

No. 09 of 2012



REPUBLIC OF MAURITIUS

**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**SECOND SESSION**

**TUESDAY 12 JUNE 2012**

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Members

Members

## THE CABINET

(Formed by Dr. the Hon. Navinchandra Ramgoolam)

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

Hon. Mookhesswur Choonee	Minister of Arts and Culture
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Labour, Industrial Relations and Employment
Hon. Yatindra Nath Varma	Attorney General
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

Members

Members

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Purryag, Hon. Rajkeswur, GCSK, GOSK

*Deputy Speaker*

Peetumber, Hon. Maneswar

*Deputy Chairperson of Committees*

Deerpalsing, Ms K. R.

*Clerk of the National Assembly*

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Lotun, Mrs B. Safeena

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**MAURITIUS**

**Fifth National Assembly**

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**SECOND SESSION**

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**Debate No. 09 of 2012**

**Sitting of 12 June 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)*

## ANNOUNCEMENT

### **GOPALL, MR NAVIN – CLERK ASSISTANT - APPOINTMENT**

**Mr Speaker:** Hon. Members, I am pleased to inform the House that Mr Navin Gopall, who is now at the Table, has been appointed as Clerk Assistant. On behalf of the House and in my own name, I extend a warm welcome to Mr Gopall and wish him a successful career at the National Assembly.

*(Applause)*

### **PAPER LAID**

**The Prime Minister:** Sir, the paper has been laid on the Table -

#### **Prime Minister's Office** –

Certificate of Urgency in respect of the Consumer Protection (Price and Supplies Control) (Amendment) Bill (No. XIII of 2012).

## ORAL ANSWERS TO QUESTIONS

### **CHAGOS ARCHIPELAGO – MAURITIUS SOVEREIGNTY**

**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 sovereignty of Mauritius over the Chagos Archipelago, he will state -

- (a) if he discussed same with Mr David Cameron, Prime Minister of the United Kingdom, during his last visit thereto and, if so, indicate the outcome thereof;
- (b) if he proposes to meet Mr Barack Obama, President of the United States of America, in relation thereto and, if so, when;
- (c) if Government proposes to take new initiatives to make out our case in relation thereto and, if so, give details thereof, and

- (d) the stand taken by Government, if any, at the April/May 2012 Meeting of the Indian Ocean Tuna Commission held in Australia, following the intervention of the officials of the so-called “British Indian Ocean Territory”.

**The Prime Minister:** Mr Speaker, Sir, following my meeting with the British Prime Minister, the Rt. hon. David Cameron, on Friday 08 June 2012, I announced through the media that I shall make a statement at the National Assembly today on the outcome of the meeting. I thank the hon. Leader of the Opposition for his Private Notice Question, which gives me an opportunity to inform the House and the population at large on the discussions I had with the British Prime Minister.

I should like to stress that the main purpose of my mission to the UK last week was to have a bilateral meeting with Mr David Cameron, the British Prime Minister. While in the UK, I also participated in the celebrations marking Her Majesty’s Diamond Jubilee at Her Majesty’s invitation.

The meeting with the British Prime Minister was held at 10, Downing Street. On the British side, the hon. Henry Bellingham, Parliamentary Under Secretary of State of the Foreign and Commonwealth Office, Mr John Dennis, Head of Africa Desk at the Foreign and Commonwealth Office, and the Private Secretaries of Prime Minister David Cameron and hon. Henry Bellingham were also present. In attendance on the Mauritius side were the Secretary to the Cabinet, the Solicitor-General, our High Commissioner in London, and our Permanent Representative to the United Nations in New York. Both sides highlighted the long-standing ties between our two countries, and looked forward to the successful hosting of CHOGM in Mauritius in 2015. I observed, however, that the dispute on the Chagos issue remained a blot in an otherwise excellent relationship.

I reminded the British Prime Minister of the repeated undertakings by the United Kingdom that the Chagos Archipelago would be returned to Mauritius when no longer needed for defence purposes. I indicated that there is an excellent window of opportunity to redress the injustice caused by the excision of the Chagos Archipelago from the territory of Mauritius with the expiry of the UK-US arrangements on the use of the archipelago in 2016. And, in this connection, I stressed on the need for formal talks between Mauritius, the United Kingdom and the United States to be initiated with a view to reaching an agreement on the effective exercise of



sovereignty by Mauritius while safeguarding the continued use of Diego Garcia for US defence purposes.

The British Prime Minister observed that there were some concerns about the multiplicity of litigations pertaining to the Chagos Archipelago that are currently ongoing. He added that the presence of a military base in Diego Garcia further added to the complexity of the issue.

In the course of the discussions, an understanding was reached for both parties to start a process of positive dialogue on the future use of the Chagos Archipelago. I informed the British Prime Minister that I will make a formal announcement about this process. I will follow up on this matter for a prompt start of such talks, and will propose that these be held at Ministerial level.

In regard to part (b) of the question, I informed the British Prime Minister that I intend, during a proposed visit to Washington, to put across our proposal that all three States sit together and come to an agreement on the sovereignty issue without causing any prejudice to the continued use of Diego Garcia as a military base to meet prevailing security needs. The British Prime Minister took note of this initiative vis-à-vis the United States.

Mr Speaker, Sir, regarding part (c) of the question, we all know the circumstances in which the Chagos Archipelago was excised from the territory of Mauritius prior to our accession to independence, when the UK was the colonial master dictating the laws and policies of Mauritius. The excision was in violation of international law and various United Nations General Assembly Resolutions.

Mr Speaker, Sir, the House will surely appreciate that, in view of the sensitive and complex nature of discussions on this subject, it will not be in our interest to delve into details of the strategy we have chartered out for attaining our ultimate objective.

It will be recalled that when in June 2004 media gave headline, publicising a leaked information that Mauritius intended to leave the Commonwealth in order to take the UK to the International Court of Justice, the British Government promptly came up with a declaration at the UN, stating that it did not recognise the jurisdiction of the International Court of Justice in relation to any dispute with the Government of any other country, which is or has been a member of the Commonwealth.

Mr Speaker, Sir, in the light of what I have just said, and in the light of what I have said, the Leader of the Opposition and the House will appreciate that we should be very careful in

engaging in a public debate about each and every of our initiatives. However, the House can rest assured that we will continuously explore all the legal and diplomatic initiatives, with the assistance of our local and external lawyers or advisers.

I must, however, inform the House that, at the diplomatic level, a number of initiatives have been successfully undertaken by Mauritius, as evidenced by declarations, decisions and resolutions supporting the sovereignty of Mauritius over the Chagos Archipelago adopted by the African Union Summits in July 2010 and January 2011, the Non-Aligned Movement Summit in July 2009, and the Non-Aligned Movement Ministerial Conferences in May 2011 and May 2012. In particular, for the first time, the Group of 77 and China adopted in April 2012 a Ministerial Declaration on the occasion of UNCTAD XIII which, *inter alia*, reaffirms the need to find a peaceful solution to the dispute over the Chagos Archipelago, including Diego Garcia, which was unlawfully excised from the territory of Mauritius.

Mr Speaker, Sir, regarding part (d) of the question, I am informed that Mauritian Officials attending the Indian Ocean Tuna Commission held in April 2012 in Australia had made the following statement, and I quote -

“The Government of the Republic of Mauritius does not recognise the so-called “British Indian Ocean Territory” (“BIOT”) which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its independence. This excision was carried out in violation of United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357(XXII) of 19 December 1967.

The Government of the Republic of Mauritius reiterates that the Chagos Archipelago, including Diego Garcia forms an integral part of the territory of Mauritius under both Mauritian law and international law.

The Government of the Republic of Mauritius does not also recognise the existence of the ‘marine protected area’ which the United Kingdom had purported to establish around the Chagos Archipelago. On 20 December 2010, Mauritius initiated proceedings against the United Kingdom under Article 287 and Annex VII to the United Nations Convention on the Law of the Sea to challenge the legality of the ‘marine protected area’.”

In fact, Mr Speaker, Sir, I should inform the House that my Office has also issued a circular to all Supervising Officers of Ministries/Departments in January 2012, requesting to

ensure that officials attending international conferences, meetings or seminar adopt a consistent stand on the Mauritius position on the Chagos and Tromelin issue whenever so related question arises.

The sovereignty of Mauritius over the Chagos Archipelago is an issue which, in my view, Mr Speaker, Sir, should transcend party politics. We should all act with a unity of purpose to achieve our objective for our country to effectively exercise sovereignty over the Chagos Archipelago. I would, therefore, appeal to all Members of this august Assembly to support the initiative of the Government regarding what the late Mr Robin Cook, former British Foreign Secretary described as, and I quote -

“One of the most sordid and morally indefensible episodes in our post colonial history.”

Let me, therefore, Mr Speaker, Sir, assure the House that I will keep all Members informed of any development on the Chagos Archipelago issue.

**Mr Bérenger:** Whilst in London, the hon. Prime Minister had stated in “The Guardian” that his meeting with the UK Prime Minister had been very cordial and augured well for the future and today he has given a very positive view of how things went in London. Can I ask him whether he has been able to find out why the communiqué from 10 Downing Street made it a point to say, and I quote –

“Today the Prime Minister of UK joined a meeting between Foreign and Commonwealth Office Minister Henry Bellingham and the Prime Minister of Mauritius, Dr. Navinchandra Ramgoolam in Downing Street this morning to sign an agreement ....”

In the same communiqué is reproduced a statement from the Prime Minister David Cameron -

“I was delighted to meet with Prime Minister Ramgoolam this morning to sign an agreement ...”

And there is no mention in the communiqué of the Chagos Archipelago. On the contrary, as I said, it makes a point to refer to a meeting which was taking place between our Prime Minister and a Junior Minister and adding that the Prime Minister joined that meeting. Has the hon. Prime Minister been able to find out what is behind this?

