make sure, if it is not, that it is enquired upon and action taken. As I said, the lands which are being sublet will be retrieved and will be allocated to genuine planters if they satisfy the criteria.

**Mr Bérenger:** Mr Deputy Speaker, Sir, the hon. Minister has told us twice that less than 10 planters reacted and came in with a request. Can we have the exact number?

**Mr Faugoo:** I am not aware of the exact number, but I was told less than 10.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, can I ask the hon. Minister whether previous to the issue of this communiqué, his Ministry has devised a policy as regards the amount of land which is being earmarked for production for the local market, production for export and production for agribusiness?

**Mr Faugoo:** The hon. Member should come with a substantive question on this issue.

#### **SUGAR INDUSTRY PENSION FUND – BENEFICIARIES**

**(No. B/737) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Agro-Industry and Food Security whether, in regard to the beneficiaries of pension of the Sugar Industry Pension Fund, he will for the benefit of the House -

- (a) obtain from the Board, information as to if they no longer benefit from -
  - (i) end of year bonus, and
  - (ii) yearly compensation and, if so
- (b) state the remedial measures his Ministry is proposing to take.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I wish to inform the House that the Sugar Industry Pension Fund (SIPF) has been set up under the Sugar Industry Pensions Fund Act 1995 and it is a purely private pension fund.

The aim of the Fund is to provide certain financial benefits to contributing members being employees of the sugar industry or directly concerned with the sugar industry and to the heirs of those employees. Such benefits have to be approved by the Board of the Fund.

I am informed that the Fund pays additional benefits in terms of bonuses only when it realises surpluses. The Fund was not in a position to distribute benefits during the last three years. I am also informed that as soon as the Fund recovers, and if recommended by the Actuary and approved by the Board of the Fund, surpluses may be distributed.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he is aware of the different meetings of the retired workers of the sugar industry, *l'association des retraités de l'industrie sucrière*, had with his Ministry where they were told that the law will be amended so that they too can benefit from this bonus and so on?

**Mr Duval:** Mr Deputy Speaker, Sir, the law is being amended so that these Pensions Funds come under the purview of the FSC for governance. This is a question of whether the Fund can or cannot pay additional bonuses. This is purely a matter for the Fund and the Actuary.

I would like to refer the hon. Member to the last annual report which is in 2011 where she will note that, in fact, the Fund made a loss, a decrease of net assets of Rs165 m.

**Mr Bérenger:** The hon. Minister has just said that the law is going to be amended for the Fund to fall under the overview of the Financial Services Commission. Is any change to the composition of the Board being envisaged?

**Mr Duval:** Not, as far as I know, Mr Deputy Speaker, Sir.

**Mrs Labelle:** Mr Deputy Speaker, Sir, furthermore, I think it was announced in the Budget Speech 2011 at paragraph 366 that this law concerning the Sugar Industry Pension Fund will be amended. May I know whether this is still on the agenda of this Government to do so?

**Mr Duval:** As I mentioned, Mr Deputy Speaker, Sir, it is to do with governance and supervision, not to do with the Fund itself.

#### **MAURITIUS CANE INDUSTRY AUTHORITY – VRS**

**(No. B/738) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Agro-Industry and Food Security whether, in regard to the Mauritius Cane Industry Authority, he will, for the benefit of the House, obtain information as to

—

- (a) the number of employees who have
  - (i) retired under the Voluntary Retirement Scheme;
  - (ii) been redeployed to other public bodies, indicating if all the employees were treated equally with respect to the VRS and redeployment, and
- (b) if the Authority is now fully operational.

**Mr Faugoo:** Mr Deputy Speaker, Sir, the setting up of the Mauritius Cane Industry Authority is a landmark in the history of the Cane Industry whereby Six Service Providing Institutions have been merged into one apex body. The merger was an essential pre-requisite and a Key Performance Indicator (KPI) in the Sugar Sector Reform Programme.

In 2011, the EU agreed to disburse funds under the “Sustainable and Equitable Development Programme”- General Budget Support, subject to Government satisfying two specific conditions, one of which pertains to global cess reduction, including the restructuring of the cess financed institutions. With the setting up of the MCIA, Government has met all the KPIs and obtained the necessary funding from the EU.

The restructure exercise was carried out in permanent consultation with a Common Front of sixteen Trade Unions and agreement has been reached on all issues. An Implementation Committee has been set up together with representatives of the Unions to oversee implementation of the restructure plan.

With regard to part (a) (i) of the question, I am informed that as at date, 144 employees of the MCIA have already retired under the Voluntary Retirement Scheme and the retirement of 65 employees of the former Cane Planters & Miller Arbitration and Control Board under the same scheme is being processed.

As regards part (a) (ii), 75 employees have already been redeployed to the Civil Service and parastatals while the redeployment of 13 other employees is being finalised.

All employees have been treated equally with respect to Voluntary Retirement Scheme and redeployment as per the Memorandum of Understanding signed between the Unions, the MCIA and the Ministry in March of this year, which provides for the management of MCIA to decide on matters relating to VRS, redeployment and joining the Authority with a view to avoid any disruption of service.

Redeployment to other public bodies and parastatals has been effected by the Ministry of Civil Service and Administrative Reforms, after a matching exercise between grades identified for redeployment and human resource requirements of host organisations.

As regards part (b) of the question, I am informed that the Authority is fully operational and is offering the full range of services to the Sugar Industry.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I have gone through the PRB report of 2008 and 2013 and I could find nothing relating to the conditions of employment of the ex-MSA and MSIRI workers. True it is that the PRB does cater for the MCIA, which includes the Farmers Service Centre, the MSTC and the Sugar Planters Mechanical Pool; it does not include the Control Board which comes under the control of the Ministry of Agro-Industry. May I ask the hon. Minister which conditions of employment would prevail for these ex-MSIRI and MSA workers?

**Mr Faugoo:** I believe that it should be under the PRB, Mr Deputy Speaker, Sir, I must look into what the hon. Member is saying.

**Mr Bérenger:** What I understood is that the Minister is saying that the European Union, which has financed the restructuring of the industry, is satisfied with the way the Mauritius Cane

Industry Authority has been set up and the employees treated. Can we have the latest expression of satisfaction or guarded satisfaction from the European Union? They must have written either to the Ministry of Agro-Industry or to the Ministry of Finance, because it is a question of funding. Could we have the latest expression of full or guarded satisfaction from the European Union on that matter placed in the Library?

**Mr Faugoo:** Mr Deputy Speaker, Sir, there are two issues in the question which has been put by the hon. Leader of the Opposition. The KPI which was set up by the EU was on the merging of the six SPIs which has been done successfully. We have passed a law in Parliament. The MCIA is fully functional now. This is the KPI which we have satisfied.

As far as the administrative measures and the employees for redeployment and VRS are concerned, this is something administrative to do with the MCIA. It has nothing to do with the EU. The EU must have been satisfied for them to disburse the funds that they were supposed to.

**Mr Bérenger:** We are given the information that they are fully satisfied. They must have accompanied their funds with an expression of satisfaction, full or guarded. There must be a correspondence from the European Union, on the first part - not on the running of the MCIA, of course - on the funding part, the setting up of the MCIA. Is there a document available sent by the European Union either to the Ministry of Finance or the Ministry of Agro-Industry?

**Mr Faugoo:** The fact of disbursing in itself is proof of satisfaction by the EU, meaning that we have already satisfied the target which was set. Now, where they have displayed that satisfaction, I have to look in reports or maybe in statements made by people representing EU in Mauritius. I will have to see this.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he would go and check because, as far as I am concerned, and as far as the study made of the report, it would seem that nothing has been mentioned with regard to these ex-workers of the MSIRI and the Mauritius Sugar Authority?

**Mr Faugoo:** As I said, Mr Deputy Speaker, Sir, now they are all employees of the MCIA, from all the six SPIs, and they will be governed by conditions of PRB. This is why I have said that I am taking note of what the hon. Member has said. I will have a look and then I can pronounce myself.

**Mrs Hanoomanjee:** With regard to the Cane Planters and Arbitration Control Board employees, the hon. Minister has just said that there are 65 cases which are being processed. Can

I ask the hon. Minister whether he can confirm that there is a consistency in the treatment which is being meted out to employees of the Control Board? I am given to understand that some employees have voiced out their wish for the VRS, but they have not been considered, whereas those who have not signed the option, are being considered for VRS.

**Mr Faugoo:** Let it go on record, Mr Deputy Speaker, Sir, that all those who had shown interest or opted for VRS have all been given VRS except for those whose services were needed in the MCIA for the smooth running of the institution. That was an exception. When we look at the MoU which was signed between the Common Front of Unions, the Ministry and the MCIA, the final word rest with the MCIA, because it had to go on with the services that they were providing. Even if they showed interest in taking VRS, in some cases we had to retain their services, because their services were still needed. That was an exception, but the majority of those who expressed for VRS, were given VRS.

**Mr Seeruttun:** Again, on the redeployment and VRS, concerning the way the process was carried out, there are employees who did not opt for the redeployment or VRS, they were forced to take on redeployment or VRS whereas those who opt to take VRS, were not given VRS or redeployment. Is the hon. Minister aware of those cases, given that those employees who were not given the choice that they opted for, were not even given an explanation why they were asked to go or to stay back? Would the hon. Minister inform the House who decided on those cases and what were the criteria used to undertake that condition?

**Mr Faugoo:** I have been advised that this is not the case at all. If the hon. Member has any particular case, I will request him to lay same on the Table of the Assembly, Mr Deputy Speaker, Sir.

**Mrs Hanoomanjee:** May I ask the hon. Minister how many employees were actually at the Cane Planters Arbitration Control Board? How many are staying with the MCIA? How many are being laid off and whether he can say when the exercise will be completed with regard to these employees?

**Mr Faugoo:** I understand that there are 65 who are being given VRS, Mr Deputy Speaker, Sir, and for 40 employees, their services have been retained by the MCIA. The process is already completed, but there is consultation going on between the Public Service Commission) and the Ministry inasmuch as the employees of the Control Board are public servants.

#### **TERRE ROUGE/VERDUN LINK ROAD - CONSTRUCTION**

**(No. B/739) 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 project for the construction of the Terre Rouge-Verdun road, he will state the contractual date of completion thereof, indicating if there is variation works, and if so, the amount claimed and paid as at to date.

**Mr Bachoo:** Mr Deputy Speaker Sir, the construction of the Terre Rouge-Verdun Link Road is still ongoing. The initial contractual completion date was 17 October 2012. However, since the works have been seriously delayed due to problems of land acquisition, landslides and continuous rainfall in the region, an extension of time has been requested by the contractor. So far, Egis International, the consultant has recommended an interim extension of time up to 17 February 2013.

As regards the land acquisition problem, there were four owners who refused access on their plots and officers were even threatened by some of the owners and Police protection had to be provided to them.

As regards the problems of landslides, the recurrent landslides started to appear in the slopes of the cuts in the area of Ripailles which is mountainous since January 2011. During the initial geotechnical investigation carried out by the consultant, it was difficult to predict these landslides 30 metres deep into the slopes of the mountain. Since then experts have been mobilised and appropriate measures are being taken for the stabilisation of these slopes.

Following the landslides and for the remedial works to be undertaken land had to be acquired. There were also additional works that had to be undertaken besides remedial works for the stabilisation of the slopes. All these unforeseen events have caused major disruptions in the normal activities planned by the contractor.

With regard to variation works, the Road Development Authority has approved two items so far as follows –

- (a) The first one concerns the dualling of 600 m of road from Khoyratty to Calebasses including the dualling of Calebasses Bridge. In the Traffic Survey and analysis undertaken at the design stage which dates back to 2006-2007, the dualling from Khoyratty to Calebasses was not warranted. However, land was already acquired to dual that part of the road to cope with the future needs. Due to the increasing new development in the central and north part of the island and with the construction of

the new road projects (such as Triolet Bypass, Goodlands Bypass, New Motorway from Pamplemousses to Grand Bay) and the future East Coast Trunk Road, it is expected that there would be substantial increase in the traffic flow on this road. Multiplicity of commercial hubs have appeared in the areas, namely, Grand Bay, Forbach, Bagatelle, St Pierre and Trianon, thus decisions were taken to dual the stretch from Khoyratty to Calebasses at Motorway M2 in the same project. The additional works would cost Rs38 m.

(b) The second one concerns the facilities to be provided to planters to cross the motorway. Initially only one underpass was provided at Boulingrin. Due to massive landslides, the limit of land acquired had to be extended thereby encroaching their existing accesses on both sides. These accesses had to be reinstated. Many plots of land were landlocked and these could not be accessed at the design stage. That explains why four additional underpasses had to be provided. Had there been only one underpass, planters would have faced the inconvenience of travelling over long distances through cane crack roads to join the motorway. In providing four additional underpasses, we have taken into account representations made by the planters and inhabitants of the region. This additional work will entail the increase in the cost of Rs20 m.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, may we know from the hon. Minister what has been the amount claimed so far and the amount paid to the contractor?

**Mr Bachoo:** The amount is the variation work, that is, the additional work. Earlier, there was a question which was put to me, the amount claimed by the contractor had been to the order of Rs490 m. and I had already mentioned a few months ago that we had paid only Rs3 m. till now, that is, what the consultant had proposed.

**Dr. Sorefan:** May I know from the hon. Minister whether he has received any copy of letters addressed to RDA regarding the problem faced and the contract cost overrun to the tune of Rs709.5 m. from the contractor?

**Mr Bachoo:** Mr Deputy Speaker, Sir, the sky can be the limit of the contractor. But, in fact, we have received claims of Rs490 m. The hon. Member is making reference to whatever appeared in the press, but I maintained Rs490 m. was claimed and so far, hardly Rs3 m. had been

paid. I do not have any problem and I am going to lay copies of the correspondence between the contractor and the RDA.

**Mr Bérenger:** I was having a good look at the correspondence. COLAS – well known to the hon. Minister – has claimed Rs490 m. and they have been paid or offered Rs3 m. Knowing COLAS, obviously, they are not going to stay put. Has the case reached court already? What is the situation?

**Mr Bachoo:** Mr Deputy Speaker, Sir, at a certain given point in time, I have read in the papers that COLAS wanted to withdraw from the project. Of course, if they want to withdraw, then we are going to Court. There are about Rs260 m. which they had put as deposits. They would have lost that deposit, but they have not dared to withdraw from the project. Secondly, they are going at an accelerating rate and they are working very hard. If they are going to Court, we are going to defend our case. But I am sure and certain that the demand of COLAS is highly exaggerated. So far, approximately, I can tell you, about Rs3 m. had been paid. I am going to lay on the Table of the House all the claims and, at the same time, the correspondences between the RDA and COLAS.

**Mr Soodhun:** Can the hon. Vice-Prime Minister inform the House whether there is a dispute between the contractor, the RDA and his Ministry?

**Mr Bachoo:** Well, they have not declared any dispute. They have made representations to the RDA and not to my Ministry. That is the information that I have.

**Dr. Sorefan:** Can the hon. Minister inform the House whether there was tender for the provision of services for geotechnical investigation for Verdun/Terre Rouge project, and if not, why not? If yes, to table a copy of the report and the name of the winning bidder.

**Mr Bachoo:** Well, I am aware of only one contractor, that is, COLAS from Madagascar and COLAS from Mauritius, they got the contract and it is about Rs2.2 billion. I do not know of any subcontractor or any tender because the entire responsibility is on them, not on my Ministry or the RDA to start other tender exercises.

**Mrs Hanoomanjee:** Doesn't the hon. Minister think that he should have foreseen the reaction of the planters or the owners whose lands have been compulsorily acquired since five years, and no compensation had been given to them up to now, which they should have been taken into consideration before the project starts?

**Mr Bachoo:** Mr Deputy Speaker, Sir, this had been the case all the time. Since 2000, I am responsible for Public Infrastructure, I know of land acquisition procedure under sections (6) and (8) and the transcription of the land. Unfortunately, the responsibility falls on the Evaluation Division and also on the notaries who are appointed. That does not fall under the purview of my Ministry.

**Mr Jugnauth:** The hon. Minister has said that COLAS has not declared a legal dispute to RDA, but he said that they had made representations to RDA. Is he ready and willing to lay on the Table of the House the claims that are being made by COLAS to RDA?

**Mr Bachoo:** Well, I have already answered this question. I have told that whatever claims are there, I am going to lay a copy on the Table of the House. I do not have any problem with that.

**Dr. Sorefan:** I heard the hon. Minister saying that there is a claim of about Rs400 m. ...

**Mr Bachoo:** Rs490 m., I have said.

**Dr. Sorefan:** Whatever, but I am going to table a letter with regard to the overall claim to the tune of Rs709.5 m., as I said. I am going to give this claim to the House.

**Mr Bachoo:** I don't know whether it is a stolen document or what not. I am not aware of this. But I am going to produce to the House...

*(Interruptions)*

I don't know! I said I don't know what type of paper it is. I have just mentioned that I am going to give all the claims that have been submitted by the contractor to the House.

*(Interruptions)*

Well, I don't have any stolen document.

**Mr Soodhun:** Can the hon. Minister inform the House when the project will be completed?

**Mr Bachoo:** I have said that they have asked for time. So far, the consultant has given them till 17 February 2013. It all depends on the consultant. I have already mentioned that this is a very dangerous site. We should not forget that we are working in the middle of two mountains. A mountainous region is highly dangerous. I can invite any Member to go and have a look at it, but we are going very fast with the project.

**Mr Bérenger:** The hon. Member puts in a document, and the hon. Minister insinuates that it might be a stolen document. It can only mean that the hon. Member would have stolen it in one way or the other. The hon. Minister should be made to withdraw that expression ‘stolen’.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I said that I don’t know whether this has been the case. I don’t know; I am not aware of it. I withdraw the word.

**The Deputy Speaker:** Last question, hon. Sorefan!

**Dr. Sorefan:** Mr Deputy Speaker, Sir, as this project is a jointly funded project, may we know the amount contributed by the Government of Mauritius?