**The Prime Minister:** I am not totally surprised by this, Mr Speaker, Sir. What they put on their website we do not control, it is their decision. I can understand their decision also but, in fact, I must say that I did inform the British Prime Minister at one point, after we had come to

this agreement, that I intend to formally inform the House and the media also of the agreements we had come to and he agreed to it and he said: “you have my full support.” But, I can understand that – in fact, originally, what they wanted was for me to sign the MoU on piracy. That was the purpose. But I said: “No, we will not sign it, I want a meeting with the British Prime Minister and I want to discuss Chagos.” It is in that context that this happened.

**Mr Bérenger:** I understand that the meeting was scheduled for Wednesday and then postponed. That meeting that was postponed supposedly, can I know whether it was between our Prime Minister and the Prime Minister of the UK or between our Prime Minister and Junior Minister Bellingham, and why was it postponed?

**The Prime Minister:** Mr Speaker, Sir, maybe, I should put it in a context so that it is clearer. When I was at the Summit that the British Prime Minister had called in London to speak about Somalia and piracy, he wanted us to sign a MoU separate from the European Union on piracy. They had sent the copy of what they wanted us to agree to prior to that meeting. We did not agree with the contents of that Memorandum of Understanding. We thought that there must be alterations in certain areas of that MoU; therefore we said that we will not sign it.

When we reached London, the British Prime Minister talked to me and they wanted us to sign the Memorandum of Understanding, but we said that we cannot because we do not agree with all that is in the Memorandum of Understanding, and also, I had not brought it to Cabinet precisely because we do not agree with this. He even suggested then that the two foreign Ministers, that is, our foreign Minister and hon. William Hague at least appose their signature to this to which we also did not agree precisely because we could not agree on the contents of the MoU. This time when they knew that I was being invited by Her Majesty the Queen, and I would be attending the Jubilee celebrations, they wanted us to sign the MoU which they had sent, I must point out, they had agreed to the alterations that we had suggested be made to the MoU.

They wanted to sign it and the British Government indicated that the British Prime Minister would be happy to sign it with me. They did not say Downing Street, but he would be happy to sign it with me. I said that I wanted a meeting and that I wanted it to be at Downing Street and we had to discuss the issue of Chagos. They then suggested that because the Prime Minister had a busy schedule, this was not planned and he was going to different countries in Europe and Norway, perhaps we could sign it during the lunch that the Commonwealth Secretary

was giving at Marlborough House with the Queen and that we could sign it there. I refused, Mr Speaker, Sir, I said: “No, I want the signature to be done at Downing Street and I want to raise the issue of Chagos.” This is how it was done. Hon. Bellingham was supposed to speak about piracy. There was a detailed programme of what topics he wanted to talk on. Because I said I wanted the meeting with the Prime Minister, the meeting was held at Downing Street where the Prime Minister has his Office.

**Mr Bérenger:** Before the Prime Minister went to London, there was clearly what I described as a *fuite organisée* in the British Press on the same day, 30<sup>th</sup> May, articles appeared in “The Guardian” and “The Daily Telegraph” presenting the meeting that was to be held on the following Wednesday as going to be a breakthrough. Can I ask the hon. Prime Minister whether we can be informed on what took place? Was it a *fuite organisée*, if yes, by whom and what role has Mr Geoffrey Robertson played in all this?

**The Prime Minister:** Mr Speaker, Sir, certainly there was no *fuite organisée* because it is not in our advantage in any case to have this. We haven’t talked to the British Prime Minister yet. We don’t know what the outcomes of the issue would be. We cannot organise because this would be putting things very high. So, the newspapers, as usual as here, they try to get information and put articles in the press. But Mr Geoffrey Robertson published, I think, two articles, if I am not mistaken, in the press. It is his own opinion. We never had anything to do with the opinion that Mr Geoffrey Robertson wanted to express. He expressed his opinion.

**Mr Bérenger:** Before I move on to the base issue, I wanted to get the key point clear. I understand that, therefore, the Government of Mauritius, the hon. Prime Minister had proposed meetings at ministerial level, but I got the impression that it would be to discuss the future role of the base or is it that those ministerial level discussions, are they going to discuss Sovereignty of Mauritius over the Chagos Archipelago?

**The Prime Minister:** Mr Speaker, Sir, I told the British Prime Minister that he has a historic opportunity to correct an injustice about what happened to Chagos and the Chagossians. Therefore, I suggested that we have to talk about the issue of sovereignty. The sovereignty has to be reverted back. This is one of the issues we have to talk about. And secondly, we have also given assurances that we are not putting in question the defence purposes of the United States as far as the base is concerned. And the third time, the UK would have an opportunity to correct the injustice that was made on Chagos. These are the three issues that I raised.

**Mr Bérenger:** Being given that the base issue has been discussed and we have got further clarifications a few seconds ago, have eventual treaty obligations for the base to carry on been discussed? And, if yes, we will see to it that no one on our side makes any statement or issues, any *note verbale* in contradiction with that intention of having the base staying there, and possibly, I think, it would have to be through treaty obligations.

**The Prime Minister:** No, we did not talk about a treaty, about the base. We did not speak about this at all. What I said is that because the lease is expiring in 2016 and it has to be renewed by the end of 2014 that Mauritius needs to be part of the procedure of the formal talks on the agreement of the extension of the lease. All the discussions will come after this.

**Mr Bérenger:** Can I know whether the fate of the Chagossians and our case before the Hague Tribunal on the Law of the Sea were referred to?

**The Prime Minister:** It was a brief reference, but I pointed out that the Chagossians are Mauritian citizens and that we do not want to have a division between our own people. I think the hon. Leader of the Opposition also asked a question about the Chagossians whether this was the issue. This was just touched upon, but I said that the Chagossians must not forget that they are Mauritians.

**Mr Bérenger:** Since in the same “Guardian” of 08 June, on the day, in fact, when the hon. Prime Minister met Prime Minister David Cameron, at 4.30 in the afternoon, the “Guardian” made reference this time that the hon. Prime Minister had said that he would be in Washington soon. Can I know whether a meeting is already confirmed, and, if yes, if the agenda will include the issues both of sovereignty and of the base?

**The Prime Minister:** No, I never said so, Mr Speaker, Sir, but what I did say is that I am proposing to have a visit. We are trying to look at the details of the visit, we are working on it and I did also mention to the Right hon. David Cameron that I intend to have these proposals made to the United States and we are working on the visit. We will certainly want to speak of sovereignty and the base issue.

**Mr Bérenger:** *En passant*, I put a question to the hon. Prime Minister. The US Ambassador has been absent from Mauritius for months and months now. Does the hon. Prime Minister read anything into that?

**The Prime Minister:** No, I don't really read anything into that because this has happened in the past as far as I remember. I know that there is a new Ambassador. Actually as

far as I remember, a name was mentioned to me that he will probably be the Ambassador, but I suppose they have all these procedures in the United States. I don't read anything particular into that.

**Mr Bérenger:** Mr Speaker, Sir, I have read that - I would wish to have either confirmation or a denial of that - there would be a request from our side to be formally involved into 2014-2016 discussions on the arrangements between the UK and the US for the base. Are we requesting to be formally involved, and, if yes, we should see to it that this does not entail in anyway the recognition of UK sovereignty over the so-called BIOT because there will be discussions between London and Washington? If we simply get formally involved and do not take special care, it would be a kind of stepping into a discussion, which recognises the sovereignty of the UK over the so-called BIOT.

**The Prime Minister:** Mr Speaker, Sir, we have consistently taken the view that we do not recognise BIOT. That is something that we have been consistent. I think even previous Governments have been consistent on that and that will remain so. That is why, in fact, I brought out this circular because we do not want Ambassadors, other people or Heads of Departments go and say something without realising the importance of what they say. That is why I took the precaution of doing this, but we will not go into any talks. We have asked that we must be involved because the position at one point was a simple Rollover Agreement, which we do not agree with. We think we should be part of it, formally, and we have to settle the issue of sovereignty and we will look at the base.

As I said, Mr Speaker, Sir, we are saying to the British Government and we will be saying to the United States Government that they have said that the Chagos Archipelago will be returned to Mauritius, once it is not needed for defence purposes of the United States. We are not contesting that. What we are saying is: we do not want to put into question the security of the defence purposes of the United States on the contrary, but we want to have our sovereignty back.

**Mr Bérenger:** If I can move on to the issue of the Indian Ocean Tuna Commission Meeting in Australia in April/May. I understand that we were represented and that we did put in an objection when the so-called BIOT officials objected to accuse Sri Lanka of illegally poaching around the Chagos Archipelago and threatened to have Sri Lanka put on a black list for illegal poaching. Can I know who represented Mauritius and can we have a copy of the

document - because it was a very lengthy one which our representatives put in - placed in the Library?

**The Prime Minister:** We were represented by Mr Servansingh. I can have a copy. I think there is no problem in having a copy laid on the Table of the National Assembly.

**Mr Bérenger:** Still on that issue, did we follow up on that because Sri Lanka acknowledged sovereignty of the UK over the so-called BIOT and they managed to find a solution to their problems. But did we take that opportunity or are we going to take an opportunity to bring up the issue with Sri Lanka itself, pointing out that we challenge sovereignty forcefully and that, therefore, on such occasions, we expect Sri Lanka, a friendly neighbouring country, to behave in a given way?

**The Prime Minister:** In fact, my information is that we did point out to Sri Lanka that we do not recognise the BIOT and we will follow up on this, Mr Speaker, Sir.

**Mr Bérenger:** Since it is just with Sri Lanka that there have been problems concerning the so-called BIOT, but Maldives also, there is overlapping of the exclusive economic zone of the Maldives measured from there, the southernmost island and our exclusive economic zone as measured from the Chagos Archipelago, over which we claim sovereignty. In the past, therefore, the Maldives authorities discussed with London on that. Now, have we taken the opportunity, for example, when the President of the Maldives - now out of the way, at least, for the time being - when he was in Mauritius a year ago, was the opportunity taken to come back forcefully on that and insist that whatever discussions the Maldives carry out on the respective exclusive economic zones should be done with us?

**The Prime Minister:** In fact, I did point out to the former President of Maldives when he was here, on an official visit, that this is our position. He did not appreciate what the position was at the beginning and we did point out that this is our position and the Maldives has to talk to us as far as this is concerned. Maldives too, he explained to me, has their own problems and that they have to know how to tread, but this is what was brought to his attention.

**Mr Bodha:** Mr Speaker, Sir, may I ask the hon. Prime Minister, in the light of new information which has been given that the base was used for rendering flights by the CIA and M16 for torture in violation of international law, whether that fact was apprised by our Prime Minister to David Cameron?

**The Prime Minister:** That was not raised at all, Mr Speaker, Sir.



**Mrs Navarre-Marie:** I understand that the terms of reference for the Ministerial meeting, have not been drawn yet, but I would like to ask the hon. Prime Minister whether it could be made clear in the terms of reference that in the future dialogue, in the future Ministerial meeting, the Chagossian Community will be fully involved in all the discussions.

**The Prime Minister:** Mr Speaker, Sir, we will do all we can, but I do not want to prejudice any matter. This is an important delicate matter, if we look at the position that the UK and the US have taken in the past; this is why I said this is a positive development. We must be very careful of how we will look at our strategy.

**Mr Obeegadoo:** Given our patriotic concern that neither the Downing Street Communiqué nor the FCO communiqué made any mention of the issue of Chagos being concerned, given the Prime Minister's assurances that, in fact, there was agreement on a process of positive dialogue, I would like to know whether, according to normal diplomatic practice, there were not preparatory to re-contact through meetings to prepare the Downing Street meeting and if so, was there no discussion of a joint statement as is usually the case as a result of such meetings which would have given much more strength to the commitments to a new 'positive dialogue'.

**Mr Speaker:** The hon. Member has made his comments. He must put his question.

**The Prime Minister:** That meeting, as I have explained earlier on, Mr Speaker, Sir, was not actually programmed at the very beginning. At the beginning, what the British wanted was that we sign the Memorandum of Understanding on the piracy issue. There was a meeting with the British Prime Minister to sign this Memorandum of Understanding, and that's it. There was no meeting that was prepared long ahead. I insisted that we have to have a meeting at Downing Street and that the Chagos issue has to be raised, and I want to raise it, and this is how we proceeded. The British Prime Minister, we can imagine, had a very busy schedule. In fact, on Wednesday itself, he was at the lunch given by the Commonwealth Secretary for Her Majesty the Queen. He was there and I was talking to him and he was saying to me that he is already late, he had to catch a plane to go to Norway and then he was going to different countries in Europe and was only coming back on Thursday very late. That is what I understand. This is how the meeting took place. That is why there was no preparatory, except, I think, two days before, we had a little piece of information about how the meeting will proceed.

**Mr Bérenger:** Mr Speaker, Sir, for decades now, neither India nor South Africa nor other important countries around the Indian Ocean, have no longer been challenging the US base in Diego Garcia and that is a fact. I have heard the hon. Prime Minister saying that we have no objection and he said, on the contrary, to the base staying there. I am sure that the hon. Prime Minister is aware that only a few days ago the US Defence Secretary, Mr Leon Panetta, was in New Delhi, in round that part of Asia, but in New Delhi, where he is very forcefully canvassed for a deeper strategic and military partnership between India and the United States. Can I ask the hon. Prime Minister whether he has given thought as to how to take advantage of those new developments between India and the United States with the Chagos Archipelago and the base in mind?

**The Prime Minister:** As everybody knows, we have very, very strong relationship with India and I expect that India will support our initiative, they have always done it in the past and that they will support our proposition that we are putting forward.

**Mr Speaker:** I must inform the House that Parliamentary Question No. B/266 has been withdrawn. Questions addressed to hon. Prime Minister!

#### **NATIONAL HUMAN RIGHTS COMMISSION – COMPOSITION**

**(No. B/248) Mrs L. Ribot (Third 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 National Human Rights Commission, he will, for the benefit of the House, obtain from the Commission, information as to the -

- (a) composition thereof;
- (b) date on which the last annual report thereof was submitted;
- (c) number of reported cases of breach of human rights which have been heard, since May 2010 to date;
- (d) number of employees posted thereat, and
- (e) annual running cost thereof for 2010 and 2011, respectively.

**The Prime Minister:** Mr Speaker, Sir, the National Human Rights Commission was set up in 1998. Since its creation, it has played a crucial role in the implementation and monitoring of human rights standards in the country. It has also played an effective and independent role by working in close collaboration with the relevant stakeholders involved in human rights.

The House will appreciate that issues relating to human rights evolve in a dynamic way and the Commission, consequently, has to adapt its functions to be in line with new international covenants and challenges facing society. It is precisely in this spirit that the structure and functioning of the National Human Rights Commission were reviewed with a view to broadening its mandate and strengthening its efficiency.

Consultations with different stakeholders were held and it was in a first instance decided to have four Divisions, namely -

- (i) an Equal Opportunities Division;
- (ii) a Police Complaints Division;
- (iii) a Human Rights Division, and
- (iv) a National Preventive Division.

The National Human Rights Commission would have been the umbrella organisation under which all these Divisions were to operate. However, after further consultations, it was agreed that it would be better to have a fully-fledged Equal Opportunities Commission as a stand-alone organisation instead of being under the umbrella of the National Human Rights Commission.

The Protection of Human Rights Act is being amended to reflect these new changes in the organisational structure of the National Human Rights Commission. The Protection of Human Rights (Amendment) Bill, the Police Complaints Bill and the National Preventive Mechanism Bill are currently being finalised in consultation with the Attorney General's Office, and will thereafter be introduced in the National Assembly.

It is for these reasons, Mr Speaker, Sir, that Members of the Commission were not replaced upon expiry of their contract. However, the Chairperson of the Commission is still in office and is examining and conducting investigations on the complaints received.

In regard to part (b) of the question, I am informed by the National Human Rights Commission that the last annual report was submitted in 2008.

In regard to part (c) of the question, I am informed that 303 complaints have been received at the National Human Rights Commission between May 2010 and May 2012. Out of these 303 complaints, 248 have been disposed of and 55 are still being investigated.

In regard to part (d) of the question, there are currently 15 employees posted to the National Human Rights Commission.

In regard to part (e) of the question, the total expenditure incurred in 2010 amounted to Rs9,842,573.00 and in 2011, it was Rs11,092,546.00.

**Mrs Ribot:** Mr Speaker, Sir, in a reply to a Parliamentary Question on 09 November 2010, the hon. Prime Minister said that the draft report for 2009, I quote –

“has been prepared and is being finalised”.

Mr Speaker, Sir, I would like to know why then it has not been submitted and what about the annual report of the Commission for the years 2010 and 2011.

**The Prime Minister:** The reason is because, what I said, Mr Speaker, Sir, we are changing the whole structure. We have not, therefore, upon expiry of the membership, renewed anyone because we want to have a completely new structure. So, the new people who are there will do the necessary.

**Mrs Ribot:** Mr Speaker, Sir, being given that the Commission operates with the Chairman only, since there has been no nomination of members since September 2009, I would like to know from the hon. Prime Minister if he has information as to who chairs the Commission when the Chairman is abroad which, according to our information, does occur very often.

**The Prime Minister:** I don't think it occurs very often, but he goes abroad when he has to. As I have said, there are 15 staff plus the Chairperson. But this was the case before also, Mr Speaker, Sir. There is a Chairperson and when he is not there, he is, obviously, not sitting and he would not be able to do it because he is not there.

**Dr. S. Boolell:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether it would be possible for reports from the National Human Rights Commission to be sent to those complainants whose relatives have died in either Police custody or have been subjected to Police brutality? Because they are in the dark completely!

**The Prime Minister:** I see no objection to that; I would have thought they would have been informed of the reason. But if that is the case, I will make the point to the Chairperson.

**Mr Fakeemeeah:** As far as Police brutality is concerned, can the hon. Prime Minister inform the House if he is satisfied with the National Human Rights Commission actually?

**Mr Speaker:** The Member is asking the hon. Prime Minister to give an opinion. Hon. Baloomoody!

**Mr Baloomoody:** Although we are going to look at the law, look at the new Commission, I am sure that the hon. Prime Minister would agree that the Chairperson should be in legality. The law says clearly that he can have only two terms of four years and he has been there over eight years. Can I ask the hon. Prime Minister whether he intends to look into the matter, because it is against the law?

**The Prime Minister:** It is not against the law, Mr Speaker, Sir. The Bill says that he is to be there for two terms, but by virtue of Section 31(3) of the Interpretation and General Clauses Act, he can continue as Chairperson until we change the law.

**Mrs Ribot:** Mr Speaker, Sir, I am coming back on the chairmanship of that Commission, when the Chairman is absent. I would like to quote section 3 paragraph 9 of the Protection of Human Rights Act which clearly stipulates that -

“When the Chairman is absent or on leave, the President may authorise another member - and not a member of staff - to discharge the functions of the Chairman...”

I would like to ask the hon. Prime Minister whether he will look into it.

**The Prime Minister:** Yes. But, let me say, Mr Speaker, Sir, the National Human Rights Commission did not exist before. It was only set up in 1998.