**Mr Bachoo:** I would request the hon. Member to come with a question. I know the global amount is Rs2.2 billion.

#### **NATIONAL RESILIENCE FUND**

**(No. B/741) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the National Resilience Fund, he will, for the benefit of the House, obtain from the Fund, information as to -

- (a) the opening balance thereof as at 01 January 2012;
- (b) since 01 January 2012 to date, the total amount of funds injected therein;
- (c) the amount of funds disbursed, indicating in each case the;
  - (i) names of the beneficiaries thereof and;
  - (ii) purpose therefor;
- (d) the names of the officers who dealt therewith, and
- (e) the proposed deployment of the balance of funds available as at date, indicating the reasons for low drawdown.

*(Interruptions)*

**The Deputy Speaker:** Order, please! Let the hon. Vice-Prime Minister answer the question.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, with regard to parts (a) and (b) of the question, the National Resilience Fund had a balance of around Rs7.74 billion as at January 2012, and no funds have been injected during the year.

*(Interruptions)*

It is with regard to investment! Investment permits!

**The Deputy Speaker:** Just go ahead with your answer, please!

**Mr Duval:** He does not understand! With regard to part (c) of the question, an amount of

...

*(Interruptions)*

**The Deputy Speaker:** I want order in the House. Hon. Leader of the Opposition, please allow the Vice-Prime Minister to go ahead with his answer. Hon. Vice-Prime Minister, please! Just go ahead with your answer!

**Mr Duval:** It has not been stolen! It is still here!

With regard to part (c) of the question, an amount of Rs579 m. has been disbursed on various schemes approved by the NRF Management Committee. The names of the organisations involved, the purpose of the disbursement and the amounts disbursed are being tabled.

In addition, from funds already held by the State Investment Corporation (SIC), the latter has invested in the form of redeemable preference shares under the Mauritius Approach in –

- (i) Denim des Iles - Rs75 m.;
- (ii) Star Knitwear - Rs50 m., and
- (iii) Sky Jean - Rs5 m.

SIC has also provided loan guarantee to the tune of Rs300 m. to some 20 export-oriented companies, mostly in the textile sector, in collaboration with commercial banks.

Mr Deputy Speaker, Sir, with regard to part (d) of the question, I wish to inform the House that the National Resilience Fund has been established under the Finance and Audit (National Resilience Fund) Regulations 2012, and that an NRF Management Committee has been set up under these Regulations to administer and manage the Fund. The Committee comprises high level public officers and is responsible for considering and approving schemes and programmes, and approving release of monies from the Fund amongst others. I am tabling the composition of the NRF Management Committee for the benefit of the House.

Mr Deputy Speaker, Sir, with regard to part (e) of the question, I wish to refer the hon. Member to page 694 of the Programme-Based Budget Estimates 2013, and Indicative Estimates 2014 and 2015. I am also tabling a copy of same.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, can the hon. Minister inform us what is the actual cash balance of the National Remuneration Fund, and how is this unutilised balance being placed?

**Mr Duval:** Mr Deputy Speaker, Sir, I dealt with this question last week. As far as the closing balance is concerned, it is Rs7.74 billion.

**Mr Li Kwong Wing:** How is it being placed? What is the placement made with this balance?

**Mr Deputy Speaker:** I am sorry. I would request the Clerk to brief the National Assembly employees not to come between the Chair and the hon. Member who is speaking.

**Mr Duval:** Mr Deputy Speaker, Sir, I dealt with this issue last week.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, what is the balance of funds available, and what is the proposed deployment of these funds? What are the reasons for which these funds are not being used?

**Mr Duval:** Mr Deputy Speaker, Sir, I am tabling a copy of the Budget Estimates where the hon. Member will find how the balances are being used over the next three years. As for the reason for the loan disbursement, although we had a lot of *oiseaux de mauvais augure*, there hasn't been a disaster; the tsunami has not come to our shores; we haven't fallen in the precipice. Therefore, for all these reasons, we haven't had to draw down as much, although we have drawn down some.

**Mr Li Kwong Wing:** If no money has been drawn down, it means that the money is kept in some idle deposit somewhere. So, can we know how much return has been received and how much interest has been received on these deposits that have been kept unutilised?

**Mr Duval:** I have already answered, Mr Deputy Speaker, Sir.

**Mr Li Kwong Wing:** We have not received any answer. How much of these deposits are in the form of US dollars?

**Mr Duval:** I have already answered, Mr Deputy Speaker, Sir.

**Mr Jugnauth:** Can the hon. Minister circulate the criteria which have been laid down for the support of the different enterprises, those who have benefited from the National Resilience Fund, and the conditions that have been agreed with the enterprises? I am asking whether the hon. Vice-Prime Minister can circulate; I am not asking him to give the details right now.

**Mr Duval:** I will try and find as much information and give it to the hon. Member.

## SEVEN WATERFALLS MOUNTAIN CABLE CAR PROJECT

**(No. B/742) Mr A. Gungah (First Member for Grand'Baie & Poudre d'Or)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Seven Waterfalls Mountain Cable Car Project, he will, for the benefit of the House, obtain from the Board of Investment, information as to if the -

- (a) permits and licences applied for have been approved, indicating the date of submission thereof, and
- (b) State Investment Corporation or any other State Funding Institution is investing therein.

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I am informed that, on 07 January 2004, the promoters of the project incorporated a private company, the Seven Waterfalls Horizons (Mtius) Ltd, in Mauritius, to set up a cable car operation and a leisure village at Tamarind Falls.

With regard to part (a) of the question, I am informed that the company submitted an application to the Board of Investment for an Investment Certificate (Tourism) on 06 January 2004 under the then provisions of the Investment Promotion Act. A Letter of Comfort was issued to the company on 05 March 2004, and a letter of Intent on 27 April 2005. The issue of the Investment Certificate was conditional on the obtention of all relevant permits and licences which included, *inter alia*, the development and building permits, planning clearances, EIA Licence.

Following the enactment of the Business Facilitation (Miscellaneous Provisions) Act in 2006, amendments were brought to the Investment Promotion Act whereby the Board of Investment ceased to issue Investment Certificates except for projects falling under the Real Estate Development Scheme and Freeport. No Investment Certificate was thus issued to the company.

The project was registered with the Board of Investment and a registration certificate was issued to it on 24 March 2011. The company obtained the relevant permits and licences which are -

- The Land Conversion Permit from the Ministry of Agro-Industry on 30 December 2004;
- The EIA Licence from the Ministry of Environment on 21 December 2007, and

- The Building and Land Use Permit from the Grand Port Savanne District Council on 09 April 2009.

With regard to part (b) of the question, I am informed by the Board of Investment that the State Investment Corporation Ltd is the only State-owned institution that has invested in the project. In fact, in August 2008 the Promoters of Seven Waterfalls Horizons (Mtius) Ltd (SWH) submitted an application to SIC for consideration of an investment to the tune of Rs100 m. in the cable car project at Tamarind Falls. SIC carried out its due diligence exercise. Several meetings were held and clarifications were sought from the promoters before consideration by SIC Board.

I am also informed that in January 2012 the Board of SIC gave its approval for investment in Seven Waterfalls Horizons project in the form of Rs30 m. in equity and Rs50 m. in debentures. As to date the SIC has invested a sum of 1 (one) million Swiss franc equivalent to Rs31.7 m. in the form of debentures against a fixed guarantee on a first rank basis on the freehold land to the extent of 8 *arpents* and 74 perches, owned by the project company and located at the project site at Tamarind Falls.

The land has been valued by the Government Valuation Office on 24 January 2012 at Rs50 m. The disbursement has been effected directly to the cable car supplier Garaventa based in Switzerland.

**Mr Gungah:** Mr Deputy Speaker, Sir, can the hon. Vice-Prime Minister inform the House if any study has been carried out to see if the project is financially viable?

**Mr Duval:** Mr Deputy Speaker, Sir, I presume that the SIC Board has looked at all the papers and all the feasibility studies and has taken a stand on it, but I must say, Mr Deputy Speaker, Sir, that my predecessor was also very much in favour of the project.

**Mr Gungah:** In case there is a report that has been carried out, can the Vice-Prime Minister table a copy of the report?

**Mr Duval:** I don't have a copy of the report, Mr Deputy Speaker, Sir, but I do have a copy of the Minutes and we are very interested in Minutes at the moment. I have copy of the Minutes of a meeting in Switzerland between my predecessor and Garaventa whereas you can see quite clearly that, in fact, it was fully supported by them and, obviously, there are witnesses. I will table that.

**Mr Gungah:** Mr Deputy Speaker, Sir, can the hon. Vice-Prime Minister inform the House why the SIC refused to invest in the project initially when it was submitted and can he state what has changed to the project to make it suddenly viable?

**Mr Duval:** I don't see anything has changed. If you allow me, I will quote from the Minutes of the meeting with Garaventa where my predecessor said quite clearly -

"I, as Minister of Finance of Mauritius, will see to it that you get your money within one month and as soon as I get back, I will look into the matter with SIC."

I, Mr Deputy Speaker, Sir, have not interfered at all with the SIC at any stage.

**Mr Jugnauth:** Mr Deputy Speaker, Sir, may I ask the hon. Vice-Prime Minister to go and check with the SIC that, of course, I am in favour of any project whereby there is investment in Mauritius, but I had asked then, the SIC, to see to it that this project is viable because public funds are going to be invested in that kind of project. Could he go and check with the SIC, because he is saying that he does not have the study from SIC? The hon. Vice-Prime Minister would better go and check first.

**Mr Duval:** Mr Deputy Speaker, Sir, I don't know, but I have the Minutes here and I am surprised that the hon. Member is not asking for the Minutes. But, I, as Minister of Finance of Mauritius, will see to it that they get their money within one month.

**The Deputy Speaker:** Next question! Hon. Mrs Hanoomanjee!

#### **RENAL TRANSPLANT - PATIENTS**

**(No. B/743) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Health and Quality of Life whether, in regard to renal transplant, he will state the number of patients who have, over the past two years

- (a) undergone surgery therefor in public hospitals and in private clinics, respectively, and
- (b) been sent overseas by the Ministry therefor.

**Mr Bundhoo:** Mr Deputy Speaker, Sir, with your permission, I am tabling the information asked for in public hospitals for the past two years.

*(Interruptions)*

**The Deputy Speaker:** Hon. Jugnauth, please! I want silence, please. We have already moved on to the next question. The question has already been asked, the hon. Minister is answering the question now.

**Mr Bundhoo:** No such intervention has been carried out in private clinics. With regard to part (b) of the question, I am informed that no patient has been sent overseas for renal transplant during the same period as asked by the question.

**Mrs Hanoomanjee:** Can I ask the hon. Minister to say why the Human Tissue (Removal, Preservation and Transplant) Act which was voted in Parliament in 2006 has not yet been promulgated and that only one section of the Act has been promulgated? It is only the Board. May we know how many meetings of the Board were held by his Chief Medical Officer?

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I find it quite strange that this question comes from my hon. colleague. She has been Minister for 14 months. I could probably ask her the same questions, but I would not do that as a matter of courtesy. I could also ask her why didn't she proclaim the whole...

*(Interruptions)*

Why didn't she proclaim the whole sections of the Human Tissue (Removal, Preservation and Transplant) Act?

And let me tell you one thing, hon. Mrs Hanoomanjee...

*(Interruptions)*

**The Deputy Speaker:** Hon. Minister, please address the Chair!

**Mr Bundhoo:** Mr Deputy Speaker, Sir, let me tell you one thing, I have gone through the file...

**The Deputy Speaker:** Address the Chair! The hon. Member has asked a question.

**Mr Bundhoo:** I am addressing you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** The hon. Member has asked a question. I would ask the hon. Minister to directly move to the reply.

**Mr Bundhoo:** Mr Deputy Speaker, Sir, in fact, some of the sections of the Human Tissue (Removal, Preservation and Transplant) Act is being reviewed at the moment and several sections are being looked into at the State Law Office. We have especially requested Sir Victor Glover to do that. Several meetings were held and I am prepared to lay on the Table of the National Assembly a series of actions that had been done - if they wish, I can do that.

Let me start from where I assume office. Since January 2012, a team comprising Dr. Purgus and Dr. E. Lechevallier from *Centre de Néphrologie et de Transplantation Rénale*, Marseille, visited Mauritius and had working sessions with stakeholders. The team concluded

that the existing legislation needed to be revisited and updated. They stated that they would discuss with relevant authorities in Marseille and an MoU would be finalised.

On 22 June 2012, Cabinet has agreed that the protocol for renal transplant, including conditions of visit for foreign surgeons be reviewed. On 25 July 2012, draft regulations on renal transplant and other issues relating to the Bill were submitted to the State Law Office. On 07 August 2012 meeting of the Board to discuss draft regulations from Sir Victor Glover has been submitted. On 08 August 2012 meeting held at the State Law Office under the chairmanship of Sir Victor Glover and attended by the Senior Chief Executive and staff of my Ministry. On 28 August 2012, Technical Committee under the DGHS, that is, Director-General, Health Services, considered the unfinalised draft of State Law Office following meeting of 08 August 2012.

I can carry on like this on and on till 20 November 2012. This is what we have done and what we are doing and we shall continue to pursue the avenue in order to finalise all the issues related to the Human Tissue (Removal, Preservation and Transplant) Bill in order to bring it back to Parliament, if need be, in order to proclaim it.

**Mrs Hanoomanjee:** I wish to draw the attention of the hon. Minister to the fact that he is the Minister of Health and Quality of Life; he is there to reply to questions...

**The Deputy Speaker:** Kindly move to your question! Have you got a supplementary question? Kindly move to your question!

**Mrs Hanoomanjee:** The hon. Minister made a passing remark and I have to reply to him that he is there to reply to my questions.

**The Deputy Speaker:** No, but I did stop the hon. Minister for that.

**Mrs Hanoomanjee:** Can I ask the hon. Minister whether he was briefed by his Chief Medical Officer when he assumed office as Minister of Health and Quality of Life as to where we had reached with that Act when I left the Ministry?

**Mr Bundhoo:** In fact, I must tell you one thing, Mr Deputy Speaker, Sir. I am not picking up a quarrel with the hon. Lady. I am not doing that and I have no intention to do that. I have gone through the file, nothing has been done. I am not blaming her at all, because we have to take things the way it is. In 2006, the Bill was voted. Before her, there were a couple of Ministers; she is gone and I have come, and still the whole Bill has not been proclaimed. If there is responsibility to be taken, all of us have to take the responsibility and the blame simultaneously. I can assure the House that we are doing everything to review the Bill and to

bring the necessary amendment in order to proclaim the Act for the benefit of everybody in Mauritius with regard to human tissue preservation and transplant.

**The Deputy Speaker:** I am sorry. Time is up!

**MOTION**

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

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

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

*Question put and agreed to.*

**The Deputy Speaker:** No statements! I suspend the sitting for half an hour for tea.

*At 4.38 p.m. the sitting was suspended.*

*On resuming at 5.18 p.m. with Mr Speaker in the Chair.*

**PUBLIC BILLS**

*Second Reading*

**THE FINANCE (MISCELLANEOUS PROVISIONS) BILL**

**(No. XXVIII of 2012)**

**THE ECONOMIC AND FINANCIAL MEASURES (MISCELLANEOUS PROVISIONS)**

**BILL (No. XXIX of 2012)**

*Order for Second Reading read.*

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Speaker, Sir, I move that the Finance (Miscellaneous Provisions) Bill (No. XXVIII of 2012) and the Economic and Financial Measures (Miscellaneous Provisions) Bill (No. XXIX of 2012) be read a second time. With your permission, I will take both Bills together.

Mr Speaker, Sir, the Finance (Miscellaneous Provisions) Bill (No. XXVIII of 2012) provides for the implementation of measures announced in the Budget Speech relating to taxation and national finance and matters consequential or incidental thereto.

The Economic and Financial Measures (Miscellaneous Provisions) Bill (No. XXIX of 2012) provides for the implementation of measures announced in the Budget Speech and other miscellaneous economic and financial measures.

I will first focus on the Finance Bill.

The Bill amends 28 enactments.

**Code Civil Mauricien, Land (Duties and Taxes) Act, Registration Duty Act and Transcription and Mortgage Act.**

Mr Speaker, Sir, there are a number of amendments relating to the purchase and sale of immovable property with a view to bringing greater transparency in the transactions and avoiding abuse.

Thus the *Code Civil Mauricien* will make it compulsory, as from 01 January 2013, for a number of transactions to be made by way of a notarial deed.

Transactions in respect of immovable property, through “*sous seing privé*”, verbal agreement and counter-deeds, will no more be allowed.

Any transfer effected but not yet registered with the Registrar General will be given a transition period up to 31 December 2013 to register. A penalty of 50 per cent of the duty payable will be applicable if the document is registered after that date.

To counteract the practice of indirect transfer of property without payment of land duties and taxes through issue of new shares in a company, the law is being amended to provide that any such issue of shares leading to a change in control should be registered with the Registrar-General.

Another loophole being addressed is a transfer of shares in a company that gives the acquirer the right of ownership, occupation or usage of an immovable property without payment of duties and taxes on the full value of the immovable property. Provision is now made for registration duty and land transfer tax to be levied on the value of the immovable property in such cases.

The law is unclear as to where “*sociétés commerciales*” and “*sociétés civiles*” should register. This is a source of confusion. The law will therefore make it compulsory for all such *sociétés* to register with the Registrar of Companies.

**Pensions Act (Clause 21), Statutory Bodies Pensions Funds Act (Clause 26), Civil Service Family Protection Scheme Act (Clause 3) and Statutory Bodies Family Protection Scheme Act (Clause 25).**

Mr Speaker, Sir, the laws are being amended to reform public pensions. Thus the Pensions Act and the Statutory Bodies Pensions Funds Act will be amended to give effect to the recommendations in the PRB to provide for the setting up of a Defined Contribution Pension Scheme for all new entrants in the public sector as from 01 January 2013. To ensure uniformity of treatment, facilitate pension administration and ensure mobility within the public sector, this will apply to all bodies in the public sector and not just to those under the PRB.