#### **MADAGASCAR - ROSEWOOD CASE – FORMER PRIME MINISTER - STATEMENT**

**(No. B/249) 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 statement made by Mr C. V., former Prime Minister of Madagascar, in regard to the recent rosewood case, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to the composition of the delegation of the Corporation which proceeded to Madagascar for the recording thereof, indicating the total expenses incurred therefor, in terms of air tickets and *per diem* allowances.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that, in pursuance of the Corporation’s objective set out at section 4 of the MBC Act to enlighten the public in matters of information of newsworthy value, the Corporation designated one Journalist to proceed to Madagascar on 20 May 2012 to interview Mr C.V., former Prime Minister of Madagascar, on the alleged traffic of rosewood.

The Director-General of the MBC has further informed that it is a longstanding practice at the Corporation to delegate Journalists to cover newsworthy events overseas.

The Corporation has incurred an expenditure of Rs18,790 (rupees eighteen thousand seven hundred and ninety) for payment of the return air ticket in favour of the Journalist.

The *per diem* allowance paid to the Journalist was in accordance with the rate approved by the Ministry of Finance and Economic Development.

**Mr Jhugroo:** Can I ask the hon. Prime Minister who took the decision to send someone from the MBC to do that interview of the former Prime Minister of Madagascar?

**The Prime Minister:** There is a Director-General and there is a Board, they must have taken the decision. I don't think he would have gone on his own.

**Mr Jhugroo:** Can the hon. Prime Minister inform this House why the Director-General of the MBC had delegated Mr Josian Valère, the officer-in-charge of the radio, to Madagascar from 20 to 22 May for that interview?

**The Prime Minister:** It depends on whom he wants to send, Mr Speaker, Sir. I have no say in the matter. He chooses whoever he wants to choose.

**Mr Jhugroo:** Can the hon. Prime Minister...

**Mr Speaker:** No! I have let the hon. Member ask two supplementary questions. Now, hon. Bhagwan, and then, I will come back to him!

I have stated in the House that the hon. Member who has put the question would be allowed two supplementary questions and other hon. Members should be given the opportunity to put their questions. If time permits, I will come back to you.

**Mr Bhagwan:** Can we know from the hon. Prime Minister whether there were directives or the Director-General was asked by Government to send somebody to Madagascar?

**The Prime Minister:** I did not quite understand.

**Mr Bhagwan:** Can we know from the hon. Prime Minister whether Government asked or directed the Director-General of the MBC to send somebody to Madagascar?

**The Prime Minister:** The MBC decided on its own.

**Mr Jugnauth:** Can the hon. Prime Minister say why is it that a journalist from the MBC/TV who normally covers such news items and cameraman were not sent there instead of somebody from the radio being sent there?

**Mr Speaker:** I am sympathetic to the question, but the hon. Prime Minister has said that it is for the Director-General to select.

*(Interruptions)*

No! I will come back to you!

Let me remind the hon. Member that normally supplementary questions, according to Erskine May, are not read!

**Mr Fakeemeeah:** Mr Speaker, Sir, can I ask the hon. Prime Minister if an enquiry has been carried out to know the said Mr C.V.'s implication in the *bois de rose* traffic before giving any credibility to that person and also being given his sudden unexplained wealth?

**The Prime Minister:** We must say, Mr Speaker, Sir, we have to have some respect. He has been the Prime Minister of Madagascar, not anybody. So, we have to respect the function of Prime Minister.

**Mr Uteem:** Mr Speaker, Sir, may I know from the hon. Prime Minister whether the mandate of that journalist was to interview only the former Prime Minister or other people, such as the members of the *Bureau Indépendant Anti-Corruption* (BIANCO) in Madagascar?

**The Prime Minister:** I cannot give details on this, Mr Speaker, Sir. All I know is that he interviewed the former Prime Minister.

**Mr Speaker:** Yes, hon. Ms Anquetil! Do not read.

**Ms Anquetil:** Thank you, Mr Speaker, Sir. Can the hon. Prime Minister inform the House if the Government may consider the advisability of tabling a list of all correspondences received from the Malagasy Government in connection with the smuggling of *bois de rose* which occurred in June 2011?

*(Interruptions)*

**Mr Speaker:** Order! I have just reminded the hon. Member that she cannot read the supplementary questions! Next time, she will not read the supplementary questions!

**The Prime Minister:** The answer is that there is no problem.

**Mr Jhugroo:** Can I ask the hon. Prime Minister whether it is...

*(Interruptions)*

...in the scheme of service of Mr Josian Valère to act as a cameraman and as a TV reporter, and, if so, can the hon. Prime Minister table a copy of the scheme of service?

**The Prime Minister:** My understanding is one of the reasons was that he was not only doing the interview, he is also able to use the camera.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House why *le montage* of this interview was done in the studio of the MBC *à huis clos* in the presence of the Director-General, Mr Datta Ramyeed, Mr Josian Valère and the famous Mr Dev Rambocus? Why?

*(Interruptions)*

**The Prime Minister:** First of all, Mr Speaker, Sir, I am surprised that the hon. Member knows more than anybody else. I was not there to know who was there and who was not there. In any case...

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** In any case, may I tell the hon. Member that the former Prime Minister also talked to the radios - to Radio Plus, I think. He also talked to the radios.

*(Interruptions)*

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

#### **MBC - MRS F. C., MARKETING OFFICER - EMPLOYMENT**

**(No. B/250) 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 Mrs F. C., Marketing Officer at the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to

-

- (a) when she took employment thereat;
- (b) her qualifications;
- (c) her salary;
- (d) her terms and conditions of employment, and
- (e) the number of overseas missions she has undertaken since she has assumed office to date, indicating in each case, the -
  - (i) countries visited;
  - (ii) purpose thereof, and
  - (iii) total expenses incurred in terms of air tickets and *per diem* allowances.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Director-General of the MBC that, with the approval of the MBC Board, Mrs



F.C. was initially employed as Financial Operations Consultant, on a contract basis, on 12 August 2009. In July 2011, she was entrusted with the responsibilities of Team Leader, Finance and Marketing.

Regarding part (b) of the question, the Director-General has informed that Mrs F. C. has qualifications in Financial Management and reckons over 31 years' experience in the management of public finance having served in different key Ministries, including the Ministry of Finance and Economic Development, the Ministry of Social Security, National Solidarity and Reform Institutions and the Ministry of Housing and Lands.

In regard to parts (c) and (d) of the question, Mrs F. C. is drawing a monthly salary of Rs70,000 and her terms and conditions of employment are in line with the provisions of the PRB Report 2008.

In regard to part (e) of the question, the Director-General has informed that Mrs F. C. has undertaken 12 overseas missions since her assumption of duty in August 2009 at the Corporation. These missions covered such countries as the UK, France, Hong Kong, Dubai and Australia, to attend film market fairs and to negotiate with overseas suppliers for the acquisition of films and serials. The airfares were paid at the prevailing rates and the *per diem* allowance was effected in accordance with the rates approved by the Ministry of Finance and Economic Development.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House whether the vacancy for this post was advertised and, if so, when and in which newspapers?

**The Prime Minister:** From what I understand, Mr Speaker, Sir, she was appointed on a contract basis on 12 August 2009 and in July 2011, she was then re-appointed with new responsibilities.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House whether Mrs Chong had gone to Festival de Cannes for the past two years and, if so, can we know the reason thereof?

**The Prime Minister:** I must have a substantial question to answer this question.

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

#### **NATIONAL ASSEMBLY – PROCEEDINGS – LIVE BROADCAST**

**(No. B/251) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister

for Rodrigues whether, in regard to the proceedings of the National Assembly, he will state if he proposes to take actions for the live radio and television broadcasting thereof, and if so, when.

**The Prime Minister:** Mr Speaker, Sir, as I have stated previously on several occasions, we, on this side of the House, have always been in favour of the idea of live broadcasting of the proceedings of the National Assembly. In fact, as the House is aware, I tabled a motion on 05 April 2011 for the setting up of a Select Committee on live broadcast of the proceedings of the National Assembly.

The Select Committee was subsequently constituted on 12 April 2011 and hon. Bodha was elected as Chairperson. I am informed that the Committee met on 11 occasions between 21 April 2011 and 31 January 2012.

The Chairperson of the Select Committee was reportedly planning to submit the Committee's report by the end of February 2012 or beginning of March 2012. However, no report has been submitted.

Parliament was subsequently prorogued on 14 March 2012.

Consequently, the Select Committee will now have to be reconstituted.

I shall, in due course, Mr Speaker, Sir, give notice of the motion for the setting up of the Select Committee anew.

**Mr Bhagwan:** Can I appeal to the hon. Prime Minister to give due diligence - being given his heavy schedule - that this motion be brought to the House as rapidly as possible. We all know what is happening every Tuesday and every day Parliament is meeting.

*(Interruptions)*

I have not yet finished.

**Mr Speaker:** You are making a statement!

**Mr Bhagwan:** I am not making a statement.

**Mr Speaker:** You are! I am sorry.

**Mr Bhagwan:** You are very nervous, this morning. I don't know why.

*(Interruptions)*

**Mr Speaker:** You are casting aspersions on the Chair! Yes, I am telling you! You have to go back to the Standing Orders. You cannot make a statement on a question. You can put the question. Yes, hon. Prime Minister, answer the question!

**The Prime Minister:** The answer is yes.

**Mr Bhagwan:** No, with what is happening with the MBC/TV every Tuesday, it's like *censure*.

*(Interruptions)*

**Mr Speaker:** No, I am sorry. If you want to criticise the MBC/TV, you can criticise. During a speech you can do it. Come at Adjournment Time! Do it at Adjournment time!

*(Interruptions)*

Yes.

**Mr Roopun:** Mr Speaker, Sir, may I take the opportunity to ask the hon. Prime Minister to cure an anomaly. Actually, the national radio and television have got access here and the sitting of the House is being recorded. We have now private radios. Could the same facilities be extended to private radios so that whatever happens in the House, the private radios also can have copies of recording for their use?

**The Prime Minister:** We are having the Select Committee which will be able to examine the matter, Mr Speaker, Sir

**Mr Jhugroo:** In the same line, as my friend, hon. Roopun, can these facilities be extended to private radios through the multi carrier...

**Mr Speaker:** That will be looked into by the Select Committee.

#### **CIVIL SERVICE - PERMANENT SECRETARY - APPOINTMENTS**

(No. B/252) **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 recent appointments to the grade of Permanent Secretary in the civil service, he will state the –

- (a) number of years after which such an exercise has been carried out, and
- (b) names of the officers who were on the list in terms of seniority and who have not been appointed, indicating in each case, if they have acted as Permanent Secretary and if so –
  - (i) for how long, and
  - (ii) the reasons why they have not been appointed.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, the number of years between each exercise for such appointments is not material. In fact, vacancies are not filled automatically and piecemeal, but particularly when the exigencies of the service so dictate.

It is in this context of the exigencies of the service that 10 Senior Chief Executives and 16 Permanent Secretaries were appointed during the period July 2005 to February 2012. In the last appointment exercise, that is, last May, referred to by the hon. Member, one Senior Chief Executive and 19 Permanent Secretaries have been appointed.

In regard to part (b) of the question, the names of such officers are submitted to the Public Service Commission in the process of the exercise. The manner in which such exercise is carried out is laid down at sections 89(1) and 89(4) of the Constitution.

I also wish to emphasise the fact that an acting appointment or assignment of duties in a higher office, which is made purely for administrative convenience, does not necessarily lead to substantive appointment. Whenever an officer is appointed to act in a higher office, it is clearly stipulated in his/her letter of appointment that the actingship or assignment has been made for administrative convenience only and that will not give him/her any claim to permanent appointment to the higher office.

**Mr Nagalingum:** Can the hon. Prime Minister inform the House whether any eligible officers have been superseded for appointment and, if so, what are the reasons for such supersession?

**The Prime Minister:** Mr Speaker, Sir, I have just explained that this is procedure laid down by the Constitution at sections 89(1) and 89(4) of the Constitution that before any appointment is made, the PSC shall consult the Prime Minister who has to concur and the procedures laid down. I must say to the hon. Member, maybe he doesn't know, it is not the first time that officers may appear - I use the words 'may appear'- to have been superseded. Examples are bound. I could give him hundreds of examples. One of the examples would be hon. Mrs Hanoomanjee, herself.

**Mr Jhugroo:** Can the hon. Prime Minister confirm to the House whether the equal opportunity has been applied during the exercise of these appointments?

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Jhugroo:** Taking into consideration seniority and, if not, why not?

**Mr Speaker:** Equal opportunity!

**The Prime Minister:** I didn't quite catch the...

*(Interruptions)*

**Mr Jhugroo:** Can the hon. Prime Minister confirm to the House whether the equal opportunity has been applied for the appointment of these officers taking into consideration their seniority and, if not, why not?

**The Prime Minister:** Mr Speaker, Sir, seniority is one of the criterion among many of the criteria also and this is laid down – as I said – in the Constitution which is the highest law of the land.

**Mr Ganoo:** The Constitution provides that the hon. Prime Minister has to be consulted before any Permanent Secretary is appointed. Can the hon. Prime Minister tell us what is the procedure for this consultation?

**The Prime Minister:** Well, I think the consultation goes through the Secretary to the Cabinet and the Head of the Civil Service.

**Mr Bhagwan:** Can the hon. Prime Minister inform the House whether his attention has been drawn that several officers - I would say - *qui méritaient* to be appointed have made representations following the appointment to the Head of the Civil Service and whether his attention has been drawn by the Head of the Civil Service of the representation made by senior officers who have been on an acting basis and who have been unduly and discriminately penalised, especially on a gender basis?

**The Prime Minister:** Mr Speaker, Sir, I have just explained that if you are acting, it does not mean that you will automatically be promoted. This has been the case since ages. You want me to give you examples. I can give you examples of many names. Hon. Mrs Hanoomanjee, herself, could say that she was in such a case in 2001. There are many cases like this. We could spend an hour if I were to give you all these examples.

**Mr Soodhun:** Mr Speaker, Sir, I would like to ask the hon. Prime Minister to see to it whether they can inform these officers who feel that they have been victims what are the reasons why they have not been promoted?

**The Prime Minister:** I don't think we give reasons, Mr Speaker, Sir. The procedures are laid down by the Constitution and that is the way it is.

#### **AIR MAURITIUS LTD - FREE TRAVEL TICKETS**

**(No. B/253) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Air Mauritius Ltd., he will, for the benefit of the House,

obtain from the company, a list of the passengers who have benefitted from free travel tickets, since January 2011 to date.

**The Prime Minister:** Mr Speaker, Sir, as the House is aware, Air Mauritius is a public company listed on the Stock Exchange. It is governed by the Constitution and Articles of Association and by the Listing Rules of the Stock Exchange and the Companies Act. The day-to-day management of the Company is vested in its Executive Directors acting under the supervision of its Board of Directors.

The issue of free tickets by the Company is a matter concerned with the Company's day-to-day management. The Prime Minister's Office has nothing to do with free tickets. I am not going to make an exception, Mr Speaker, Sir, to that view, but there have been certain wild allegations - I have heard it. I think the hon. Member himself has made it in public meetings. Let me enlighten the House further. Air Mauritius issues what is called so-called free tickets to certain categories of persons, and this in line with the international airline industry practice; not different.

Free tickets, as I said, is a misnomer, in the sense that they are issued under trade service agreements, that is, in both cases, the airline gets services of comparable value. For example, as a marketing tool for incentives, travel agents have tour operators, so that they can sell their airlines in the country. There are cargo agents, consultants, I think, as part of a package. There are Educ. tours, which are promotional campaigns. For example, prize winners may be given free tickets. Press members are given sometimes. When you have events sponsorships, this can happen also. Sometimes there is family promotion. For example, there was a recent promotion in South Africa, where if two adults travel, they benefit for a free ticket for the child. Sometimes, they do it on humanitarian grounds. Somebody is very sick, and someone has to accompany him, Air Mauritius might give a free ticket on a humanitarian ground. Members of the Board, for example, are allowed to have free tickets, although I must say that for members of the Board this has been drastically reduced in the last exercise. There are inaugural flights; for the last flight to Shanghai, hon. Bodha himself went.

*(Interruptions)*

Let me say, Mr Speaker, Sir, that no private individual has benefitted from free travel tickets otherwise as from these examples.

**Mr Jugnauth:** But the hon. Prime Minister has not answered my question. I asked whether either his Office or himself had, until recently, any unpaid account with Air Mauritius.

**The Prime Minister:** Sometimes it happens, Mr Speaker, Sir, when people come here to do certain works, for example, lawyers or whatever. The procedure is that they have to go to the Ministry of Finance and they have to be approved by my Office, by the Ministry of Finance or whatever Ministry if there is a consultant or somebody from abroad. It takes some time and, maybe, that is what the hon. Member is referring to.

**Mr Ameer Meea:** Mr Speaker, Sir, the hon. Prime Minister just stated that it is the Board that decides for free tickets, etc. But why is it that in the case of upgrading from economic class to business class, it is the Prime Minister's Office that gives the approval?

**Mr Speaker:** No, the question is about free tickets and not about upgrading.

**Mr Jugnauth:** Then, may I ask the hon. Prime Minister why is it that there was a longstanding unpaid account with Air Mauritius, and that it is only recently that that account was paid? Why is it so?

**The Prime Minister:** Mr Speaker, Sir, all sorts of allegations are made. Mr Speaker, Sir, I should point out to the hon. Member that when I lost the election in 2000, just after that - I can't remember the exact date...

*(Interruptions)*

**Mr Speaker:** Hon. Assirvaden, you have been disturbing the House since the beginning. I am asking you to keep quiet.

**The Prime Minister:** When I lost the election in 2000 - I can't remember the exact date - I was rung up in my office at Sir Seewoosagur Ramgoolam Street. They said I had 40 or 50 unpaid tickets, and that they wanted to come and see me. I said: "Fine, come and see me!" And they came with a list of unpaid tickets, according to them, Mr Speaker, Sir. I was Leader of the Opposition then. So, I told them: "How do you know it has been unpaid?" They said that there is nothing to show that it has been paid. Fortunately for me, Mr Speaker, Sir - it can be an advantage - I keep in records of everything, and I showed them my cheque books with all the counterfoils paid to Air Mauritius; crossed cheques. I said to them: "okay, sometimes, what happens? You don't pay immediately, but you pay after a while." I said: "Let's add the figures and see whether I have paid or not." To their surprise, all were paid. They then asked me if they could take the counterfoil. I said: "I am not so stupid. You have just falsely accused me.

Now, I give you the counterfoil and then I have no proof myself!" I said: "If you think I have not paid, sue me."

*(Interruptions)*

### **RADIO & TELEVISION LICENCES – MBC TELEVISION & RADIO CHANNELS**

**(No. B/254) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the satellite channels, he will, for the benefit of the House, obtain from the Independent Broadcasting Authority, information as to if consideration will be given for the inclusion as one of the conditions for the issue of radio and television licences, an obligation to include the television and radio channels of the Mauritius Broadcasting Corporation.

*(Withdrawn)*

**Mr Speaker:** The Table has been advised that PQs B/254, B/256, B/257, B/260 and B/261 have been withdrawn. Time is over! Questions addressed to hon. Ministers. Hon. Mrs Hanoomanjee!