**Local Government Act.**

Clause 15 amends the Local Government Act to provide for the transfer of pension funds of local authorities to SICOM in respect of officers appointed before 01 July 2008 and are still employees as at 31 December 2012. In that respect, the Local Authorities (Pensions) Act is being repealed at clause 31 and transitional provisions are being made in clause 15(a).

Mr Speaker, Sir, the Local Government Act is also being amended to enable application of a system of self-assessment of the municipal rate as from the year 2013. For that purpose, the Valuation Department is working out a simple valuation matrix based on average values per floor area of the building and by zones and type of property (residential and commercial).

Amendments are also being made to ensure that the criterion for determining whether a building is fit for occupation and therefore falls under the scope of municipal rate will be whether it is serviced with electricity by CEB.

**Customs Act**

Mr Speaker, Sir, the Finance Bill, brings about a number of amendments to reinforce, harmonise and clarify provisions in the Customs laws.

First, the “Deferred Duty and Tax Scheme” is being extended to sales to customers outside Mauritius.

Second, as from 01 January 2013, the Customs Penalty (Compounding of Offences) mechanism which is meant to provide an alternative to costly and time-consuming Court proceedings and thus facilitate trade is being reformed. This will harmonise it with the provisions of the World Customs Organisation Revised Kyoto Convention. The key features of the new provisions are as follows -

- For greater fairness and transparency and less discretion, offences which may be subject to compounding as well as the compounding amount will be prescribed, and where there is no duty and taxes payable, a fixed duty will be imposed.
- The compounding of offences by the MRA will be made with the prior consent of the DPP.

Third, MRA will continue not to compound in the case of certain serious customs offences, especially those involving fraud, smuggling, gross negligence and repeated offences. In such cases, the MRA will refer the case to the Police for proceedings.

The penalty will henceforth be calculated on the amount of duties and taxes unpaid or underpaid instead of on the value of the goods.

Claims by Customs for duties and taxes unpaid or underpaid will carry a penalty of 50 percent of the amount underpaid together with interest at the rate of one per cent per month. The person may object to the claim and if he is aggrieved, he may lodge a representation with the Assessment Review Committee.

Clause 5 also makes provision for MRA, upon receipt of a written application accompanied with relevant information, to issue an Advance Ruling on customs tariff classification and origin of goods that will be binding on the MRA. The time limit is 45 days from receipt of the application in the case of classification of goods, and 150 days in the case of origin of goods.

The other amendments to the Customs Act are as follows -

- Entry of relief consignments by international aid agencies (i.e., goods and equipment forwarded as aid in case of disaster) will be allowed free of customs duty, excise duty and taxes.
- To counteract abuse of warehousing facilities at the Freeport, re-entry of goods sold or transferred from a Freeport zone into any bonded warehouse will no longer be allowed, either in or outside the Freeport zone.
- The requirement to furnish a security/bank guarantee upon export of goods from bonded warehouses and goods taken as stores for aircraft or ship, which may amount up to 3 times the amount of duty, is being removed.
- The maximum period for re-warehousing of goods will be extended from 24 months to 30 months, that is, by 6 more months.

### **Customs Tariff Act**

Clause 6 amends the Customs Tariff Act to -

- clarify the imposition of additional customs duties on certain goods for domestic industry protection purposes, their suspension and the fixing of tariff quotas may be done by way of Regulations;
- provide for the MRA to claim, in case of breach of the conditions attached to the granting of duty concession on a motor vehicle or other goods, including those relating to its transfer or use, the total amount of duty and tax concessions granted + 50% penalty and interest running as from the date of the concession;
- enable the MRA to detain and seize motor vehicles and other goods, in case of non-payment of amount claimed while providing for appeal in such cases.

### **Environment Protection Act**

Mr Speaker, Sir, in the context of continued challenges from the global economy, clause 7 amends the Environment Protection Act to extend the facility currently available to hotels, guest houses and tourist residences in respect of the Environment Protection Fee for the next two years, that is, from 01 January 2013 to 31 December 2014. The Fee will be payable only by those establishments that will be generating in a year profits exceeding 5 per cent of turnover and the amount will have to be paid within 4 months after the end of the accounting period. Other establishments including loss-making ones will not be required to pay the Fee.

### **State Lands Act**

Similarly, payment facility in respect of rentals accrued as at 31 July 2012 from the date of the new industrial lease will be provided to any hotel that -

- (i) has incurred a loss or its profit does not exceed 5 per cent of its annual turnover;
- (ii) has not distributed dividends in the last financial year, and
- (iii) undertakes not to distribute any dividends during the payment period.

As from January 2013, it will be allowed to pay those accrued rentals in 3 consecutive annual instalments, with interest at 7.9% per annum. Such payment facility will not be available for next rentals due.

For islets and sites with severe planning restriction, provision will be made for higher reduction in rental, provided the site is held under a separate lease under the new industrial lease policy.

Any hotel on State lands that chooses to undergo renovation or reconstruction will benefit from a reduction of 50% in its rental payable in respect of its lease for a maximum period of one year provided that these are spelled out at clause 24 (b).

The base rental amount per *arpent* for new industrial leases of State lands along the coast (i.e. Letters of Intent issued as from 09 November 2012) is being updated for this year's inflation.

### **Excise Act**

Clause 9 brings the following amendments to the Excise Act to implement budget measures already announced. These include -

- Aligning the definition of "liqueur" with international standards.
- Set the legal framework for introducing an excise duty on soft drinks, both imported and locally produced, on the basis of their sugar content. The rate will be 2 cents per gram of sugar. Concurrently, the Rs1.50 per litre levy imposed by the CWA on locally produced soft drink, bottled water, fruit drink will be removed.

It is now proposed for these two measures to come into operation on Monday 04 February 2013.

Provision is made for the reformed Customs Penalty Compounding of Offences mechanism and the revised objection and appeal process to apply also to offences made under the Excise Act.

In the wake of recent cases of abusive importation and use of high value motor vehicles in the name of returning residents, the duty concession on such motor cars will henceforth be limited to the first Rs1.5 m. in import value instead of the full import value. Normal rate of excise duty will henceforth be applicable to any value in excess of Rs1.5 m. This measure will be applicable to motor cars shipped after 09 November 2012, i.e. Budget day.

Three incongruities under the Excise Act are being addressed -

- The Act currently provides that producers of any goods subject to excise taxation need police clearance for obtaining a licence. This is a legacy of the time when excisable

goods were limited to alcohol beverages and cigarettes. This requirement is being removed in the case of manufacturers of carrier bags and soft drinks.

- An anomalous restriction in the Second Schedule whereby a licensed liquor manufacturer can import or manufacture liquor, but cannot sell it is being removed.
- The law currently provides that only CO<sub>2</sub> emission certificates compliant with European standards under Regulation No. 101 of the Economic Commission for Europe of the United Nations are allowable. In the case of a motor car to which the UN Regulation does not apply, another internationally accepted standards, as may be subscribed, may be applied.

Appropriate provision is also made to enable introduction of excise duty on specified electrical appliances on the basis of energy efficiency standards. Appliances categorised as being energy inefficient will be subject to a penalty levy of up to 25% of import value. This provision will come into effect by proclamation, but is expected to be around April 2013.

### **Freeport Act**

Clause 9 amends the Freeport Act to –

- Allow for enterprises engaged in manufacturing activities to operate in the Freeport, provided that they export their manufactured goods to the extent of at least 95 percent of their annual turnover, of which at least 80 percent shall be exported to Africa. The remaining percentage may, upon approval by the MRA and BOI, will be allowed on the local market.
- Ensure that activities for the local market carried out in a Freeport Zone such as storage of goods and trade fairs will be subject to normal customs processes and will not benefit from the income tax exemptions.
- Revise the annual fees applicable to private freeport developers and third party freeport developers from Rs150,000 to Rs200,000 and freeport operators from Rs10,000 to Rs20,000, with a view to mitigating the effect of inflation on revenue.

### **Gambling Regulatory Authority Act**

Mr Speaker, Sir, gambling is another area where we need to reinforce enactments and enforcement.

Clause 10 brings appropriate amendments to the Gambling Regulatory Authority Act to -

- empower MRA officers with the same authority as GRA officers to act as inspectors;
- provide for the payment by the National Lottery operator of Government's share of the proceeds from lottery games to the MRA instead of directly into the Consolidated Fund;
- transfer to MRA the responsibility for the setting up and maintenance of the Central Electronic Monitoring System (CEMS) for the on-line recording, monitoring and control of gambling activities. The GRA will have on-line access to the CEMS for its regulatory functions;
- provide for imposition of a penalty of 50% of the licence fee in case of late payment;
- clarify that a bookmaker who has licenses for both horse racing and football betting can carry out both activities at the same place of business;
- reinforce the power of the MRA to raise an assessment and claim same by written notice under the Act, even if a person is not operating under a license in a gambling activity;
- make provision for reconduction of the tax amnesty schemes for another 9 months in respect of gambling taxes;
- increase the security amount to be furnished by a holder of a Gaming House "A" operator, a totalisator operator and a bookmaker, which is used by GRA to pay punters in case of default by licensees from Rs0.8 m. to Rs1.2 m.;
- specify that the tax point for bets placed with bookmakers of foreign matches, foreign horse-racing and other events excluding local horse-racing to be at the time the bet is accepted, and not the time the event takes place;
- ensure that licensees comply with the guidelines issued by FIU under the Financial Intelligence and Anti-Money Laundering Act.

### **Income Tax Act**

Clause 12 amends the Income Tax legislation mainly to give effect to the measures announced in the Budget Speech. The changes relate to both personal and corporate income taxation.

### **Relief for Medical or Health Insurance Premium**

Clause 12(b) introduces the new income tax relief in respect of premiums paid by an individual taxpayer under a medical or health insurance policy. The maximum annual allowable

deduction would be Rs12,000 each for self and first dependent; and Rs 6,000 each for the second and third dependents.

### **Accelerated Depreciation Provision**

In order to give a boost to the MID agenda, special annual allowances are being granted in respect of investment made during income year 2013 and 2014 in respect of investment made by any company in 'green' technology equipment, including renewable energy. Such investment will be allowed as a deduction over only 2 years for all types of industries. Green technology equipment has been defined at clause 12(v)(ii).

Furthermore, special accelerated provisions are being made for investment made by manufacturing industries in 2013 and 2014. Thus, capital expenditure on industrial premises dedicated to manufacturing will benefit from an allowance of 30% on a reducing balance basis, that is, a company will be able to deduct above 80 percent of the full cost over 5 years instead of 20 years. Likewise, capital expenditure on plant and machinery by a manufacturing company during that period, excluding passenger car, may be apportioned over 2 years only instead of 6 years normally.

### **Flexibility for CSR**

Clause 12(h) amends the law to provide flexibility regarding the use of CSR funds of companies as follows -

- (a) they will be allowed in a year, subject to the approval of the CSR Committee, to carry forward up to 20% of CSR funds in a year instead of remitting same to MRA, and
- (b) companies that have spent 20% in excess of their statutory CSR obligation in any given year but not for more than two consecutive years can offset the amount in five equal annual instalments against future CSR liability.

### **Improve compliance for Sociétés**

A 'Société Commerciale' or any other resident *société* deriving income will be required to file a return of income with the MRA before 31 March in a year.

Moreover, such *sociétés* will be required to give each of its associate a statement showing the share of income accruing to him, in respect of the preceding year and give to the MRA in electronic form the particulars of the share of income accruing to each associate.

### **Tax Amnesty Schemes**

The tax amnesty scheme ‘Voluntary Disclosure of Income Arrangement (VDIA)’ is being operated for 9 additional months from 01 January to 30 September 2013 with the following fine-tuning, in the interest of taxpayers and to ease administration -

- for under-declaration/non-declaration of income, the period covered under VDIA will be in respect of up to the year of assessment ending on 31 December 2012. Moreover, the rate of tax applicable will be 15%. The taxpayer will also be entitled to the income exemption threshold relevant for each year being declared, and
- as regards cases under objection or appeal which are withdrawn to come under VDIA, the period covered will be up to 30 September 2012. However, the rate at which the tax was assessed will remain unchanged but any agreement between the taxpayer and the MRA on an item under dispute will remain valid.

The Tax Arrears Settlement Scheme (TASS) is also being revamped to deal with and eventually clear long outstanding income tax arrears in the books of MRA, some of which date as far back as 1960. Where the tax arrears relate to an assessment or a return submitted on or before 01 July 1996, the Director-General of the MRA may refer the case to a panel, irrespective of an application being made by the person. The panel will consist of, at least, 3 MRA officers and will review the tax penalties and interest outstanding as at 31 December 2012, after taking into account the person’s financial position and personal circumstances.

The other amendments to the Income Tax Act are -

- (a) To allow for full impact of the new accelerated annual allowances measures, application of the Alternative Minimum Tax (AMT) will be suspended for manufacturing and hotel companies during fiscal years 2013 and 2014.
- (b) In order to attract global funds which do not require benefits under our Double Tax Avoidance (DTA) network, such funds will be allowed to be set up as a corporate body enjoying tax-free status.
- (c) Provision is being made for MRA to charge a service fee as may be prescribed for the issue of Tax Residence Certificates.
- (d) The turnover threshold for the operation of the Current Payment System (CPS) applicable to self-employed and Advance Payment System (APS) will be raised from Rs2 m. to Rs4 m.

- (e) The provisions of the tax deduction at source (TDS) are being fine-tuned as follows -
  - a de-minimis clause of Rs500 is being introduced per payment;
  - TDS will apply to services provided by all medical service providers instead of only doctors and dentists;
  - TDS applicable to public sector agencies is being fine-tuned and will not apply in respect of telephone, postal, air travel and hotel services but will apply for the payment of royalties, and
  - The rate of TDS applicable in respect of interest payment to a non-resident is being increased from 10 per cent to 15 per cent.
- (f) The current rate regarding the special levy on banks is being maintained for another 2 years. Likewise, the Solidarity Levy on telephony service providers will be extended for an additional year, that is, for the year of assessment 2014.
- (g) Interest received by an individual in respect of debentures quoted on the stock exchange will be exempted from income tax.
- (h) The two special income exemption thresholds granted to a retired person (categories E & F) are being extended to cover a disabled person.
- (i) Following representations from trade unions, the tax exemption in respect of “Severance Allowance” will now cover a negotiated compensation under section 42 of the Employment Rights Act. Subject to the exemption being limited to the amount of severance allowance payable through the findings of the Industrial Court. This amendment will be backdated to the coming into operation of the Employment Rights Act, i.e. 01 February 2009.
- (j) A consequential amendment pursuant to the increase in the minimum selling price of a housing unit in a housing estate for the middle income group from Rs2.5 m. to Rs4 m. for projects registered on or after 01 January 2013.
- (k) Provision is also being made to give the possibility to prescribe categories of superannuation funds which will enjoy tax benefits.

The Bill also contains some amendments which have not been explicitly mentioned in the Budget Speech or its Annex, but which relate to improvement in tax administration and streamlining certain provisions of the Income Tax Act. They are as follows -

The wealth indicators in the Income Tax Act, that is, those criteria which require a person to file a return of income, whether he has a chargeable income or not, are being updated. This requirement will now concern -

- (i) persons acquiring an immovable property costing more than Rs5 m.;
- (ii) owners of a car costing more than Rs2 m. or in respect of which registration duty exceeding Rs75,000 has been paid; or
- (iii) owners of a private pleasure craft costing more than R1 m. including engine.

A person who qualifies under one of the above criteria in any given year will be required to continue filing a return of income for successive years unless his obligation has been waived by the Director-General of the MRA if he demonstrates that he is not likely to have chargeable income in the future.

In addition, amendments are being brought to -

- (a) correct the definition of 'Freeport operator';
- (b) correct an omission, especially regarding application of penalty and interest on assessments raised by MRA in respect of PAYE withheld by employers or tax deducted at source by payers; and
- (c) make a consequential amendment following the setting up of the Mauritius Cane Industry Authority.

Clause 13 amends the Investment Promotion Act to clearly require that every holder of a registration certificate issued by the Board of Investment must, at all times, satisfy the appropriate criteria for registration. Furthermore, another amendment in the same Act provides that the Ministry of Finance and Economic Development shall together with the Board of Investment and the Mauritius Revenue Authority monitor compliance, to the established criteria, by investors, self-employed non-citizens, professionals and retired non-citizens.

Furthermore, the Schedule to the Investment Promotion Act is amended to include, in addition to existing categories, a new category of professional (i.e a non-citizen drawing a monthly salary of more than USD 3,000 per month) and a new category of investor (i.e. a person who has invested more than USD 100,000).

Clause 16 amends the Mauritius Revenue Authority Act to take account of the comments of the National Audit Office. The specific information to be prepared and published by the MRA

is now clarified. At the same time, opportunity is being taken to clarify the powers of the Board and reporting requirements of the Director-General to the Board.

The National Pensions Act is amended to provide for the payment of contributory pensions and survivor's pensions as from January 2013 to spouses of those who have disappeared at sea or who are missing.

The National Savings Fund Act is being amended in Section 5F to enable payment of monthly contributions from the NSF as premiums to health insurance schemes and allow such payments as from the second month following the month in which the application is made.

The Immigration Act is being amended -

- (i) to provide a new definition of "dependent child" as a child who is under the age of 24, as compared presently to a child who is under the age of 18.
- (ii) to enable a non-citizen who has invested, at least, USD 500,000 or its equivalent in foreign currency in a qualifying activity to apply for permanent residency and be granted the status of permanent resident. Qualifying activities are being defined in the Schedule to the Investment Promotion Act and include agro-based industries, banking, construction, education, environmental-friendly and green energy products, financial services, fishing and marine resources, Freeport, health care, information technology, infrastructure, insurance, leisure, manufacturing, marina development, tourism and warehousing. It excludes real estate including Invest Hotel Scheme.

The Non-Citizens (Employment Restriction) Act is being amended to correct an anomaly in the law. We are clarifying that holders of an occupation permit need not apply for a work permit.

Clause 20 amends the Non-Citizens (Property Restriction) Act to allow professionals and investors holding Category I occupation permits to purchase an apartment, in a building of, at least, 2 floors above ground floor, for their personal residence, upon production of an authorisation, as from the date an occupation permit is issued to them under the Immigration Act.

Clause 22 amends section 8(1) of the Public Debt Management Act whereby the Minister can authorise an officer of the Ministry to execute a guarantee agreement on behalf of Government.

The Registration Duty exemption scheme for the first-time buyers will be modified. The upper limit of the property value to qualify for duty exemption for those households will be increased to Rs1 m. for bare land and to Rs4 m. for residential property. The duty exemption will not apply if the value of the property exceeds Rs1 m. for bare residential land and Rs4 m. for built-up residential property.

A person will also be considered to be a first-time buyer if his/her spouse is or was the co-owner of an immovable property prior to 09 November 2012 and their share in that property was less than 5 perches.

Similarly, the minimum selling price of a unit for housing estates targeting the middle income group is being increased from Rs2.5 m. to Rs4 m. for projects registered on or after 01 January 2013.

With a view to facilitating business, the time limit for registration of all documents pertaining to global business activities at the Registrar-General's Department will be set in law to 3 months, except for documents witnessing transfer of an immovable property or a movable property in Mauritius.

No land conversion tax will be payable on the conversion of land from agricultural use for the purpose of setting up a manufacturing unit, constructing an 18-hole golf course, setting up a power station for generation of energy using 'green'/renewable sources and construction of a building to be used for provision of Technical & Vocational Education and Training (TVET). It is to be noted that conversion of land for agro-industrial activity is already exempted from land conversion tax.

However, for any particular project, the Land Conversion Permit and tax exemption will lapse if construction does not start within 6 months after the Building and Land Use permit has been obtained.

Clause 29 amends the Value Added Tax Act mainly to give effect to the following budget measures -

In order to relieve small business from the hassle of operating VAT and at the same time benefit consumers, the annual turnover threshold for compulsory VAT registration will be raised from Rs2 m. to Rs4 m. In view of the requirements of the de-registration and computer updating process, this measure will take effect as from 01 April 2013. It will remove 1300 small traders and businesses from the VAT register.

- As a corollary, the obligation for a business that is seeking voluntary registration to have kept and maintained proper record of the business for at least one year is being removed. This amendment will remove an anomaly that is penalising new businesses.
- The VAT Refund Scheme for small farmers, breeders and fishermen which is due to expire on end-2012 will continue to operate for another year, i.e. till 31 December 2013. Moreover, a number of specific equipment and their spare parts have been added to the list of qualifying items.
- It is also proposed to extend the VAT Refund Scheme to cover licensed bakeries other than those in hypermarkets and supermarkets for enabling refund of VAT paid on investment in new and specialised bread-making equipment.

Appropriate amendments are also being introduced in the VAT Act to –

- remove any ambiguity about the possibility for a VAT registered person to issue a VAT invoice to any other person, whether VAT registered or not;
- enable MRA to claim claw-back of input VAT in the case of sale or transfer of part of a building;
- fast-track repayment of VAT incurred in renovation works exceeding Rs10 m. in value undertaken by a restaurant, shop or other retail outlet (excluding supermarkets and hypermarkets). Repayment should be made by MRA within 7 days instead of 45 days and this facility will be available up to 31 December 2014;
- clarify that VAT is chargeable in case a third party Freeport developer provides warehousing facilities for storage of goods in a Freeport zone;
- make provision for refund of the VAT paid in case of imported goods found to have been damaged, pilfered, destroyed or become unfit for consumption during international transportation;
- enable refund of VAT paid by diplomatic missions, embassies and their agents in Mauritius on their purchases in local shops made as from 01 October this year for any invoice value above Rs3,000, on a reciprocity basis;

- specify that repairs of a capital nature brought to social housing by NHDC will also be VAT exempt.

### **Economic and Financial Measures (Miscellaneous Provisions) (No. XXVIII) Bill**

Mr Speaker, Sir, I now come to the Economic and Financial Measures (Miscellaneous Provisions) Bill.

#### **Bank of Mauritius Act**

In Clause 2, the Bank of Mauritius Act is being amended in section 6 -

- (a) to allow a commercial bank to enter into agreement with another commercial bank to transfer its unutilised amount under the SME financing scheme instead of the Bank of Mauritius;
- (b) to allow the Bank of Mauritius to provide an exit window for the development of the Secondary Market for the Government of Mauritius Securities. The necessary platform was created to allow Government benchmark bonds to be traded on the secondary market. However, commercial banks are not willing to enter the market unless an exit mechanism is provided whereby either the BoM or Government buys back the bonds in case when commercial banks face liquidity problems, and
- (c) for the central bank to impose a cap on fees/charges of commercial banks.

A new sub-section is being added for the central bank to impose administrative penalties on any financial institution it has licensed which has refrained from complying with the provisions of any instructions or guidelines imposed by it under the banking laws. Section 52 of the Act is also being amended for the Credit Information Bureau to cover the utility bodies mentioned in the amendments.

In order to provide a safeguard to licensees of the Central Bank who are aggrieved by a decision of the Central Bank regarding capping of fees and penalties imposed under sections 49(6) and new section 50(6) of the Bank of Mauritius Act, a new Part VIII A is being added to provide for the setting up of a Review Panel, similar to that of the Financial Services Commission. The Review Panel shall comprise of an independent Chairperson who shall be assisted by the Solicitor General and the Financial Secretary or their respective representatives,

all appointed by the Minister. Any person not satisfied with a decision of the Review Panel may seek a Judicial Review.

Mr Speaker, Sir, the composition of the Monetary Policy Committee was amended last year to increase the number of representatives from the Bank staff to 3 from 2 previously. To safeguard the independence of the Committee, section 54 of the Bank of Mauritius Act is being amended to return to the initial composition of the Monetary Policy Committee as follows: The Governor as chairman, the 2 Deputy Governors as members, and 5 other members having recognised experience in the field of economics, banking or finance. The law will now provide for the Prime Minister to appoint 2 of these 5 persons. The Minister of Finance will appoint the 3 other persons, not being directors or employees of the Bank.

To improve the coordination of monetary and fiscal policy, the Monetary Policy Committee will be required to take into account the views of the Bank, as well as those of the Ministry of Finance and Economic Development and such other institution or organisation as it considers appropriate.

### **Building Control Act**

The Building Control Act 2012 is being amended to clarify certain definitions. It specifies the circumstances under which the services of an engineer will be required, and this will be defined in guidelines or regulations made under the Local Government Act 2011.

### **Companies Act**

The Companies Act is being amended to bring some technical adjustments as well as clarify certain specific sections. The concept of “service address” in the Companies Act is being introduced to ensure that personal details of officers of companies are not divulged to other parties apart from the regulator. The residential address would still be required, but not available publicly.

The definition of “last preceding financial year” is being made clear to address a longstanding debate on the definition.

As the law stands, all transfers of shares in a company must be effected in the form required by the Registration Duty Act, irrespective of whether the company holds immoveable property or not. The amendment seeks to cure this problem by requiring now only transfers to be

effected by a form required by the Registration Duty Act where there is immoveable property and a copy sent to the Registrar of Companies for completeness. All other transfers would be done through a form approved by the Registrar of Companies.

To be compliant with the OECD, information regarding nominee shareholders should be made available. This amendment is to address the concerns of lack of transparency in the shareholding of a company. The law would now require disclosure of information in case shares are held by a nominee. Amendment is also being made to bring greater clarity in the conditions to be met when a company seeks to use resolution in writing.

For completeness of the public register, all instruments of charges should be sent to the Registrar for the public to know the extent of the indebtedness of the company.

A fee is being proposed for the restoration of companies, including restoration by the Court, which is not currently the case.

The 14<sup>th</sup> Schedule to the Companies Act is also being amended to ensure that Global Business companies have an official registered office address instead of using Management Companies as a “care of” address.

### **Competition Act**

Under the Competition Act 2007 it is stipulated that no liability, civil or criminal shall attach to a commissioner, the Executive Director or to any other officer for any act done or omitted to be done, in good faith. It is now proposed to bring necessary provision to section 39 of this Act so that there is also no liability to the Commission as such.

### **Education Act**

The Education Act, the Fashion and Design Institute Act, the Open University of Mauritius Act, the University of Mauritius Act, the University of Technology Mauritius Act and the *Université des Mascareignes* Act are being amended to provide for the setting up of appropriate mechanisms for consultations between industry partners, Government and educational institutions on trends in labour market and contents of courses with a view to addressing skills mismatch in the labour market. This will be in addition to existing provisions in the law.

### **Electronic Transactions Act**

The Electronic Transactions Act provides, among other things, for the Public sector use of electronic records and signatures at part XI of the Act. With the introduction of e-Payment, Government Agencies will be required to both make and receive payments in electronic form. Currently, Section 40 of the law allows for public agencies to make payments in electronic form. This is a barrier to implementing e-Payment in Government and needs to be reviewed. The proposed amendments will allow Government Agencies to “make and receive” payments through the electronic means which will enable Government agencies to accept electronic payments. The proposed changes will accelerate adoption of e-Payment.

### **Financial Intelligence and Anti-Money Laundering Act**

The relevant professions and occupations including accountants, auditors, lawyers, solicitors, notaries, jewellers, real estate agents and land promoters have an obligation under the Financial Intelligence and Anti-Money Laundering Act to submit suspicious transactions reports to the Financial Intelligence Unit. However, there is no authority to issue to these professionals any guidelines on anti-money laundering. There is also no authority to take any sanctions if they fail to submit any Suspicious Transaction Reports (STRs) to the FIU. As Mauritius is committed to implement the recommendations of the Financial Action Task Force on anti-money laundering and the combating of the financing of terrorism regarding these relevant professionals and occupations, the Financial Intelligence and Anti-Money Laundering Act is being amended to empower the FIU to issue guidelines and for their respective supervisory authorities to take sanctions, if any.

As regards estate agents and land promoters, since they do not have any licensing/regulatory authority, powers are being given to the FIU to take appropriate sanctions in case of non-compliance.

In the Detailed Assessment Report of the joint IMF World Bank/Eastern and Southern Africa Anti-money Laundering Group (ESAAMLG) submitted in 2008 in connection with the Financial Sector Assessment Programme on anti-money laundering, the assessors have indicated that the Director of FIU is not independent with regard to the dissemination of STRs to regulatory and investigatory bodies.

As it is, all STRs have to go through the Board of FIU before the Director could disseminate to relevant investigatory or supervisory authority.

Amendment is being made for the Director to have the powers to disseminate STRs without having to seek the Board's approval. Powers are also being given to the Director to seek further information whenever required.

The section relating to declaration of assets by the Chairperson, Board members and staff of the FIU is being reviewed.

Consequential amendments are also being made to the Financial Reporting Act and the Prevention of Corruption Act to cater for the relevant professions and occupations, which include Accountants, Auditors and Jewellers.

### **Financial Reporting Act**

The Financial Reporting Act is being amended to make certain technical amendments to the Act. These include the redefinition of the public interest entities and the need for the FRC to prepare its accounts using IFRS. Small companies willing their accounts to be audited by a licensed auditor can do so if they wish.

Licensed Auditors, Accountants and public Accountants have a duty under the FIAML Act to report suspicious transactions to the FIU, but no provisions in the law have been made regarding their responsibilities, and also there is no authority to enforce the guidelines. Though the Financial Reporting Act makes it an obligation for these professionals to be licensed by the Mauritius Institute of professional Accountants, but not all of them do so. The Act is being amended to empower MIPA to take actions against those professionals who are not registered as well as those who do not implement the FIU guidelines on anti-money laundering.

The amendments also provide -

- (a) for licensed auditors to report on extent of compliance with Code of Corporate Governance by public interest entities;
- (b) that no professional/public accountant/member firm could use his name, the title of his professional qualifications in any report, statement or other document or be employed in Mauritius unless he is registered as such, and
- (c) for MIPA licensees to pay such fees as may be prescribed.

### **Financial Services Act amended**

The Financial Services Act is being amended to extend the definition of consumer of financial services, which is currently limited to those under the Private Pension Schemes Act.

To diversify the financing products being offered from Mauritius, provisions are being made for global business companies to be able to set up global headquarters administration and global treasury activities in Mauritius. FSC will also issue under its Rules the cases and circumstances when a Global Business Company can deal with residents. Powers are also being given for the FSC to issue directions to insurance companies not implementing decision of MVAC as well the powers to impose administrative penalties in minor breaches.

The contribution of the FSC to the Consolidated Fund is being reviewed.

### **Insolvency Act**

Powers are being given to the Director of Insolvency Service to issue practice directions for procedures for registering of documents or things to be done under the Insolvency Act similar to that of the Companies Act.

### **Limited Partnerships Act 2011**

The Limited Partnerships Act 2011 is amended to tidy up some practical issues and to make it clear that Limited Partnerships cannot be issued with a GBC2 licence, and also to clarify the confidentiality provisions for Limited Partnerships owned by Global Business Companies.

### **Medical Council Act and Dental Council Act**

Amendments are being made to the Medical Council Act and to the Dental Council Act -

- (a) to ensure that medical students have the minimum basic qualifications required for enrolment in medical studies and dental studies. Any prospective medical and dental student will need a minimum number of points in any three subjects at advanced level or equivalent;
- (b) for all medical graduates, whether qualified locally or abroad, to undergo a written examination after completion of their pre-registration training;
- (c) to make Continuing Professional Development mandatory for all serving registered medical practitioners and Dental Surgeons;
- (d) to set up a Board of Post Graduate Medical Education to advise the Medical Council and the Dental Council on the registration of medical practitioners for specialist practice and on the registration of Dental Surgeons for specialist practice.

### **National Heritage Fund Act**

The National Heritage Fund Act to enable protection is being amended to enable protection and control of importation of handicraft products.

### **National Productivity and Competitiveness Council Act**

The NPCC Act is being amended to provide for -

- (a) a reduction in the number of Council members from 20 to 7;
- (b) elimination of the Executive Committee, and for the duties thereof to be performed by the Executive Director;
- (c) the budget to be prepared as per the PBB principles, and
- (d) accounts to be audited by the National Audit Office.

### **Ombudsman Act**

Clause 19 amends the Ombudsman Act to improve response time to complaints that are addressed to the Ombudsman by putting a time frame for the respective authorities to respond.

### **Prevention of Corruption Act**

Regarding the amendment to the Prevention of Corruption Act, it is a consequential amendment being made following amendments to the Financial Intelligence and Anti-Money Laundering Act regarding the definition of the relevant professions and occupations.

### **Public Procurement Act**

Clause 22 amends the Public Procurement Act to provide for regulations to govern procurement by our overseas missions, as it is not practical to use the standard provisions of the Central Procurement Board in such circumstances. Moreover, similar provisions are being made in the case of rental of office space to allow flexibility in special cases such as when additional space is required in the same building. Similarly, training services for public officials will be governed by a regulatory framework that allows direct procurement from the Civil Service College.

The Act is also being amended to provide for e-procurement, life cycle costing, framework agreement and rate contracts; expedite the appeal process, and introduce a non-refundable fee of Rs5,000 for processing of appeal cases by the Independent Review Panel.

### **Road Traffic Act and Road Traffic (Amendment No 2) Act 2006**

The Road Traffic Act is being amended to provide for the framework for introduction of Personalised Registration Mark for motor vehicles. The operational aspects will be laid down in regulations.

The Road Traffic Act will be amended to provide for consequential amendments regarding the registration of hybrid, electric vehicles and vintage cars, to deal with cases of dishonoured cheques where vehicle owners refused to surrender license and settle account, and to remove an ambiguity and ensure that the road tax concession on double-cab pick-ups for farmers and fishermen is not applicable to Sports Utility Vehicles and other luxury double-space vehicles.

The Road Traffic (Amendment No. 2) Act 2006 will be amended to standardise and harmonise surcharge applicable to late payments of registration fees.

### **Roads Act**

The amendments to the Roads Act are meant to address difficulties encountered in the disposal of illegal advertising structures. Thus, highway authorities will be empowered to have access to illegal structures and pull them down. Lengthy procedures with respect of yearly renewal of permit for advertising structures are also being streamlined.

### **Securities Act amended**

Amendments are being made to the Securities Act to allow FSC to make Rules concerning the recognition of remote participants on the CDS, and for the FSC to specify in its Rules the percentage of voting right/control in takeovers.

### **Statutory Bodies (Accounts and Audit) Act**

The schedule to the Statutory Bodies (Accounts and Audit) Act is being updated to reflect changes in institutional arrangements.

### **Trusts Act amended**

To comply with OECD/FATF requirements on records keeping, section 38 of the Trusts Act is being amended to provide for the trustee to keep -

- (a) up-to-date and accurate accounts, and
- (b) a register of the names in alphabetical order, and the last known address of each beneficiary and settler of the Trust, including a non-resident foreign trust.

The records to be kept shall include proper books, registers, records such as receipts, invoices, and vouchers such as contracts and agreements representing a full and true record of all transactions and other acts engaged in by the Trust, and shall be kept for a period of at least 5 years after the completion of the transactions.

Mr Deputy Speaker, Sir, finally, I am proposing to bring a number of amendments to both Bills at Committee Stage, mainly to correct certain drafting anomalies.

The amendments to the Finance Bill are the following -

Under clause 4

To clarify that ‘immatriculation’ of *sociétés* will not be under the Business Facilitation Act but with the Registrar of Companies.

Under clause 9

To reinstate the provision regarding warehousing facilities to an enterprise outside the Freeport zone, which has been inadvertently omitted.