### **SURINAM - MARKET PLACE (NEW) – VEGETABLE & CAKE SELLERS**

**(No. B/267) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the new market place in Surinam, he will state if he has been informed of the difficulties faced by the vegetable and cake sellers who have moved thereto and, if so, indicate the remedial measures that will be taken.

**Mr Aimée:** Mr Speaker, Sir, as a Member of the constituency, I am fully aware of the problems faced by vegetable and cake sellers of new market place in Surinam, and also by members of the public. For example, the market place is not covered, and there exists transport problems as well. However, I have taken necessary steps to remedy the problems.

May I inform the House that Grand Port-Savanne District Council has completed a first phase of the project, which consists of -

- (i) the tarring of the platform on a plot of land on an extent of 6800 m<sup>2</sup> to serve as an open fair;
- (ii) the construction of an access road and toilet block, and
- (iii) the upgrading of Gersigny Road and the provision of street lighting there.



The Grand Port-Savanne District Council is proceeding with the second phase of the project, which is to cover the open fair with light metal structure and profile sheeting at an estimated cost of Rs6 m.

Bids were invited on 01 March 2012, and 14 bids were received on 12 April 2012. Bid evaluation has been completed and clarifications have been sought from the successful bidder. The covering of the fair would take four months and works would be starting in July 2012.

In addition to the above, a drain is presently being constructed over a length of 65 metres, and a parking area over an extent of 3600 m<sup>2</sup> is also being constructed.

The Grand Port-Savanne District Council is liaising with the National Transport Authority for the provision of a bus route nearest to the fair for the convenience of the public at large.

**Mrs Hanoomanjee:** Mr Speaker, Sir, the hon. Minister has just said that he is aware of the problems faced by the cake sellers, the hawkers and the vegetable sellers. He must also be aware that, due to the remoteness of the place, more than 80% of the inhabitants of Surinam and the surroundings prefer not to avail themselves of this facility, in spite of the fact that the hawkers and the vegetable sellers have to pay a rental ranging from Rs10,000 to Rs12,000. Can the hon. Minister consider reviewing the rental, pending the putting in place of all the infrastructures he has just mentioned, and pending the fact that there is a transport which is available from the market place to the centre of Surinam?

**Mr Aimée:** Mr Speaker, Sir, I can only advise the Council of the complaint of the hon. Member, but the Council is autonomous to decide. There are also financial implications. When any Council decides to reduce the rental, it has got to have clearance from the Ministry of Local Government and the Ministry of Finance.

**Mrs Hanoomanjee:** Can the hon. Minister say whether he is also aware that hawkers of Chemin Grenier are being coerced to move to Surinam because the Surinam market is not working. Can the hon. Minister see to it that the decision, if any, is not taken because it would be very irrational to move hawkers of Chemin Grenier to Surinam?

**Mr Aimée:** Mr Speaker, Sir, the decision to put a market fair there near the Sungeelee College which is, as the hon. Member just mentioned, very far from the habitation, I am quite aware of that, but this decision had been taken before I took office. Today, it is my intention to ask Government to have a separate market fair for the citizens of Chemin Grenier which will be

a separate one. We have many problems because this market fair has been put somewhere where there is no habitation at all, in the middle of the sugar cane, but these decisions were taken before I took office.

**Mr Ganoo:** Can the hon. Minister indicate to the House whether the original plan with regard to this market fair in Surinam was to tar the whole area there and also to cover it so that the hawkers will be better accommodated? Was the original idea of the project to cover the fair?

**Mr Aimée:** Probably yes, I don't know, but what I can say from records is that financial provision was made only to tar. It is only now since I took office that I took the decision to have the road properly done, to cover the market and also to see whether we can have *navettes*, that is, transport to go around for people to take the opportunity.

**Mr Ganoo:** It would seem that the District Council is not renewing the permits of the hawkers of Chemin Grenier so that this is a way of clearing Chemin Grenier of its hawkers and to coerce them, as my hon. friend said, to go to Surinam. Can the hon. Minister look into that problem?

**Mr Aimée:** There was a temptation from the District Council to move the hawkers; it was almost compulsory. I have convinced them that it is not the way to do things. Actually, they will remain there till we have a proper area in Chemin Grenier to construct a market fair.

**Mr Speaker:** Last question, hon. Mrs Hanoomanjee!

**Mrs Hanoomanjee:** In the light of the reply of the hon. Minister, can I ask him, once again, to discuss with the District Council and see to it that they reduce the rental pending the problem of transport which should be considered as a matter of priority?

**Mr Aimée:** I'll try.

#### **HOTELS - ALL-INCLUSIVE PACKAGES**

**(No. B/268) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Tourism and Leisure whether he will state the policy of Government regarding the practice by the hotels of offering all-inclusive packages to the guests thereof.

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, the House may wish to note that the policy of Government, as enunciated in the Government Programme 2012-2015, is to grow the tourism sector through "more visitors from more countries and more spending per tourist and more tourism products".

Concerning the all-inclusive packages offered by some hotels, I am informed that this phenomenon is a fast growing customer-driven trend in the tourism sector and from which Mauritius is not shielded. It also follows that the decision to offer all-inclusive packages does not rest in the hands of hoteliers, as they are dictated by demand trends and their growth is paced by the Tour Operators operating in our source markets. Such packages are offered in many countries, including our competitors, such as Maldives and Seychelles.

Mr Speaker, Sir, I am further informed that Mauritius, as a destination, cannot escape the market pressure to offer all-inclusive packages, especially for targeted market segments, such as Honeymoon, MICE or Golf. However, in its application, most of our resort hotels do introduce some flexibility, offering packages on bed and breakfast, half board, full board or a completely all-inclusive portfolio, as the situation may warrant.

Though tourism is heavily dependent on exogenous factors which are beyond our control, a number of initiatives have been taken to encourage tourists to venture out of their hotels. These include the enhancement of the tourism product by add-ons such as the development of a Heritage Trail across the Capital City and the Signage program to guide tourists across the island.

Furthermore, Mr Speaker, Sir, our tourism product has been enriched over time and articulates around a wide spectrum of activities, including diving, kitesurfing as well as inland products such as the existing '*Parcours de découverte*'. However, we have no control over the ultimate choice of the customer which has to be valued and respected if Mauritius is to remain a competitive destination.

I can assure the House that regular meetings are held with stakeholders in particular the hoteliers to ensure that the competitive edge of the destination is not put at risk and that the industry is geared for growth.

**Mrs Hanoomanjee:** Mr Speaker Sir, the hon. Minister surely knows because this forms part of his Budget that Government spends around Rs400 m. on the promotion of the tourist industry. This is on one side and on the other side, nobody else besides these hotels benefit from the privileges that are in the inclusive packages, which means that, in the context of the democratisation of the economy, what is happening is that the hotels are benefiting and nobody else is benefiting. Can the hon. Minister say whether he has a standing committee sitting together with the hotels, the tour operators to come to a sort of arrangement on this issue?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, first of all, this does not mean that the tourist, who has bought the all-inclusive package, will not venture out of the hotel. They do go out from the hotel.

Secondly, Mr Speaker, Sir, it's important to note that before I have been nominated Minister of Tourism, I started a project in my previous Ministry concerning handicraft products and I can say that some 30 hotels are presently supporting several local handicraft manufacturers. Furthermore, I have requested the MTPA to look for expertise from abroad in order to train our people in Mauritius so that they can manufacture new types of products in Mauritius. I have also requested the MTPA to develop new market, new mini fairs in tourism places like Grand Bay.

**Mr Ganoo:** Does not this policy of providing all-inclusive packages to the guests negatively impact on the other small operators in the vicinity of the hotels? Has the hon. Minister given thought to the possibility of legislating on that issue to discourage the hotels offering all-inclusive packages?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, it is too early to take decisions like that on this kind of product, but I have to say that some countries that have attempted to ban all-inclusive holidays, have got protests from European tour operators and threats of reduced business resulted in the policy being abandoned, but we will look into it.

**Mr Ameer Meea:** Can I urge the hon. Minister if his Ministry has made any study or any survey before going into this direction of all-inclusive packages so as to assess the impact on other industries?

**Mr Yeung Sik Yuen:** Well, Mr Speaker, Sir, I am informed that so far all-inclusive packages represent 19% of packages sold to tourists.

**Mrs Hanoomanjee:** I think I heard the hon. Minister say that only a few hotels offer these all-inclusive packages, but can the Minister say how many permits he has given for tourism related services to other operators?

**Mr Yeung Sik Yuen:** For example, what kind of business?

**Mrs Hanoomanjee:** Other businesses like people providing entertainment, people providing fish to the hotels and people coming to sell their vegetables to the hotels. May we know whether there are other tourism related services?

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, I can inform the House that many operators, many hoteliers are ready to help the small ones, but we have to get the right product and I am ready to give a hand on this project.

**Mrs Radegonde:** Mr Speaker, Sir, I heard the hon. Minister in his reply mention that there is no control on choice of customer. I agree with that. As really, it is a preference or practice for tourists some time to use international products which are not inclusive in the package offered and do not benefit the hotel. I would like the hon. Minister to inform the House if he is proposing any strategy of how to include the international products within the cost structures of the all-inclusive packages and certainly having the certification label of this product to be able to monitor the situation.

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, in fact, I am working on it.

#### **VEHICLE EXAMINATION CENTRES - PRIVATISATION**

**(No. B/269) 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 proposed privatisation of the Vehicle Examination Centres, he will state where matters stand.

**The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, an Expression of Interest was invited on 23 March 2011 for the privatisation of Vehicle Examination Centres and 9 out of 15 bidders were shortlisted. Subsequently, the Request for Proposal was invited to the 9 preselected bidders. As at closing date of 18 May 2012, 7 bidders have submitted their proposals.