Under clause 12

To give additional time for a *société* to provide its associates a statement showing their share of income, that is, up to 31 March instead of 15 February.

Under clause 23

To clarify that transfer of ‘*part sociale* in a *société*’ to a person need not be made in the form as set out in the Ninth Schedule.

Under clauses 21 and 26

To align the definition of ‘participant’ in the Statutory Bodies Pension Funds Act in relation to the Public Pensions Defined Contribution Pension Scheme to what obtains under the Pensions Act.

Under clause 29

To correct a cross reference and clarify the exemption provisions relating to construction of social housing.

The amendments to the Economic and Financial Measures Bill are as follows -

Under clauses 7 and 16

To enable a person to be exempted from the examination provided for under the Dental Council Act or the Medical Council Act, where he satisfies such criteria as may be prescribed by the Minister, after consultations with the respective Council.

Moreover, to introduce a transition clause for those who have enrolled prior to 01 January 2013 on a course leading to a diploma in medicine so that they are exempted from the amended eligibility requirements.

To add ‘effective quality assurance of the programmes of studies’ in the responsibility of the Consultative Committee under the [Education Act, Open University of Mauritius Act 2010, *Université des Mascareignes* Act, University of Mauritius Act and University of Technology Mauritius Act]. Furthermore, clause 30 provides for the University of Mauritius Act to set up an agency or a charitable trust on conditions specified in the new proposed subsection (3), and to regularise the charitable trust registered on 23 October 2006.

Mr Speaker Sir, I now commend the two Bills to the House.

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

(6.01 p.m.)

**Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière):** Mr Speaker, Sir, I will deal with the two Bills successively, the Finance (Miscellaneous Provisions) Bill and the Economic and Financial Measures (Miscellaneous Provisions) Bill which are two Bills that will put into law the Budget proposals that have been announced lately. But, as the Budget has been commented widely and largely, and has been a *tablette de petites mesures, des mesurettes qui vont rentrer dans l'oubliette*, I do not think that I will spend a lot of time on these proposals.

A lot of the proposals announced in the Budget are not incorporated in the law like the deposit insurance scheme and a few definitions which could not be found in the Finance Bill or the Economic and Financial Measures Bill and while, on the other hand, some proposals that have not been announced have been introduced surreptitiously here and there.

Let us take the Finance Bill first, Mr Speaker, Sir. Firstly, the *Code Civil Mauricien* which is being amended in Article 1582 by the addition of the following paragraph –

« *Toutefois une vente d'immeuble n'est valable que si elle est faite par acte authentique*  
 (...) »

The Land Duties and Tax Act is also amended in a similar vein with a new part 1(a) , on page 51, Mr Speaker, Sir, where it is said that –

“Where a deed other than a judgment of a Court or a deed of transfer or document witnesses a transfer of immovable property, such deed or deed of transfer or document shall be drawn up by an authentic deed”.

*Un acte authentique!* As we know very well, before this amendment, any transfer of immovable property can be verbal, under a private agreement or *sous seing privé* and does not need to be registered. It is said that: ‘*une vente est parfaite par consentement sur la chose et sur le prix.*’

Mr Speaker, Sir, since any transfer of property must now be drawn by means of a deed, by a notary and by a notarial deed which needs to be registered, it definitely adds to the security of the title deed. But, there is a cost to it, Mr Speaker Sir, and usually, some formality and cumbersome procedure also go along with it. I do not see the representatives from Rodrigues here. Especially in the case of Rodrigues, people are not used to notarial deeds. So, this measure will impose certain costs and formalities which will have to be explained properly to people and I, therefore, propose that at the Registrar General there is a Help Desk that deals with this matter because it is going to create a drastic change in the way people used to transfer property.

The second item under the Finance Bill, Mr Speaker, Sir, is on page 42 with relation to the amendment section 119 of the Income Tax Act where it is said that a statement will have to be submitted by a *société* to its associate or its *sociétaires* to give the share of the income accruing to each *sociétaire* in respect of the preceding year. It says very clearly that every *société*, commercial or resident, will now have to submit this statement to the *sociétaires*.

Mr Speaker, Sir, this is like the statement of emoluments to employees which is submitted by the employer for the employee to file in his return to the Income Tax Department. However, while the *société* by law will have to submit its return to the MRA not later than 31 March, as indeed written in the amendment to section 119, yet, the *société* is required to submit to each associate or *sociétaire*, the statement of his share of income by 15 February. So, it is difficult for the *société* to submit that statement by 15 February when it is preparing its accounts which will be submitted by 31 March. I just heard the hon. Minister saying that there is going to be an amendment to the law; there is an amendment to his amendment which will extend this delay from 15 February to 31 March for submission to the MRA. So, this is a right decision in the right direction.

The third item is with regard to the new regime a new category of non-treaty based funds, that is, tax exempt funds. But, it is not clear how it is covered under the Income Tax Act. It is

said on page 47, under part 2 of the second schedule - exempt income - that it is going to cover also any income paid by a special purpose Fund established under the Financial Services Act. Mr Speaker, Sir, this is a very restrictive definition of the Fund because the regime of global funds that will be allowed to operate as tax exempt fund is not necessarily restricted to special purpose fund. So, this needs to be clarified because it is a major plank to the development and diversification of the global business financial services and it is important that it is clarified to operators whether it involves all types of global funds or only a special purpose fund.

The fourth item under the Finance Bill refers to the relief for medical and health insurance scheme. This is a new relief provided under the income tax amendment and, here, it is important for us to explain how it works, its advantages compared to other types of reliefs that have not been reinstalled. You will remember that the former Minister who had been widely praised, Dr. Rama Sithanen, installed a very simplified system where he removed all the tax reliefs and allowances but, at the same time, raised the income tax threshold for which the taxpayer is exempt from tax.

But now, the Finance Bill, here, restores this relief, but only for medical and health insurance scheme. Why is it so? Is it to favour the proliferation of medical insurance schemes and private clinics, or the privatisation of medical services in Mauritius? After the fiasco of the measures announced last year, where it is allowed to use the National Savings Fund to contribute to a medical scheme, very few people have taken advantage of this. Now, the hon. Minister of Finance is broadening it and allowing any taxpayer to contribute to medical insurance and ...

*(Interruptions)*

We are debating on the issue. If the hon. Member does not want to listen, he can go home.

So, the issue is: the relief to income tax related to the medical scheme is a double benefit. When you contribute to a medical insurance scheme, you get a tax relief for it. But when you claim benefit afterwards, this medical benefit that you will get as a refund, you are not taxed on it. So, you have double benefit. Whereas, if you were to encourage saving, you should have provided tax relief on pension. When you contribute to a personal Pension Fund, out of your taxed income, you do not get any tax relief for that pension contribution. And yet, on your retirement, you take your retirement income, on that retirement income, you have to pay tax, subject, of course, to a threshold. So, you have double taxation for pension contribution and you

have double benefit for medical insurance scheme. What is the reason for this? We need to find the logic for it. Is it to encourage saving or is it to favour certain private interest?

The fifth item under this Finance Bill is with relation to the 6% pension contribution now payable by all new civil servants as from January 2013. So, this is like a defined contribution system in the private sector while the old civil servants don't have a defined contribution system, and yet, they have to contribute 6% like the new civil servants and they will get a defined benefit arrangement. Whatever it is, for old civil servants and for new civil servants, all these funds go into a pool - especially for defined contribution system - and the pool is being managed by SICOM. Is there any strict investment rule that is being applied for the investment of this pension money by SICOM or is it being used like the National Resilience Fund to place deposit in US dollar in order to bet against the rupee and depreciate the rupee?

**Mr Speaker:** No, the hon. Member is not allowed to go along that line; he must just stick to the Bill.

**Mr Li Kwong Wing:** I am not debating, I am just asking the question, Mr Speaker, Sir. This item also needs to be highlighted because it is a big pool of money that is going to be contributed by civil servants, Mr Speaker, Sir.

Another item relating to the Finance Bill is regarding the new provision of an objection directorate because the MRA raises assessment, sometimes very wildly, and then there is dispute and then they come to a settlement of the dispute and the amount that is collected is far below the amount that is initially raised. So, if we have this objection directorate, it would be good to have concrete factual information about how much has been assessed every year by the MRA compared to how much has been collected by the MRA. Then we can know to what extent the objection has been justifiable or not.

The other issue concerning the Finance Bill is the VAT exemption which has been extended to enterprises with turnover below Rs4 m. Before they had to be VAT registered when their turnover is Rs2 m.; now, they are exempted, if they have a turnover of up to Rs4 m. But the problem is that SMEs that have turnover between Rs2 m. and Rs4 m. are in a limbo because the law says that they don't need to be registered, they don't need to collect VAT and they don't need to pay VAT. But this is not what the MRA will do. Because for the MRA, they have not yet been deregistered and they have not come to the MRA for deregistration. They will give hell to these people. They will ask: why you did not collect the VAT money and you have not been

officially deregistered? Has consideration been given to have a Help Desk or a fast track system for voluntary deregistration of these SMEs with turnover between Rs2 m. and Rs4 m.? That is the question to be asked.

Mr Speaker, Sir, I come next to the other Bill, the Economic and Financial Measures (Miscellaneous Provisions) Bill. There is the first proposal which is now put in law to allow the Bank of Mauritius to impose a cap on fees and charges. As we know, the Bank of Mauritius has already set up a Task Force to investigate into the unfair terms and conditions in banking and it is said in the public consultation invitation by the Bank of Mauritius that the Bank of Mauritius is inviting comments from the general public and is proposing to investigate into the terms and conditions of contracts including fees, commission and charges. But here, the amendment to the Bank of Mauritius refers only to fees and charges. I don't know whether the omission of the word 'commission' is deliberate or unintentional. It would be good to know whether the cap is only on fees and charges and not on commission.

I come to the other item of this Bill which is the Banking Services Review Panel. This was not announced in the Budget but, as it is now introduced in law, let us see what is being proposed. The Banking Services Review Panel will consist of a Chairman, who will be a Barrister of not less than five years and two other members being the Solicitor General or his representative and the Financial Secretary or his representative. Mr Speaker, Sir, the Solicitor General and the Financial Secretary are both Board Members of banks regulated by the Central Bank. So, there is a definite conflict of interest there. They are conflicted.

Secondly, the Chairperson of the review panel of the Central Bank is going to be appointed by the hon. Minister of Finance when the Governor, himself, is appointed by the hon. Prime Minister. So, is it not more logical that the Chairperson be appointed by the hon. Prime Minister, given that the Governor, himself, is appointed by the hon. Prime Minister? Is it not more logical that he should be a barrister who has more than ten years' standing in court? As regard to the two other Members, I think for the sake of independence of the Central Bank, where the Central Bank must be seen to be independent of Government, it would be more logical to appoint either a retired judge or a retired former Governor or a former Senior Executive of the Central Bank as the two members of this Review Panel. That is my proposal.

The third item under this Bill is in relation to the Monetary Policy Committee. It is quite telling that this amendment is not even written in bold characters there, I don't understand why.

Every sub-paragraph is in bold characters, and here if we look at page 8, clause 54 it refers to Monetary Policy Committee, but this title is not even put there. What is the reason for not putting it, I don't understand. But suffice it to say that it is a very important Committee of the Central Bank and this Bill will change the composition of that Committee.

Let us look at the way the composition has changed in the recent years! Before the MPC consists of the Governor as Chairperson, plus his two Deputy Governors and two independent Directors of the Bank of Mauritius plus three external persons appointed by the Minister of Finance. That was the original MPC composition.

In December 2011, that is, last year, the Finance Bill amended this composition and introduced a new set up, that is, we have a Governor plus 3 Senior Executives of the Bank of Mauritius appointed by the Governor and five members appointed by the Minister of Finance after consultation with the Governor. That is the way it is now. One year afterwards - December 2011, this is the situation - there is another change. What does this Bill propose? It proposes to have the Governor as Chairperson, plus two Deputy Governors and two members appointed by the Prime Minister plus three members appointed by the Finance Minister. Instead of nine members which we have currently, we now have eight members: Governor plus two Deputy Governors, two members appointed by the Prime Minister and three members appointed by the Finance Minister. What do we see in this proposal? Surreptitiously, the appointment by the Finance Minister now does not require consultation with the Governor; suddenly this has been taken out.

**Mr Speaker:** I have to stop there. This is a matter of policy. The hon. Member can't at this stage debate on a matter of policy. He should have done so at the stage of the debate on the Budget speech. So, I would advise him to refrain from arguing on the point of the matter of policy for a Government.

**Mr Li Kwong Wing:** Yes, the point is taken except that it was not proposed in the Budget speech; this is new here. Mr Speaker, Sir, this does not look serious because you are changing it every one to two years. There is no stability in this composition and we don't know what will happen next year. The Minister has got the benefit of having a report by Sir Alan Budd who has reviewed the whole matter ...

**Mr Speaker:** Well, I have ruled. This is a matter of policy. I have been lenient enough. I have allowed the hon. Member to express his views, but I don't think he should carry on along that line. He should have done so at the stage of the debate on the Budget speech.

**Mr Li Kwong Wing:** Yes, it was not canvassed in the Budget speech, Mr Speaker, Sir.

**Mr Speaker:** I hope I will not have to stand there and stop the hon. Member.

**Mr Li Kwong Wing:** Yes, it was not in the Budget. My contention is that this was not in the Budget. We suddenly find this introduced here and there is such a drastic change from what used to be there and then we had ...

**Mr Speaker:** The hon. Member has said so and he is repeating himself. Repetition is not allowed by the Standing Orders, hon. Member!

**Mr Li Kwong Wing:** Alright, Mr Speaker, Sir. So, Mr Speaker, Sir, the composition of the MPC has been changed by the law which is very dubious, but also the function of the MPC has now been expanded under the law. What does it say? In Clause 55, there is a new sub-clause which says ...

**Mr Speaker:** Which page is it?

**Mr Li Kwong Wing:** Page 9, paragraph (g) in clause 55 –

“With a view to improving the coordination of monetary and fiscal policy, the Committee shall in the discharge of its functions take into account the views of the bank, the Ministry and such other institutions as it considers appropriate”.

He has added in the functions that it must ‘take into account the views of the Ministry’.

But then, it is important that these views of the Ministry be properly recorded in the Minutes so that it is well known what was the Minister’s views that were canvassed in the MPC. Also when it is said organisation which it considers appropriate, it needs to be attended to; we need to know also which organisation is being prescribed or is being considered appropriate. This is another addition to the MPC which requires more transparency.

The next item is with regard to Companies Act, Mr Speaker, Sir. There is an addition to the Companies Act, on page 15, under paragraph (f) in section 91 (3) (a); there is a new paragraph which provides for –

‘The company to maintain a share register of nominee shareholders’.

This is a very good thing, Mr Speaker, Sir, because we know that a lot of companies have a bearer share before which was removed. Now, when we have nominee shareholders, it is important that we have details of who are the people giving the orders behind, especially when we know in the case of some companies that the person who is in front is not really the person who owns the company. You have the case of *Gros Derek*, you have the case of the companies who are doing arms trafficking for the account of Victor Butt where people have registered companies and we don't know who is behind it and what kind of arms trafficking has been involved, especially ...

**Mr Speaker:** No, I am sorry. All the issues the hon. Member is mentioning have already been debated before. The issues have already been debated, now he is coming again as if it is debate on the Budget speech. I am sorry, please. I am not going to allow the hon. Member to conduct ...

*(Interruptions)*

Please, no interruptions while I am speaking! I am not going to allow him to debate again the Budget speech. When I said that he has to confine himself to the issue before him as it is contained in the Bill, therefore, he should follow my guidance.

**Mr Li Kwong Wing:** Thank you, Mr Speaker, Sir. So, this addition and amendment to the Companies Act is a very pertinent one and it is another step in the right direction, especially in the context of what is happening to companies as we have been seeing lately through all these scandals.

Mr Speaker, Sir, we come to the other item where it is said that the FSC will approve certain global business to carry on business locally. With regard to global business there is a need to encourage more substance in its operations locally so that they are not considered to be postbox companies.

At page 37, under section 71(6) it is said that the FSC may approve corporations with a Category 1 Global Business Licence to conduct business in Mauritius subject to such terms and conditions as it may determine. However, there are no clear criteria - there are no established criteria - under the law as to what will constitute local business and if the FSC does not approve the company to conduct local business, on what ground it is doing so. It is important that there are clear and well established transparent criteria for determining the nature of the local business

and also, if there is a rejection by the FSC, it is important that they give the grounds on which the company with a GBC licence has not been allowed to deal with local business.

The next item is with regard to the General Reserve Fund. At page 38 it is stated that the FSC will now keep only 5% into its General Reserve Fund, 5% of its excess income instead of 15%. It is a purely revenue measure, because when it used to be required to keep 15% of its excess income in the General Reserve Fund, it was meant to be used for certain specific purposes like education, training, construction, and what have you. Now by reducing it to 5%, it means that most of the money will now go to the Consolidated Fund and, therefore, it is just a measure to raise revenue and not a measure to consolidate the Financial Services sector.

With regard to Limited Partnerships Act, Mr Speaker, Sir, on page 40 at paragraph 15, it is said that the Limited Partnerships Act has been amended to exclude a Category 2 Global Business Company. Now, it would be good to know what is the reasoning behind it; because if a Category 2 Business Global company is not allowed to be a limited partner, the client or the operator will just go and use a Seychelles company or a BVI company. So, it is important to know what is the logic behind this.

The other item is with regard to procurement. Under the Procurement Act on page 49, the Procurement Act shall not apply to procurement when it is undertaken by diplomatic missions of Mauritius, with regard to rental of office space and when it is undertaken by a public body in respect of training services. Again, this is very discretionary. How has it been decided to determine these three areas where the Procurement Act shall not apply? In these three cases it is then said that they will be subject to such regulations as may be made by the Minister of Finance. So, it is the prescribed regulation of the Minister alone that will decide how procurement will be carried out under these three instances. This is giving a measure of discretion which is not transparent at all, Mr Speaker, Sir.