A Bid Evaluation Committee is very shortly being set up to evaluate the bids.

**Dr. Sorefan:** May we know from the hon. Minister how many employees we have in these two centres; what will be the fate of these employees after privatisation and what assurances are being given to these employees?

**Mr Bachoo:** Mr Speaker, Sir, the system has been devised in such a way that the existing staff structure will be maintained.

**Mr Ameer Meea:** Can I ask the hon. Minister, if amongst the bidders, there are only local or international bidders?

**Mr Bachoo:** We have got both local as well as international bidders.

## INDIAN OCEAN ISLAND GAMES 2011 – ATHLETES - PERFORMANCE

(No. B/270) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Indian Ocean Island Games 2011, held in the Seychelles, he will state the outcome of the meeting held between his Ministry and the representatives of the national federations on 12 May 2012 in relation thereto, indicating if an assessment of the performances of the athletes in each sport discipline was carried out and, if not, why not.

**Mr Ritoo:** Mr Speaker, Sir, I have to inform the House that the meeting held on 12 May 2012 with the representatives of the National Sports Federations was focused on the road to the Indian Ocean Island Games which will be held in Reunion Island in 2015. During the meeting, I took stock of the assessments made by the coaches on the performance of our athletes in Seychelles. I am tabling a copy of the technical assessment.

All national sports federations have been requested to work out an Action Plan with regard to the preparation of athletes for the Indian Ocean Island Games 2015. A committee comprising respective desk officers of my Ministry, the representative of the Trust Fund for Excellence in Sports, the representative of the High Level Sports Unit, the representative of the *Club Maurice* and the representative of the Mauritius Sports Council has been set up at the level of my Ministry for the necessary monitoring and follow-up on the matter.

**Mr Quirin:** M. le président, est-ce que cela veut dire qu'il n'y a eu aucune réunion pour faire le bilan des derniers jeux, c'est-à-dire, pour analyser et évaluer les performances de nos athlètes ?

**Mr Ritoo:** Mr Speaker, Sir, as I replied, I am tabling an evaluation of the assessment. This evaluation was done on the report made by the technical staff of the federation who attended the Indian Ocean Island Games.

**Mr Quirin:** Puisque dans sa réponse le ministre a parlé des jeux de 2015, est-ce qu'il peut nous dire si son ministère a déjà établi un programme de travail par rapport à ces mêmes jeux ou si ce sera comme pour les derniers jeux de 2011, et que ce sera dans les derniers mois que les finances et les moyens techniques seront mis à la disposition des fédérations ?

**Mr Ritoo:** I stated in my reply that a committee has already been set up at the level of my Ministry comprising of the representatives of federations, through their desk officers, the

High Level Sports Unit, the Mauritius Sports Council, so that they can prepare for the Indian Ocean Island Games of 2015.

**Mr Speaker:** I suspend the sitting for one and a half hours.

*At 12.56 p.m. the sitting was suspended.*

*On resuming at 2.32 p.m. with the Deputy Speaker in the Chair.*

**MAURITIUS BASKETBALL FEDERATION –EXECUTIVE COMMITTEE -  
MEMBERS**

**(No. B/271) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Mauritius Basketball Federation, he will state where matters stand after the resignation of several members from the executive committee thereof.

**Mr Ritoo:** Mr Deputy Speaker, Sir, following the resignation of several members of the Managing Committee of the Mauritius Basketball Federation, my Ministry is liaising with the Registrar of Associations for guidance on the holding of fresh elections. In the meantime, the International Basketball Federation and the Mauritius Olympic Committee have been made aware of the situation and we are still awaiting the reaction of the International Federation.

I am informed that the Registrar of Associations will be meeting the Secretary of the Mauritius Basketball Federation prior to advising my Ministry on the course of action to be followed.

**Mr Quirin:** M. le président, juste après les derniers Jeux des Iles, Didier Moutou a été contraint de démissionner de son poste de président. Est-ce que le ministre peut nous donner les raisons de cette démission ?

**Mr Ritoo:** This is the internal affairs of the Federation. I am not supposed to indulge myself in the internal affairs of the Federation. But I understand that they have resigned due to mismanagement of the affairs of the Federation.

**Mr Quirin:** M. le président, le ministre n'est pas sans savoir qu'il y a eu des informations qui ont été circulées à l'effet qu'il y aurait eu des malversations financières au sein de la Fédération Mauricienne de Basketball par rapport aux dépenses effectuées lors des derniers Jeux des Iles. Le ministre peut-il nous dire si une enquête a été faite et quelles en sont les conclusions ?

**Mr Ritoo:** Mr Deputy Speaker, Sir, this is the affairs of the Federation. If there is *malversation*, they should have gone to the Police or, at least, if the hon. Member knows something, he can go to the Police and then there will be an enquiry, and then we will know what is happening.

**Mr Quirin:** M. le président, c'est quand même l'argent des contribuables, l'argent du gouvernement. Je pense que le ministre devrait solliciter ses officiers afin qu'ils enquêtent sur ce sujet.

**Mr Ritoo :** Mr Deputy Speaker, Sir, I think the hon. Member knows well, because he is dealing with the *dossier sport*, that, as per the Olympic charter, we are not supposed to indulge into because all the federations are autonomous. We cannot indulge in the affairs of the Federation. Also as per the International Federation Statutes, we do not know what is happening in the Federation so long as they don't inform us. This week, we have been informed that there are two members who have not been attending the activities of the Federation for more than a year now. If they don't inform us, how can we know? The Desk Officer of my Ministry deals with the Federation regarding the organisation of any competitions or any facility. Our role as a Ministry is only to act as facilitator with the sports federations. There are 40 sports federations in the country, how can we go and indulge ourselves in the day-to-day affairs of the federation?

**Mrs Ribot:** M. le président, le ministre pourrait-il nous dire combien de comités régionaux fonctionnent en ce moment ?

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

#### **FISHERIES SECTOR – MASTER PLAN**

(No. B/272) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Fisheries whether, in regard to the forthcoming Master Plan for the fisheries sector, he will state if there is any proposal for the abolition of the bad weather allowance payable to the registered fishermen.

**Mr Von-Mally:** Mr Deputy Speaker, Sir, in fact, this is not the case and we are not moving in that direction. I would like to inform the House that the Fisheries Master Plan for Mauritius, Rodrigues and the Outer Islands has, in fact, recommended that the decoupling of the bad weather allowance from fishing activities would have a number of immediate and long-term benefits, including –

- (a) reduced fishing pressure on inshore fisheries;



- (b) availability of Fisheries Protection Officers to undertake Fisheries Law Enforcement thereby improving fisheries management, and
- (c) a move away from a welfare-dependant fishing sector to a development-focused sector.

However, taking cognizance that the Fisheries Master Plan has serious and heavy socio-economic implications, a Multi-sectoral Committee comprising Government officials and stakeholders in the fisheries sector has been set up under the aegis of my Ministry to have an in-depth study of the plan and its recommendations prior to its implementation.

The sub-committee working under the recommendation for the decoupling of the bad weather allowance has proposed not to abolish the payment of bad weather allowance to registered fishermen.

Mr Deputy Speaker, Sir, I would like to assure the House that it is not in the intention of my Ministry, at this point in time, to pursue any action towards abolishing the bad weather allowance to registered fishermen.

**Mr Ganoo:** I thank the hon. Minister for his answer, Mr Deputy Speaker, Sir. In view of the progressive decreasing number of registered fishermen, especially the artisanal fishermen, can the hon. Minister discuss with his colleague, the hon. Minister of Finance, to examine the possibility of reviewing the bad weather fishermen's allowance, that is, upwards, of course?

**Mr Von Mally:** In fact, this has been increased, Mr Deputy Speaker, Sir, and it is now at Rs239. Previously, it was Rs224.

#### **CEB – LEGAL ADVISERS**

(No. B/273) **Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the names of the legal advisers whose services have been retained, since 2005 to date, indicating in each case -

- (a) when their services were retained, and
- (b) the total amount of money paid out as fees, on a yearly basis.

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

**Mr Soodhun:** Mr Deputy Speaker, Sir, will the hon. Deputy Prime Minister inform the House whether some of the legal advisers are representing the customers who have cases against CEB?

**The Deputy Prime Minister:** As far as possible we are ruling this group out. We are making sure that they don't work on both sides.

**Mr Jhugroo:** Mr Deputy Speaker, Sir, can the hon. Deputy Prime Minister inform the House whether any legal adviser has earned more than Rs5 m. as legal fees?

**The Deputy Prime Minister:** Not yet, Mr Deputy Speaker, Sir.

### **BALANCE OF PAYMENTS AND TRADE DEFICIT**

**(No. B/274) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether he will state the Current Account of the Balance of Payments and the Trade Deficit respectively for -

- (a) 2011, and
- (b) since January 2012 to date.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, with regard to part (a) of the question, the current account of the Balance of Payments posted a deficit of Rs40.7 billion in 2011 and the trade deficit stood at Rs65.5 billion.

As regards part (b) of the question, on 08 June the Bank of Mauritius released details of the performance of the Balance of Payments for the first quarter of this year. According to the figures, the current account deficit for the first quarter of 2012 was Rs4.3 billion while the trade deficit was Rs17.2 billion.

At this point, I should like to inform the House, that the overall Balance of Payments is expected to be positive this year to the tune of Rs2.5 billion.

The House should also note that there are a number of positive developments that show up in the trade and current accounts. For example, imports of machinery and transport equipment have increased from Rs5.7 billion in Q1 of 2011 to Rs8.3 billion in Q2 of 2012, that is, by around Rs2.6 billion. These are investment goods and augur well for the economy.