With regard to the same item of procurement on page 50, the section 24 is amended and replaced by the following section where it is said that -

“(11) Where the value of a contract -

(a) does not exceed the prescribed threshold referred to in section 40(3), the public body shall award the contract to the successful consultant and notify all the other shortlisted consultants of the decision;”

There is no way for any challenge. The contract is awarded straightaway to the successful consultant. But, we don't know what is the prescribed threshold for each case and even if the threshold is Rs50 m. or Rs100 m., it means that there is no room for challenge of the award.

Where the value of the contract exceeds the prescribed threshold - again, we don't know the amount - the public body, in that case where it exceeds the prescribed threshold, will notify the successful consultant and will simultaneously notify all of the consultants giving them the opportunity to challenge so long as it is above a certain threshold. So, what is that amount of threshold? Should it not be put in law that the threshold should not be more than Rs5 m. or Rs1 m. below which you can award the contract without any possibility of challenge, but beyond Rs1 m. or Rs5 m. then, you notify everybody and you give them the possibility to challenge if you are not satisfied. This is the comment that we have to make.

Finally, we have the amendment made to the Independent Review Panel where instead of having a Chairman and two members, we now have a Chairman and three members, but the change that has been added to this composition of the panel also removes the requirement to have rotation of members. There is no more requirement by law to have rotation of members, but we have an additional member added to the Independent Review Panel, and it is not very clear what this seeks to achieve, Mr Speaker, Sir.

There are other minor technical measures that have been added on which there is no quarrel. With this, I will end, Mr Speaker, Sir.

Thank you.

(7.39 p.m.)

**The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):**

Mr Speaker, Sir, after having heard hon. Li Kwong Wing, I can very gladly say that I will not be very long on my feet. My role here is, obviously, to come and listen to any hon. Member as far as those two pieces of legislations are concerned and to rebut. Having listened to hon. Li Kwong Wing who, at the end of his intervention, says that there are other minor issues, I had the impression all along his speech that what he was addressing were, in fact, very minor issues, because there were no issues at all in his speech. I noted very well that there were no criticisms. There was a lot of questions. The hon. Member wants clarification, and most probably the hon. Vice-Prime Minister will be clarifying certain issues. Hon. Li Kwong Wing also talked about,

for example, the threshold. Obviously, we talk about a prescribed amount, and this will be provided for by regulations. As far as the other issues that the hon. Member did not refer to, are concerned, he called them minor. I am happy to note, therefore, Mr Speaker, Sir - I did not expect it - that there are no criticisms with regard to those two pieces of legislation.

The only other issue which the hon. Member tried to make a mountain out of a molehill - I am happy that Mr Speaker stopped him when he should have been stopped. There was not even an issue with regard to those Bills. But with regard to the Monetary Policy Committee, when this matter was addressed by hon. Li Kwong Wing, when one goes into the details of what he really said, he does not at all, once again, criticised it. The hon. Member has questions and it is his right, as Parliamentarian, to have those questions. I bow to that, but the hon. Member did not in any way attack this proposal. It is not question time, but the hon. Member did not at all attack the proposal in the Bill. What is really strange with the Opposition, Mr Speaker, Sir is that, at some stage, they always said that they were not happy about how the Monetary Policy Committee was running. Now that changes are being brought, they are saying that they are not happy that changes are being brought. This whole intervention of hon. Li Kwong Wing, today, has put me in such a situation that there is nothing to rebut, but to say that it is a very good job that the hon. Vice-Prime Minister and Minister of Finance has done and, with those words, I will not take more time of the House.

Thank you very much.

*At this stage the Deputy Speaker took the Chair.*

(6.49 p.m.)

**Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle):** Mr Deputy Speaker, Sir, the Finance (Miscellaneous Provisions) Bill before the House reflects the lacklustre characteristic of this 2013 Budget. A Budget bereft of ideas and meaningful measures; a thinking-small Budget.

**Mr Duval:** Mr Deputy Speaker, Sir, on a point of order. We are not debating the Budget. We are only debating the Finance Bill. The hon. Member is fairly new. We are debating the Finance Bill and its provisions, and not the Budget. Perhaps, you can draw his attention to that. This is not a Budget Speech.

**Mr Mohamed:** Mr Deputy Speaker, Sir, the problem is that he has nothing to say. That's the problem!

(*Interruptions*)

**Mr Seeruttun:** May I? It has been once again a Labour-PMSD Budget of hidden agendas.

(*Interruptions*)

Gifts for the fat cats, and one of injustice against the people of this country. I will prove what I am saying, Mr Deputy Speaker, Sir, by referring to specific amendments on the agenda today. I go directly to some amendments which I believe either need comments, require qualifications or demonstrate the blatant bias in favour of fat cats of the private sector.

Clause 5 of the Bill, Mr Deputy Speaker, Sir, relates to amendments to the Customs Act, with reference to deferred duty and tax scheme to allow any shop to export goods without payment of duty, excise duty and taxes. I will invite the hon. Vice-Prime Minister to shed some light on the *modus operandi* of the new scheme, as there are real risks of abuse.

Clause 7 proposes to amend the Environment Protection Act to provide a 2-year waiver for hotels as regards the payment of the environment protection fee. If this measure can be justified in the current difficult situation being faced by the tourism sector, then I will ask the question: how is it that the people of this country do not benefit from the same type of waiver as regards environmental taxes? The population also is going through difficult times. Why not then relieve their burden as well? Why this bias in favour of the rich only? Can we conclude that this Government has resigned from its responsibility vis-à-vis the population? This same sort of private sector bias comes to our mind when we have a look at clause 12.

**Mr Duval:** Mr Deputy Speaker, Sir, the hon. Member should get some advice. This is a speech on the Finance Bill. Please, get some advice, if you don't understand! This is not the Budget Speech. This is not policy. Mr Speaker himself ruled clearly just now. If we are going to allow a speech on the Budget, what is going to happen? Please, if you don't understand, get some advice!

(*Interruptions*)

**The Deputy Speaker:** I will advise the hon. Member to confine himself to the scope of the Bill.

**Mr Seeruttun:** I am going to confine myself to the amendments, Mr Deputy Speaker, Sir. Looking at Clause 12, pertaining to amendments to the Income Tax Act as regards CSR funds of companies, the flexibility given to allow excess spending up to 20% for two consecutive

years and the possibility of such excess spending in five equal consecutive annual instalments against a particular year, I do not exclude a hidden political agenda in the countdown to the next general elections.

*(Interruptions)*

I strongly recommend that the presentation of auditors' certificates on CSR spending be rendered an obligation under the law. I also believe that CSR funds should be used for projects falling under the national priority list. To that effect, it is imperative that we return to the initially formulated *modus operandi*, where CSR funds from companies are remitted directly to Government for financing projects on a social priority list.

Mr Deputy Speaker, Sir, we know how the *Alliance sociale* succumb to initiatives in its favour. The same sort of mindset prevails since the present illegitimate Labour-PMSD Government has hijacked power.

*(Interruptions)*

The bias in favour of the fat cats is even clearer when we have a look at clause 27 of the Finance Bill, whereby the Sugar Industry Efficiency Act is being amended to allow 18-hole golf courses to benefit from the exemption of the Land Conversion Tax. I believe hon. Members do not realise what amplitude of exemption we are talking about. For one 18-hole golf course, Mr Deputy Speaker, Sir, which takes about 150 *arpents* of land, the exemption would amount to a massive Rs220 m. if it works out Rs1.479 m. exemption per *arpent*. Rs220 m. exemption being given for one 18-hole golf course!

Mr Deputy Speaker, Sir this sort of gift is being provided to promoters close to Government. As you aware, at least two groups of promoters very close to this Government are waiting.

*(Interruptions)*

Not to mention Beachcomber and Nextracom, both being very close to the hon. Prime Minister!

*(Interruptions)*

**The Deputy Speaker:** Hon. Member, I am sorry. We have had ample debate on the Budget Speech. This is a very technical Bill. I would ask you to confine yourself to the Bill here.

**Mr Seeruttun:** I am limiting myself to the Bill. Mr Deputy Speaker, Sir, they are waiting for the *manne venue du ciel*, the Christmas gift coming from their friends in Government. Nearly half a billion rupees, Mr Deputy Speaker, Sir! This is *scandaleux*!

(Interruptions)

Mr Deputy Speaker, Sir, when we look at ....

(Interruptions)

**The Deputy Speaker:** Some order, please! Hon. Ms Deepalsing!

**Mr Seeruttun:** *Si la vérité blesse, M. le président, je n'y peux rien.* Mr Deputy Speaker, Sir, let us look at the Land Use, at paragraphs 152 and 153 of the Budget Speech, especially regarding agricultural land. Paragraph 152 states, I quote -

"The loss of agricultural land is a concern that we must attend to - for it can undermine the viability of the sector and the source of income for thousands of families."

And paragraph 153 goes on to say, I quote -

"To this end, the Land Conversion Committee will elaborate criteria for land conversion bearing in mind the need for continued development whilst protecting production."

**Ms Deepalsing:** Mr Deputy Speaker, Sir, on a Point of Order, please. I would like to have your enlightenment with regard to the quotations that the hon. Member is using. Are they from the Finance Bill or the Budget Speech?

**The Deputy Speaker:** Hon. Member, the object of this Bill is to provide for the implementation of measures announced in the Budget Speech relating to economic and financial matters. So, I would like you to confine yourself to the technical Bill that we are discussing.

**Mr Seeruttun:** Mr Deputy Speaker, Sir, if you'll allow me to continue. At least, you will find how I relate these two paragraphs that I just mentioned to what I am going to talk about. Bear with me, please! I have listened to all the orators before me, I don't know why now they...

**The Deputy Speaker:** It is not a debate on the Budget Speech.

**Mr Seeruttun:** I am just referring to all the amendments, but they relate to the issues pointed out in the Budget Speech, Mr Deputy Speaker, Sir.

(Interruptions)

If you look at paragraph 85 of the implementation schedule distributed along the 2013 Budget Speech, it indicates that the measures initiated in paragraphs 152 and 153 would be under the responsibility of the Ministry of Agro-Industry and that the Committee should complete its work by June 2013. So, the question that I ask, Mr Deputy Speaker, Sir, is: couldn't the decision to grant Land Conversion Tax exemption to 18 whole Guard Coast project wait for that Committee to complete its work? Why the urgency and what about the loss of land? And the answer is clear,

Mr Deputy Speaker, Sir. For this Government, the urgency is to please some close friends and the gift is enormous, half a billion rupees and again the population is going to bear that! *Comme l'on sait, M. le président, un père de famille est contraint de vendre son terrain pour financer les études de son enfant ...*

**The Deputy Speaker:** I am sorry!

(*Interruptions*)

All these matters have already been discussed amply subsequent to the Budget Speech. I will ask the hon. Member to confine himself to the implementation aspect.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, on a Point of Order. When we debate on the Finance Bill, we are debating on the implementation of measures taken in the Budget and we cannot disregard this. So, a person debating on the Finance Bill will have to refer to the Budget.

(*Interruptions*)

**The Deputy Speaker:** I would like to draw the attention of the hon. Member to the fact that we are not discussing policy matters at the moment. The hon. Member is dwelling upon the policy matters which are not an appropriate forum.

**Mr Mohamed:** The Deputy Speaker has already ruled and we would be very grateful if any Member of this House does not ask the hon. Member to sit as though he is an appellant body over the Speaker's ruling already. There is a ruling already. We should not associate the two and it is, in fact, dissociated, which is not a Budget debate.

(*Interruptions*)

**The Deputy Speaker:** If the hon. Member continues to go astray, I will have to stop him. He has to confine himself to this Bill and not to talk about policy matters which we have amply discussed earlier on.

(*Interruptions*)

**Mr Seeruttun:** I wish to remind the House, Mr Deputy Speaker, Sir, that golf courses were taken from the Land Conversion Tax exemption list in the Economic and Financial Act of July 2011 by the former Minister of Finance, in the wake of the introduction of the LPES, and now the whole *gammat* is back. No capital gains tax and exemption for Land Conversion Tax and, of course, no implementation of the LPES and the Prime Minister will stand up and make up capitalist bashing his campaigning money!

**The Deputy Speaker:** No, I think the hon. Member is going astray! I am sorry!

(*Interruptions*)

**Mr Seeruttun:** Allow me, Mr Deputy Speaker, Sir, ....

**The Deputy Speaker:** If the hon. Member goes on the same trend, I will have to stop him altogether.

(*Interruptions*)

**Mr Seeruttun:** Mr Deputy Speaker, Sir, allow me to go now to Section 12 of the Finance Bill, whereby amendments are being proposed in the Schedule to grant occupational permits to professionals earning of Rs45,000 per month and this tantamounts to opening of floodgates for foreigners to take up jobs at middle management level in the private sector, thus depriving local professionals of those same jobs. Since the irresponsible opening up of the country to foreigners by the *Alliance sociale*, many Mauritian professionals have been replaced by foreigners. Many South Africans ...

(*Interruptions*)

Mr Deputy Speaker, Sir, the situation needs to be monitored and appropriate actions initiated in the superior interest of the country, especially at a time when we have so many degree holders among the unemployed. Mr Deputy Speaker, Sir,..

(*Interruptions*)

**The Deputy Speaker:** I am sorry. Either the hon. Member talks on the Finance Bill or he stops altogether. If he does not confine himself to the subject, ...

(*Interruptions*)

If he can't, I will ask him to resume his seat and then I will give the floor to the next hon. Member.

(*Interruptions*)

**Mr Seeruttun:** Mr Deputy Speaker, Sir, in the explanatory notes to the Budget Speech, under the heading 'Other main amendments to Income Tax Act', it is announced that the 4-year tax holiday granted to small planters is being removed. Is this measure being implemented? I am asking this question because I cannot find any reference to it in the Finance Bill, under amendments to the Income Tax Act. Probably, they realise the crime they are committing and refrained from implementing it. In any case, I think the Minister owes us an explanation on that issue.

*(Interruptions)*

The 4-year tax holiday granted to small enterprise is being removed. Is that what the Minister said? But I don't see it in the Bill. At least, I would like him to give us some explanation to that.

Mr Deputy Speaker, Sir, before moving to the Economic and Financial Measures (Miscellaneous Provisions) Bill, I wish to welcome the proposed amendments to the GRA Act. The GRA has proved to be a *caverne Alibaba* where sharks lurk and are accomplices to unscrupulous operators - being *les protégés du pouvoir* - who pocket big sums and pay least amount of taxes.

The MRA has proved its seriousness and efficiency in combating tax evasion. Setting up the Central Electronic Monitoring System at the MRA for online recording, monitoring and control of gambling and betting transactions is a warranty to bring those unscrupulous operators under strict control and make them pay the real amount of taxes. I strongly recommend that the GRA only have access to the server for consultation and not to intervene in any way whatsoever in the data and information stored. I rely on the integrity of the MRA to ensure no political shark finds its way to intervene on the Central Electronic Monitoring System.

Mr Deputy Speaker, Sir, as regards the Economic and Financial Measures (Miscellaneous Provisions) (No) Bill, I note some omissions that cannot go unnoticed. One of them relates to rotation of auditors. The explanatory note to the Budget Speech circulated on 09 November 2012 referred under the heading Banking Act to the rotation of auditors for banks. This is nowhere to be found in the Bill. Has Government succumbed to lobbies from accountancy firms. Have there been lobbies from the Minister's close circle, friends in the accountancy profession? Has the Governor of the Bank of Mauritius been consulted on this issue? Has he been informed that there will not be any rotation of auditors? I wish the Minister could give some explanations when he makes his summing up.

Mr Deputy Speaker, Sir, another omission relates to the announcement in the Budget Speech at paragraph 99 regarding the finalisation of the Ombudsperson for Financial Services Bill. Nowhere is this announcement to be tracked in the Bill under amendments to the Financial Services Act. Here again the Minister owes us an explanation.

Mr Deputy Speaker, Sir, with regard to the membership of the Review Panel for the proposed banking services under the Bank of Mauritius Act needs revisiting. All three members

including the Chairperson would be representatives of Government. The Chairperson will be appointed by the Minister of Finance and I believe this is wrong. Members of the Banking Services Review Panel need to be appointed by the President of the Republic in accordance with the advice of the Prime Minister and the Prime Minister has consulted the Leader of the Opposition as is the case for the Independent Review Panel under the Public Procurement Act.

Mr Deputy Speaker, Sir, as regards the proposed enforcement amendments to the Banking Act and the Financial Intelligence and Anti-Money Laundering Act, I hope the new provisions will be applied without fear and favour in an indiscriminate manner in the best interest of the country.

Mr Deputy Speaker, Sir, with these comments, I would again say that the whole Budget exercise this year has been a big flop; a poor and thinking-small budget and a completely unattractive Finance Bill tainted with gifts for the already rich and that indigestible menu this Government has served the population.

Mr Deputy Speaker, Sir, I thank you for your kind attention.

(7.11 p.m.)

**The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I thank the Members for their comments. There are a few points that I want to respond; most of them were not relevant or were petty points to which I won't respond.

I think there is some misconception on the Finance Bill. It is not consolidating new Bills. I mean I am not going to put in the Finance Bill, the Insurance Bill which hon. Li Kwong Wing thinks can be put in. It is amending other legislation; it is not introducing new Bills. It will not introduce the Ombudsperson for Financial Services Bill into the Finance Bill as a whole Bill in itself. That would be inconceivable. What the Finance Bill does is to bring amendments to other legislations. It does not bring in new Bills as he said, as if it brings in ten Bills. That would be silly to do that and it is a misunderstanding. The Member is new and has not quite realised...

*(Interruptions)*

**The Deputy Speaker:** Hon. Li Kwong Wing!

*(Interruptions)*

You're not supposed to make any remark from a sitting position.

**Mr Duval:** Mr Deputy Speaker, Sir, he is standing up. Sit down, hon. Li Kwong Wing!

*(Interruptions)*

**The Deputy Speaker:** The hon. Member has got no right to intervene from a sitting position.

*(Interruptions)*

I am sorry. Why is he standing up?

**An hon. Member:** On a point of explanation!

**The Deputy Speaker:** He is still delivering his speech.

**Mr Duval:** It is a good thing that it is the last day. Mr Deputy Speaker, Sir, some points were raised on exempt funds, what is their coverage. They are going to cover obviously all sorts of exempt funds which will be prescribed.

On the Pension Fund issue, civil servants are already contributing 6%, Mr Deputy Speaker. Now what is happening is in line with most countries. New civil servants will be contributing 6% and the Government twice that much, but it will go in a special fund and, at the end of their career, upon retirement, they will be shared whatever there is in their particular account. It was always 6% for everybody. There are some little points, but I don't know whether I want to go into it, Mr Deputy Speaker, Sir. On VAT registration as to whether there should be a Help Desk. There is already a Help Desk at the MRA.

The hon. Member raised the points on golf courses and all that. Mr Deputy Speaker, Sir, there is one problem this year: it is the construction industry. There has been a glut of hotels, a glut of residential properties and even a glut of immovable properties. In fact, we do need to find new things that will encourage employment during the next year; that is the reason, not the dark reasons that the hon. Member has spoken of. We do need to find things that will encourage construction next year because it does mean that employment and growth are affected. Rightly, we did not proceed with the small companies. That is a minor thing; we did not proceed with it at the end of the day.

As far as the rotation of the auditors is concerned, again there have been representations, so we want to think about it carefully. It does not mean that if it does not come now, it will not come later, but it can come at some other time.

With regard to the Review Panel, hon. Li Kwong Wing has misinformed the House again; it has become a bad habit with him...

*(Interruptions)*

**Mr Deputy Speaker:** Hon. Henry, can you remain silent, please!

**Mr Duval:** The Financial Secretary is not a member of any Board of any bank. The Solicitor General is a member of a bank and if there is a conflict of interests, arrangements have been made for him to delegate someone who is not in conflict of interests. Again, the hon. Member has misinformed the House. It has become a bad habit with the Member.

Mr Deputy Speaker, Sir, I have covered some of the points that have been raised and I think it is time for a holiday, so I will 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 FINANCE (MISCELLANEOUS PROVISIONS) BILL

**(No. XXVIII of 2012)**

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Clause 4 (Code Civil Mauricien amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move, in clause 4, paragraph (c)(i), to delete the words “conformément aux dispositions du Business Registration Act”; in paragraph (g), in the proposed new article 1845-3, to delete the word “demeures” and replace it by the word “domiciles”;

*Amendment agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clauses 5 to 8 ordered to stand part of the Bill.*

*Clause 9 (Freeport Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move, in clause 9(b)(i)(A), to delete subparagraph (I) and replace it by the following subparagraph –

“(I) in subparagraph (i), by repealing subparagraph (A) and replacing it by the following subparagraph –

(A) to an enterprise for the storage of goods free of duty, excise duty and taxes; or”

*Amendment agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clauses 10 and 11 ordered to stand part of the Bill.*

*Clause 12 (Income Tax Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move, in clause 12(q), in the proposed new section 119(A)(1), to delete the words “15 February” and replace them by the words “31 March”.

*Amendment agreed to.*

*Clause 12, as amended, ordered to stand part of the Bill.*

*Clauses 13 to 20 ordered to stand part of the Bill.*

*Clause 21 (Pensions Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move, in clause 21(a), in the proposed new definition of “participant”, to delete the words “or an apprentice, or a contractual employee” and replace them by the words “, a cadet, an apprentice, or a contractual employee,.”.

*Amendment agreed to.*

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clause 22 ordered to stand part of the Bill.*

*Clause 23 (Registration Duty Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move, in clause 23, paragraph (i), in the proposed new section 24A, to delete subsection (1) and replace it by the following subsection –

(1) Notwithstanding any other enactment, where the transfer of shares in a company or issue of new shares by a company gives rise to a right of ownership, occupation or usage in an immovable property or any part thereof to a person, the transfer or issue shall be in the form set out in the Third Schedule under the heading “C – Transfer or issue of shares in or by a company to a person”.

In paragraph (j), in the proposed new paragraph (i), I move to delete the words “or the transfer of the part sociale”.

*Amendment agreed to.*

*Clause 23, as amended, ordered to stand part of the Bill.*

*Clauses 24 and 25 ordered to stand part of the Bill.*

*Clause 26 (Statutory Bodies Pension Funds Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move, in clause 26(b)(iii), to delete the proposed definition of “participant” and replace it by the following definition –

““participant”, in relation to the Scheme, means an officer, a trainee, a student, a cadet, an apprentice, or a contractual employee, who adheres to the scheme.”

*Amendment agreed to.*

*Clause 26, as amended, ordered to stand part of the Bill.*

*Clauses 27 and 28 ordered to stand part of the Bill.*

*Clause 29 (Value Added Tax Amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** I move for the following amendments in clause 29 –

“(i) in paragraph (h), to delete subparagraph (iii) and replace it by the following subparagraph –

(iii) in subsection (8), to insert, after the words “subsection (7)”, the words “or (7A)”;

“(ii) in paragraph (p)(i), to insert, after the word “nature”, the words “in relation thereto””.

*Amendment agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

*Clauses 30 to 32 ordered to stand part of the Bill.*

*Schedules 1- 8 ordered to stand part of the Bill.*

*Ninth Schedule*

*Motion made and question proposed: “that the Schedule stand part of the Bill”.*

**Mr Duval:** I move to delete the Ninth Schedule and replace it by the following Schedule

## NINTH SCHEQUE

[Section 23(p)(ii)]

**C – Transfer or issue of shares in or by a company to a person**

Full name of transferor	
Full address of transferor	
Full name of transferee	
Full address of transferee	
Name of the company in which the shares are held	
Company No.:	
Number and description of shares	
Consideration	

The transfer or issue is accepted subject to the same conditions as attached to such shares. We certify that the transfer of shares in a company or issue of shares by a company gives rise to a right of ownership, occupation or usage of an immovable property or any part thereof, the description of which shall be in accordance with section 36(b) of this Act.

TRANSFEROR:	TRANSFeree:
I/We the undersigned declare transferring to the transferee the aforesaid share(s) to hold for himself, his executors, administrators, successors and assigns subject to several conditions on which I held the same at the time of the execution of this transfer or issue.	I/We the undersigned agree to take the said share or shares subject to the same conditions.
..... Signature(s) of transferor(s)	..... Signature(s) of transferee(s)

*Amendment agreed to.*

*Ninth Schedule, as amended, ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill, as amended, was agreed to.*

**THE ECONOMIC AND FINANCIAL MEASURES  
(MISCELLANEOUS PROVISIONS) BILL  
(No. XXIX of 2012)**

*Clauses 1 to 6 ordered to stand part of the Bill.*

*Clause 7 (Dental Council Act amended)*

**Mr Duval:** I move to add the following new paragraph in clause 7(c) –

“ (iv) by adding the following new subsections –

(3) A person wishing to be registered as a dental surgeon may be exempted from undergoing the examination referred to in section 22 where he satisfies such criteria as may be prescribed by the Minister after consultation with the Council.

(4) Notwithstanding section 40, the Minister may, after consultation with the Council, make regulations to provide for the criteria to be satisfied for exemption from compliance with section 22(g).”

*Amendment agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clause 8 (Education Act amended)*

**Mr Duval:** I move in clause 8(b), in the proposed new section 5C(2), to delete the word “and” at the end of paragraph (b), and to insert, after paragraph (b), the following new paragraph, paragraph (c) being re-lettered as (d) –

“(c) effective quality assurance of the programme of study; and”

*Amendment agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

*Clause 9 ordered to stand part of the Bill.*

*Clause 10 (Fashion and Design Institute Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –  
“in clause 10(b), in the proposed new section 13(2)(c), by deleting the word “studies” and replacing it by the word “study.”

*Amendment agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

*Clauses 11 to 13 ordered to stand part of the Bill.*

*Clause 14 (Insolvency Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –  
“in clause 14, by deleting paragraph (a), paragraphs (b) to (d) being relettered as (a) to (c), respectively;

*Amendment agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clause 15 ordered to stand part of the Bill.*

*Clause 16 (Medical Council Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –  
“in clause 16 –

(i) In paragraph (a), by deleting subparagraph (iii) and replacing it by the following subparagraph –

(iii) by adding the following new subsections –

(2) Subsection (1) (aa) shall not apply to a person who has, on the commencement of this section, already enrolled on a course leading to a diploma in medicine.

(3) Subsection (1) (ca) shall not apply to a person who satisfies such criteria as may be prescribed under section 42(1) (a).

(ii) by deleting paragraph (e) and replacing it by the following paragraph -

(e) in section 42 (1) (a), by deleting the words “or 22” and replacing them by the words “22 or 23A.”

*Amendment agreed to.*

*Clause 16, as amended, ordered to stand part of the Bill.*

*Clauses 17 to 19 ordered to stand part of the Bill.*

*Clause 20 (Open University of Mauritius Act 2010 amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –

“in clause 20 (b), in the proposed new section 14A(2) –

- (i) by deleting the word “and” at the end of the paragraph (b);
- (ii) by inserting, after paragraph (b), the following new paragraph, paragraph (c) being relettered as (d) –
- (c) effective quality assurance of the programmes of study;”

*Amendment agreed to.*

*Clause 20, as amended, ordered to stand part of the Bill.*

*Clauses 21 to 28 ordered to stand part of the Bill.*

*Clause 29 (Université des Mascareignes Act 2012 amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –

“in clause 29 (b), in the proposed new section 13A(2) –

- (i) by deleting the word “and” at the end of the paragraph (b);
- (ii) by inserting, after paragraph (b), the following new paragraph, paragraph (c) being relettered as (d) –
- (c) effective quality assurance of the programmes of study;”

*Amendment agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

*Clause 30 (University of Mauritius Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –

“in clause 30 –

- (a) by inserting, after paragraph (a), the following new paragraph, paragraph (b) being relettered as (c) –

(b) in section 7, by adding the following new subsection –

(3) (a) Nothing in this section or in any other enactment shall be construed as preventing the University from setting up an agency or a charitable trust where the Council, after consultation with the Senate, resolves that such an agency or a charitable trust would be conducive to the development of the University.

(b) Notwithstanding any other enactment, every agency or charitable trust set up under paragraph (a) shall –

- (i) include among its members or trustees the Chairperson of the Council, who shall chair any meeting of the agency or charitable trust and at least one member of the Council.
- (ii) submit to the Council its budget estimates and statement of expected revenue at the

beginning of each financial year and ensure that the development utilisation and management of its funds is conducted in

accordance with any applicable enactment;

(iii) submit such document or information in relation to its accounts as may be required by the Council on a quarterly basis.

(iv) be subject to the oversight of the Director of Audit;

(v) not be entitled to use any facilities funded by Government grants except with the approval of the Council, which shall specify the terms and conditions of the such use;

(vi) not run courses or enrol students unless it is duly registered and its programmes of studies are accredited by the Tertiary Education Commission; and

(vii) have sole liability for students enrolled and staff recruited by it.

(c) The UoM Trust registered on 23 October 2006

shall be deemed to have been set up by the University under this Act and shall, notwithstanding any other enactment or instrument creating the trust, comply with paragraph (b).

(b) in paragraph (c) as relettered, in the proposed new section 16A(2) –

(i) by deleting the word “and” at the end of paragraph (b);

(ii) by inserting, after paragraph (b), the following new paragraph, paragraph (c) being relettered as (d) –

(c) effective quality assurance of the programmes of study;”

*Amendment agreed to.*

*Clause 30, as amended, ordered to stand part of the Bill.*

*Clause 31 (University of Technology, Mauritius Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –

“in clause 31(b), in the proposed new section 11A(2) –

(i) by deleting the word “and” at the end of the paragraph (b);

(ii) by inserting, after paragraph (b), the following new paragraph, paragraph (c) being relettered as (d) –

(c) effective quality assurance of the programmes of study; and”

*Amendment agreed to.*

*Clause 31, as amended, ordered to stand part of the Bill.*

*Clause 32 (Commencement)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Duval:** Mr Chairperson, I move for the following amendment –

“in clause 32(2), by inserting, after the words “16 (a) (ii) (C)”, the words “and (e)”

*Amendment agreed to.*

*Clause 32, as amended, ordered to stand part of the Bill.*

*Schedules 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.*

*At this stage Mr Speaker took the Chair*

*Third Reading*

*On motion made and seconded the following Bills were read the third time and passed –*

- (a) *The Finance (Miscellaneous Provisions) Bill (No. XXVIII of 2012)*
- (b) *The Economic and Financial Measures (Miscellaneous Provisions) Bill (No. XXIX of 2012)*

**The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed)** gave notice of his intention not to move the second reading of the Employment Relations (Amendment) Bill (No. XXXI of 2012) and the Employment Rights (Amendment) Bill (No. XXXII of 2012).

#### **END OF YEAR MESSAGE**

**The Prime Minister:** Mr Speaker, Sir, before I move for the adjournment of the House, I would like to say a few words, in my capacity as Leader of the House. The House, Mr Speaker, Sir, did not sit on 20 March 2012 as scheduled due to the prorogation of Parliament on 14 March 2012. The first sitting of the Second Session of the Fifth National Assembly was held on 16 April 2012 with the presentation of the Government Programme 2012-2015 which was read by the Acting President of the Republic. We also had, Mr Speaker, Sir, this year, the election of the former Speaker of the National Assembly, hon. Rajkeswur Purryag, GCSK, GOSK as President of the Republic on 20 July 2012 followed by your own election as Speaker of the National Assembly on 24 July 2012 and that of hon. Maneswar Peetumber as Deputy Speaker.

May I take this opportunity, Mr Speaker, Sir, to congratulate you on your election again, but also on your election on 08 December 2012 as the Chairperson of the SADC Parliamentary Forum for the period 2012-2014. Mr Speaker Sir is taking over from the Speaker of Zimbabwe who has been chairing the Forum from 2010 to 2012.

Mr Speaker, Sir, as at today, we have had 32 sittings, 32 Bills have been introduced and 29 Bills have been adopted. 750 Parliamentary Questions were set out, requiring oral answers and 107 have been withdrawn. Government has consequently replied to 643 Parliamentary Questions requiring oral answers as well as 306 Parliamentary Questions requiring written answers. Furthermore, Government has replied to 23 Private Notice Questions from the hon. Leader of the Opposition. Mr Speaker, Sir, we have spent long hours answering to detailed questions during the Committee of Supply of the Budget 2013 before its adoption.

We would like to express our deep appreciation for the fair and impartial manner with which you presided over the deliberations of the House and your spontaneous guidance, whenever the need arose. We wish also to place on record our thanks to the Deputy Speaker for his contribution in presiding over the deliberations of the House whenever he was called upon to do so.

I wish to express to all hon. Members my appreciation for their participation in the debates. Our thanks are also extended to the Clerk of the National Assembly, the Deputy Clerk, the two Clerk Assistants, the Serjeant-at-Arms and all the members of the staff of the National Assembly, including the staff of the Library for the services they have provided to the House. Furthermore, we are also thankful to all the Civil Servants who have assisted in the work of Parliament as well as the Police Officers who, under the supervision of the Serjeant-at-Arms, have always carried out their duties diligently.

Mr Speaker, Sir, may I kindly request you, in my personal name and in that of all the Members of the House, to present the season's greetings to the President of the Republic and Mrs Purryag as well as to the Vice-President Mrs Monique Ohsan Bellepeau. I convey to you, Mr Speaker, Sir, and to hon. Mrs Peeroo and your family our best wishes for a Merry Christmas 2012 and a Happy New Year 2013. My best wishes also go to the Clerk, the Deputy Clerk, the Clerk Assistants and all the staff of the National Assembly as well as the Serjeant-at-Arms and his staff. My best wishes also go hon. Members of the House and their families.

I thank you, Mr Speaker, Sir.

**Mr A. Ganoo (First Member for Savanne & Black River):** Mr Speaker, Sir, in the absence of the hon. Leader of the Opposition, I wish to join Dr. the hon. Prime Minister, the Leader of the House, in extending on behalf of the Opposition and in my own name, our best wishes for the festive seasons, first of all, to the hon. Prime Minister and Mrs Ramgoolam, to the President of the Republic and Mrs Purryag, to the Vice-President of the Republic, to yourself, Mr Speaker, Sir, and Mrs Peeroo, to the hon. Members of the Assembly, their spouses and also to the Clerk and the staff of the National Assembly. Finally, Mr Speaker, Sir, I wish also to join the Prime Minister in congratulating you as Chairperson of the SADC Parliamentary Forum.

Thank you.

**Mr Speaker:** Hon. Members, I wish to associate myself with the season's greetings as expressed to the President of the Republic and to Mrs Purryag and to the Vice-President of the Republic. I will, with great pleasure, convey the message to them. In my own name and on behalf of the staff of the National Assembly, I thank Dr. the hon. Prime Minister and hon. Alan Ganoo on behalf of the Opposition for their kind words and good wishes. I also wish to express my thanks for the congratulations of the House on my election as Chairperson of the SADC Parliamentary Forum. I am pleased to extend my best wishes for a Merry Christmas and a Happy New Year to Dr. the hon. Prime Minister and Mrs Ramgoolam, to the hon. Ministers, the hon. Leader of the Opposition and to all hon. Members and their families. I also wish to thank hon. Members for their cooperation and understanding throughout the year. Once again, my best wishes for a Merry Christmas and a Happy New Year.

Thank you very much.

#### **ADJOURNMENT**

**The Prime Minister:** Mr Speaker, Sir, I beg to move for the adjournment of the House to Tuesday 26 March 2013 at 11.30 a.m.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

**Mr Speaker:** The House stands adjourned.

*At 7.42 p.m. the Assembly was, on its rising, adjourned to Tuesday 26 March 2013 at 11.30 a.m.*

#### **WRITTEN ANSWERS TO QUESTIONS**

## AMUSEMENT MACHINES WITH PRIZES - LICENSEES

**(No. B/744) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Amusement Machines with Prizes, he will, for the benefit of the House, obtain from the -

(a) Gaming Regulatory Authority, information as to the -

- (i) names of the licensees thereof, giving a list of the outlets where same are operated and the name of the operator thereof;
- (ii) number thereof in operation;
- (iii) amount of money collected in terms of licence fees as at to date, on a yearly basis and;
- (iv) if any decision has been taken regarding the issue of new licences therefor, and

(b) Mauritius Revenue Authority, information as to the amount of taxes collected as at to date.

**Reply:** I am informed by the Gambling Regulatory Authority that on 09 March 2011, one Company namely Hing Tse Investment Co Ltd was issued with licences for 887 Amusement With Prizes Machines.

With the amendment to the GRA Act in December 2011, these licences were subsequently renewed, as Limited Payout Machines, pending finalisation of technical standards for such machines.

I wish to inform the House that a consultant was appointed by the GRA in November 2011 to conduct a study on the operation of so called Amusement With Prizes machines. In December 2011, the Consultant submitted his report and confirmed that many Amusement With Prizes Machines were, in fact, operating as Gaming Machines, which normally would require a Gaming House "A" licence.

In order to improve control the Consultant proposed that Amusement With Prizes machines be replaced by the term Limited Payout Machines with a new definition and technical standards. The technical standards have already been gazetted on 24 November 2012 and public comments invited. These standards are expected to be finalised by end of January 2013.

With regard to parts (a) (i) and (ii) of the question, I am tabling the information requested.

With regard to part a(iii) of the question, the licence fees collected by GRA in 2011 in respect of these machines amounted to Rs 443,500 while for the year 2012 the revenue collected

increased to Rs 4,230,000. In fact, licence fees for such machines were revised tenfold from Rs 500 to Rs 5000 yearly per machine with effect from 16 June 2012.

Regarding Part (a)(iv) of the question, I wish to inform the House that on 14 October 2011 the GRA was directed by my ministry, under Section 7(3) of the GRA Act, not to issue any further licences for AWP Machines until further notice.

Furthermore, as from 17 October 2011 relevant regulations were promulgated placing such machines whether assembled or fully knocked down on the list of controlled goods requiring an import permit.

As far as part (b) of the question is concerned, the MRA has collected gaming taxes relating to Limited Payout Machines amounting to Rs 11,173,363 as at December 2012.

### **JIN FEI PROJECT – LEASE AGREEMENT**

**(No. B/745) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Housing and Lands whether, in regard to the Jin Fei Project in Riche Terre, he will state if the Lease Agreement signed between the State of Mauritius and the Mauritius Jin Fei Economic Trade and Cooperation Zone Co. Ltd., on 14 September 2009, is still in force and, if so, indicate the measures that will be taken, if any, to ensure that the land is being developed in conformity with the purpose and conditions laid down in the lease document.

**Reply:** I would like to refer the hon. Member to the reply I made to PQ No. B/83 of the sitting of Tuesday 22 June 2010 wherein I indicated the main conditions of the lease agreement with the Mauritius Jin Fei Economic Trade and Cooperation Zone Co. Ltd.

The agreement is still in force and I refer the hon. Member to the reply made by the hon. Vice-Prime Minister, Minister of Finance and Economic Development to PQ No. B/732 earlier today.

The Lease Agreement and Framework Agreement already provide for the conditions relating to the implementation of the project. A Joint Steering Committee has been set up at the level of the Ministry of Finance and Economic Development to facilitate the implementation of the project and to ensure that the project is being implemented in strict accordance with the provisions of the Lease and Framework Agreements.

I wish to inform the House that a delegation from the Chinese Overseas Special Economic Zone Association which falls under the aegis of the China National Development and Reform Commission is as from today up to 20 December 2012 in Mauritius. The team comprises, *inter alia*, experts in strategic, functional, industrial and development zone financing and implementation. The team will be meeting officials of my Ministry today to discuss on the Jin Fei and future projects as well as planned developments in Mauritius.

#### **SCHOOLS – TEACHERS - ASSAULT**

**(No. B/746) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Education and Human Resources whether, in regard to the primary and secondary school teachers, he will state the number of reported cases in which they have been victims of assault at their workplace, over the past five years, giving a breakdown thereof and indicating the measures his Ministry proposes to take to reinforce the security thereof.

*(Withdrawn)*

#### **PETIT CAMP, PHOENIX - FOOTBALL GROUND**

**(No. B/748) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of a football ground at Petit Camp, Phoenix, he will state where matters stand.

**Reply:** The construction of a football ground at Petit Camp, Phoenix, awarded to A. Jaufeerally Enterprise Ltd was completed in March 2010.

The works comprised -

- the construction of a boundary wall in stone masonry;
- the construction of a football ground including the turfing;
- the construction of French drains, and
- the fixing of goal posts and line marking.

The Municipal Council did not take over the site due to pressure from local inhabitants to have additional fencing works done.

In March 2011, following suggestions from the Municipal Council of Vacoas/Phoenix the fencing works were awarded to the same contractor, as an extension to the initial contract. Fencing works were completed within agreed time frame.

However, the Municipal Council of Vacoas/Phoenix could not make the football ground operational because of new request from neighbours for raised fencing on one side. The Council also took the opportunity to request for some additional ground levelling works to be done.

After due consideration of the representations, from local inhabitants and the Municipal Council of Vacoas/Phoenix, a contract was awarded to NDU's zonal contractor, Gamma Civic in July 2012 for the additional works. However, the zonal contractor failed to mobilise within a reasonable delay and the NDU had to cancel the contract.

In the meantime, the Municipal Council of Vacoas/Phoenix agreed to undertake the additional works, on the condition that same be financed by the NDU. This has already been agreed upon by the NDU. The Municipal Council has confirmed that works would start very soon.

The project has accumulated delays due to the non taking over by the Municipal Council in view of additional works requested by local inhabitants.

The matter is being closely followed by NDU.

Standard height fencing for football ground was applied, but the neighbours forcefully insisted for the raising of the fencing on one side.

#### **CWA – WATER SUPPLY**

**(No. B/749) Mr S. Soodhun (Second Member for La Caverne and Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the measures taken for an adequate supply thereof during the coming months when rainfall is reportedly low.

Reply: I refer the hon. Member to the reply I made to Parliamentary Question B/835 on 08 November 2011.

I am informed by the CWA that water supply across the island is generally adequate for this time of the year except in some regions. However, it is a common feature that in the dry season there is a depletion of both ground and surface water sources. To address the water shortages in the dry season, the CWA puts into operation standby boreholes and resorts to water abstraction from rivers.

Moreover, the water supply in each of the six district water supply zones is monitored on a daily basis and production reviewed to ensure an adequate supply in all localities.

The additional measures taken in each district water supply system are as follows -

(a) **Port-Louis**

- To compensate for the decrease in output from 25,000 m<sup>3</sup> to 12, 000 m<sup>3</sup> daily at Pierrefond tunnel, water supply is being supplemented by boreholes at Beau Songes (5,500 m<sup>3</sup> daily), Petite Rivière (3,500 m<sup>3</sup>) and Circonstances Estates 4,000 m<sup>3</sup>.
- CWA obtains assistance of Mon Desert Alma S.E and Medine S.E to reduce their water abstraction from GRNW for irrigation during weekends and on weekdays to allow for a reliable supply of raw water at Pailles Treatment Plants.

(b) **North**

- Water supply for irrigation from La Nicolière reservoir has been reduced to give priority to domestic supply. Accordingly, the outflow from La Nicolière reservoir has been reduced from about 200,000 m<sup>3</sup> daily to about 160,000 m<sup>3</sup> daily.

(c) **East**

- Some 4,000 m<sup>3</sup> daily is being abstracted from River Rempart to compensate from the decrease in production from Piton du Milieu reservoir.
- Increased abstraction from Bel Etang spring to compensate for the reduction in yield from Petit Paquet borehole.
- Abstraction of some 1, 200 m<sup>3</sup> daily from Deep River at Clavette and some 4000 m<sup>3</sup> daily at Pont Lardier to compensate for the decrease in yield of the Belle Rose, Clemencia and Caroline from 25,000 m<sup>3</sup> to 14,000 m<sup>3</sup> daily.

- Abstraction of some 3,000 m<sup>3</sup> daily from River Françoise.

(d) **South**

- Abstraction of some 5000 m<sup>3</sup> daily from La Forêt river to supplement inflows to Mont Blanc Treatment Plant as a result of the decreased input from Rivière des Galets at Valruche.

(e) **Mare aux Vacoas**

- Transfer of some 20,000 m<sup>3</sup> daily from Mare Longue reservoir to La Marie Treatment Plant.
- Abstraction of water from Rivière Seche, Rivière du Rempart at La Marie, Rivière Tamarin, Rivière Terre Rouge at Camp Fouquereaux with an aggregate volume of 10,500 m<sup>3</sup> daily.
- Commissioning of new boreholes with a yield of 5,000 m<sup>3</sup> daily at Beau Songes and use of Corotex and CMT boreholes with an aggregate yield of 1,500 m<sup>3</sup> daily.

### ROADS - TARRING

**(No. B/750) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the roads within the Municipal Council areas which were tarred by the National Development Unit over the period September to 9 December 2012, he will give the list thereof, indicating in each case, the -

- (a) cost thereof, and
- (b) name of the contractor therefor.

**Reply:** The tarring of unclassified roads over the Island is undertaken by the National Development Unit on a regular basis throughout the year.

The list of roads which have been tarred during the period September to 09 December 2012 is being compiled and will be placed in the Library of the National Assembly.

Let me remind the hon. Member the works orders for tarring of roads in the Municipal Council areas were issued much long before the writ of election for the Municipal Councils was published.

## **NATIONAL RESILIENCE FUND – CONSULTANT - RECRUITMENT**

**(No. A/302) Mr P. Jugnauth (First Member for Quartier Militaire and Moka)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the National Resilience Fund, he will state the outcome of the Expression of Interest in connection with the recruitment of a consultant for the setting up of a monitoring and evaluation framework therefor.

**Reply:** In accordance with Section 24(2) of the Public Procurement Act 2006, an Expression of Interest (EOI) was launched on 02 August 2012 with closing date fixed for 05 September 2012. As at the closing date and time, only one interest was received.

An Evaluation Committee was held and it was agreed that it was not useful to re-launch the EOI exercise again as it was unlikely that other Expressions of Interest would be received on the second launch. It was, therefore, recommended to launch a Request for Proposal (RFP) to a minimum of 5 major firms providing such services in Mauritius. The RFP was launched in October 2012 with the approval of the Departmental Tender Committee of my Ministry. By the closing date of 28 November 2012, no offers were received from the bidders. I am informed that in accordance with the Public Procurement Act a new Request for Proposal would be re-launched.

## **RODRIGUES – FISHERS – LOAN SCHEME**

**(A/303) Mr K. Li Kwong Wing (Second Member for Beau Bassin and Petite Rivière)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the Project for the fishers of Rodrigues to be implemented through MACOSCLE and the Rodrigues Cooperatives, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to where matters stand, indicating if claims of fees and refund of salaries have been settled in favour of MACOSCLE according to the terms and conditions of the Memorandum of Understanding signed with the Foundation and, if not, why not, indicating when will same be settled.

**Reply:** In May 2008, a special Scheme was worked out by the National Empowerment Foundation (NEF) for some 373 fishers of Rodrigues with a view to encouraging them to move from in-lagoon fishing to alternative higher income generating activities. This Scheme provided for loans up to Rs150,000 per beneficiary, repayable over 7 years and up to 1 year moratorium.

The Mauritius Cooperative Savings and Credit League Ltd (MACOSCLE) and the Cooperative Credit Unions (CCUs), namely the Rodrigues Northern CCU, United Development CCU and Nassola CCU were approached with a view to assisting the NEF in the implementation of this Scheme. One of the Cooperative Credit Unions, namely Rodrigues Northern CCU withdrew itself from the Scheme in December 2008.

NEF would make available to the DBM a sum not exceeding Rs 150 m. for the loan Scheme. The Development Bank of Mauritius (DBM) would provide loans at the interest rate of 5.5% on a wholesale basis while the CCUs would lend money at the rate of 6.5% to fishers. To this effect, Memoranda of Understanding were signed between NEF and MACOSCLE/CCUs jointly in 2008. It was understood that the CCUs had the capacity and experience to manage the disbursement and collection of loans from applicants eligible under this Scheme.

According to provisions of the MOU, MACOSCLE is responsible, *inter alia*, for ensuring that -

- (i) the CCUs lend money to members in instalments;
- (ii) repayment is made by beneficiaries to the CCUs;
- (iii) repayment is made by the CCUs to the DBM;
- (iv) the CCUs monitor repayments;
- (v) the CCUs report to NEF on the status of disbursement and repayment under the Scheme;
- (vi) the CCUs provide to MACOSCLE quarterly progress reports on the financial and technical aspects of the projects, a Monitoring and Evaluation Report and a Completion Report, and
- (vii) NEF would bear the cost of setting up of the Scheme, as well as the operational costs thereof in the first year.

NEF has informed that since end 2008, projects submitted by 54 fishers have been approved for a total amount of Rs5,346,947.63.

According to the MoU, NEF would meet staff and other costs, including management fees payable to MACOSCLE subject to all conditions thereof being complied. NEF has further informed that in January 2011, MACOSCLE submitted a claim for the payment of Rs129,314 representing expenses met by the organisation for salaries of the Rodriguan staff, management fees and a supervision mission in Rodrigues.

As at date, it has not been possible for NEF to effect such payment as some conditions of the MoU have not been complied with by MACOSCLE, mainly relating to –

- (a) absence of proper monitoring with regard to unsatisfactory repayment;
- (b) non-submission of reports on bad debtors;
- (c) lack of follow-up and site visits by debt collectors, and
- (d) non-submission of quarterly progress reports.

In the circumstances, NEF had no alternative than to withhold payment until MACOSCLE complies with the conditions of the MoU and submits the required information and documents.

#### **NON-DOUBLE TAXATION TREATIES**

**(No. A/304) Mr K. Li Kwong Wing (Second Member for Beau Bassin and Petite Rivière)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Non-Double Taxation Treaties, he will state when were communications last exchanged in relation thereto with –

- (a) India;
- (b) South Africa, and
- (c) Rwanda, indicating in each case, where matters stand.

**Reply:** The House may wish to note that my Ministry has over the last seven years been continuously engaged in updating some of our existing Double Taxation Avoidance Agreements (DTAAs), either upon request received from our treaty partners or on our own initiative. In that connection, as at 18 December 2012, we have initiated actions to update our agreements with five countries and we have received requests for renegotiations of Double Taxation Avoidance Agreements from 14 Countries, including South Africa, Rwanda and India.

For the DTAA with India, communications were last exchanged during the meeting of the Joint Working Group (JWG) on the Mauritius – India Double Taxation Avoidance Convention held in Mauritius from 22 to 24 August 2012. At that meeting agreement was reached on a Tax Information Exchange Agreement, which also incorporates provisions on assistance in collection of taxes. The other issues that were discussed during the meeting concerned the proposed changes to the DTAA made by India and the counter proposals made by Mauritius. Both sides noted that further deliberations on the proposed changes at another round were required. The two sides have agreed that the next JWG meeting will take place in India at a date to be decided through the diplomatic channels.

As regards the DTAA with South Africa, discussions were concluded on a revised Agreement during a round of negotiations held in Pretoria from 17 to 21 January 2011. The last exchanges on the DTAA were made on 14 November 2012, concerning the signing of the revised Agreement. Necessary arrangements are being made to have the revised Agreement signed by our High Commissioner in South Africa on behalf of Mauritius.

For the DTAA with Rwanda, a round of discussion on a revised Mauritius-Rwanda Agreement was held in Kigali from 26 to 28 November 2012. Agreement has been reached on all the provisions of the new Agreement, except for Article 13 (Management and Professional Fees) and Article 28 (Entry into Force) which require further discussions. A second round of negotiations will be held in Mauritius, at a date to be agreed through the diplomatic channel, to discuss the reserved provisions.

#### **CITÉ MARTIAL - ALFRED GELLE STREET - SEWERAGE NETWORK**

**(No. A/305) Mr A. Ameer Meea (First Member for Port Louis Maritime and Port Louis East)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the sewerage network, he will, for the benefit of the House, obtain from the Waste Water Management Authority, information as to if it has received representations from ten families residing in house numbers 20 to 26, at the Alfred Gelle Street, Cité Martial, Port Louis,

to the effect that their houses are being overflowed with waste water and faecal matters and, if so, indicate if urgent remedial measures will be taken.

**Reply:** I am informed by the Wastewater Management Authority that, since July 2007 eight complaints on blockages and overflows have been received from inhabitants of Alfred Gelle Street, Cité Martial, out of which two were made in 2012. The Wastewater Management Authority has attended to all the complaints except in one case where site access was not granted by the neighbours to clear the blockage.

I am further informed by the Wastewater Management Authority that there are illegal constructions on the sewer line serving the houses along Alfred Gelle Street and even two trees have grown on the alignment of the sewer line. The illegal constructions and the trees may be the cause of the blockages. The Wastewater Management Authority had initiated action for the replacement of the sewer line in 2009. However, the inhabitants refused to grant the contractor access to the site and the works could not be carried out.

The sewerage infrastructure in Cité Paul et Virginie, which includes the houses along Alfred Gelle Street, will be rehabilitated under the forthcoming project for the Rehabilitation/Provision of Sewerage Infrastructure on CHA and Low Cost Housing Estates – Phase IV. A consultancy contract, of a duration of 3 years, was awarded in November 2012 by the Wastewater Management Authority for the detailed design and supervision of works. Pending the award of the works contract, the WMA will promptly attend to any complaint received about blockages and overflows.