We are also attracting higher FDIs, Mr Deputy Speaker, Sir. In fact, the Bank of Mauritius Report issued in June 2011 shows that FDI inflows for the first quarter of 2011 amounted to Rs1.4 billion, whereas the amount for the first quarter of 2012 is Rs1.6 billion.

Whilst FDI shows up as inflows in the capital account, a high percentage of these FDI inflows also show up as outflows, this time in the current account.

Furthermore, crude oil prices averaged US\$118.3 per barrel in the first quarter of 2012 compared to US\$105.2 per barrel in the first quarter of 2011. This impacts on the current account and the trade balance.

Another important factor that needs to be taken into account is the move from manufacturing to a service based economy which we have observed over the last decade. This movement is, for instance, reflected in the earnings from tourism which as a ratio to the export of goods has been increasing over the years. This ratio, in fact, increased from 41% in 2005 to 76% in 2012.

The recent mission of the IMF which was in Mauritius from 30 May to 6 June have also made recommendations on the course of action that needs to be taken to, *inter alia*, improve further our external balance. In the medium to long-term, the country needs to continue implementing policies to shore up its global competitiveness and raise labour productivity, increase flexibility and enhance skills as well as continue to broaden its geographical markets.

**Mr Jugnauth:** The figures mentioned by the hon. vice-Prime Minister, I am sure, is cause for concern for everybody and in the light of the international economic situation that is prevailing that will impact negatively on Mauritius and impact especially on certain sectors that were doing well, will the hon. vice-Prime Minister say what other specific measures that are being taken in order to try to redress the situation?

**Mr Duval:** Mr Deputy Speaker, Sir, firstly, *il n'y a pas de raison d'être alarmiste* and that is clear. The recent mission of the IMF, whatever else has been said, has made it clear that there are medium to long-term measures to be taken concerning the current account balance. *Mais il n'y a pas de raison d'être alarmiste.* As far as the short-term is concerned, the economic fundamentals of this country are excellent.

**Mr Jugnauth:** The hon. vice-Prime Minister has not said what are the measures that are being taken, but I just saw a communiqué from the Bank of Mauritius whereby they are going to launch an Operation Reserves Reconstitution Programme. May I know what are the reasons for launching this programme?

**Mr Duval:** Mr Deputy Speaker, Sir, the communiqué does mention that, in fact, also the reserves, I must say, are adequate; in fact, they are 4.5 months and the international

recommended norm is 3 months. So, although they are adequate, the Bank of Mauritius feels that in case there may be external shocks coming from the Euro Zone, it should build up more its foreign exchange reserves.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, given the persistent structural deficit in the current account, will the hon. vice-Prime Minister, Minister of Finance and Economic Development inform the House whether this is not financed by very volatile investments coming from overseas and by external debt which is being accumulated and which is creating a burden to the public finance?

**Mr Duval:** Not really, Mr Deputy Speaker, Sir, if we look at the last time that the overall balance of payment was in the negative, that was in 2006 and, in fact, from 2001 to 2005, the overall balance of payment was negative for three years. This has not happened since because, as we know, the Current Account is only part of the Balance of Payment. The FDI, for instance, when it comes, Mr Deputy Speaker, Sir, comes as a capital movement. All the movements that happen on the global offshore sector come as other movements. So, all these different sub accounts, Mr Deputy Speaker, Sir, come to balance out whatever happens in the trade account.

**Mr Jugnauth:** Again, with regard to the Operation Reserves Reconstitution, may I know what are the cost and the estimation. I am sure there must have been an estimation of this sterilisation cost of Government.

**Mr Duval:** Mr Deputy Speaker, Sir, there is a debate on how much sterilisation will need to be made and we will see as we go along what are the effects of the purchases, how much is needed exactly and what is the timing because there is no timing to this issue, what are the effects on the economy and that will determine what, if any, sterilisation needs to be effected.

**Mr Li Kwong Wing:** Will the hon. vice-Prime Minister, Minister of Finance and Economic Development inform the House whether this deficit in the current account is not increasing over the years and that the problem is not finding direct investment and portfolio investment to fund that current account deficit but to find fundamental reasons for correcting the deficit? In that circumstance, would the hon. vice-Prime Minister, Minister of Finance and Economic Development inform the House whether he considers that exchange rate would be the mechanism to correct that structural deficit and in that context, therefore, according to him, the rupee overvalued?

**Mr Duval:** Mr Deputy Speaker, Sir, obviously, we do need to address over time the structural reasons for the imbalance. As I mentioned in my reply, Mr Deputy Speaker, Sir, to do with labour productivity within our geographical markets, we need to look at the structural imbalances that exist and address them. That is obviously a must for the country, Mr Deputy Speaker, Sir. If, obviously, there is a current account deficit, it goes without saying that it also gives a reflection on any misalignment that may happen with regard to the value of the rupee, Mr Deputy Speaker, Sir. But, as has always been the case, the less said by the Ministry of Finance about the value of the rupee, the better it is.

#### **NTC – EMPLOYEES - TRANSFER**

**(No. B/275) Mrs P. Bholah (First Member for Piton & Rivière du Rempart)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the number of employees thereof who have been transferred, since January 2012 to date, indicating the reasons therefor, in each case.

**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 Corporation that since January 2012, 32 employees have been transferred from one depot to another. The hon. Member may wish to note that the transfer of employees from one depot to another is a common practice and is in line with the restructuring exercise which is going on and which aims primarily at allowing for gainful redeployment of the staff to promote efficiency.

**Mrs Bholah:** Could the hon. vice-Prime Minister confirm the number of persons residing in Constituency No. 7 who have been so transferred, where they were posted prior to the transfer...

*(Interruptions)*

...and where they have now been posted?

**Mr Bachoo:** Mr Deputy Speaker, Sir, from the information that I have, there are 5 employees residing at Rivière du ....

*(Interruptions)*

Let me complete my sentence. There are five employees residing at Rivière du Rempart who have been transferred to La Tour Koenig, but, at the same time, actually there are 47 employees residing at Rivière du Rempart who are working at La Tour Koenig. So, this question of transfer between La Tour Koenig and Rivière du Rempart is always on every year.

*(Interruptions)*

**Mr Jhugroo:** The hon. vice-Prime Minister, as a responsible Minister, I know, can do it. Can he, on humanitarian ground, take remedial actions that are warranted in case of punitive transfer? Can the hon. vice-Prime Minister look into the matter?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I can assure the House that NTC actually is enjoying a very good health and the workers are doing very well. I do not find any reason why, for one reason or the other, we are going to take any punitive action except in cases of pilferage and frauds.

**Mrs Bholah:** Has the hon. vice-Prime Minister not considered that early start from their homes and late arrivals amongst their families contribute to social problems such as conflicts, abandoned children left on their own till late, especially when our country is facing such problems of broken families, frustrated children inclined towards the bad habits...

*(Interruptions)*

And even drug taking, etc. due to lack of parental attention?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I would request the hon. Member to bear with me a little bit. We are increasing the number of buses in that depot and, once the number of buses are increased, a few workers from La Tour Koenig will be transferred back to Rivière du Rempart.

**Mr Jugnauth:** Can the hon. vice-Prime Minister say for what reasons the five recent transfers were done?

**Mr Bachoo:** It is basically because of administrative reasons and that is all. I do not find any other reasons apart from that.

**Mr Bhagwan:** Can the hon. vice-Prime Minister give the assurance to the House, to the country and to the nation that there has not been any ministerial directive to the National Transport Corporation (NTC) to have these workers, these human beings, transferred because they were present in a meeting which was not on the Government side?

**The Deputy Speaker:** I think that the hon. vice-Prime Minister has already answered this question!

*(Interruptions)*

**Mr Bachoo:** Mr Deputy Speaker, Sir, may I inform the House that transfer is a normal exercise. Last year, for example, there were about 167 cases of transfer, in 2010: 107; in 2009: 163; in 2008: 115 and, similarly, even between 2000 and 2005, all these transfers were always there. But one thing that I can assure is that there is nothing punitive about it.

*(Interruptions)*

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

**Mr Gungah:** Thank you, Mr Deputy Speaker, Sir. Can the hon. vice-Prime Minister give the dates on which these five employees have been transferred from Rivière du Rempart?

**Mr Bachoo:** I need notice because I do not have the dates.

### **ROCHE BOIS - HARBOUR BRIDGE PROJECT – COMPULSORY ACQUISITION**

**(No. B/276) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to the ten properties which are to be compulsorily acquired in the region of Roche Bois for the implementation of the Harbour Bridge Project, he will state -

- (a) the number thereof which are residential and commercial in nature;
- (b) if the sites to which they will be relocated have been identified, and
- (c) if he will table a list of the present occupiers of the land thereof, indicating in each case, if it is of residential or commercial nature.

**Dr. Kasenally:** Mr Deputy Speaker, Sir, I am informed by the Road Development Authority that at this stage ...

*(Interruptions)*

**The Deputy Speaker:** Please, let the hon. Minister answer!

**Dr. Kasenally:** ... nine private properties in the region of Roche Bois are likely to be affected by the Harbour Bridge Project and to be compulsorily acquired. In fact, a total of ten notices were published under section 6 of the Land Acquisition Act as requested by the Road Development Authority. Hence, my reply to PQ B/76 at our Sitting of 15 May 2012, wherein I indicated that ten private properties will be affected in the region of Roche Bois. My Ministry has now been informed by the RDA that according to the preliminary design of the project, only part of each of the nine properties is likely to be affected and in respect of which we shall have recourse to compulsory acquisition.

According to information, there are three residential units on three properties. However, in respect of one property, the part being acquired will not comprise the residential building. Therefore, the acquisition will concern two residential units. The remaining parts being acquired are bare land. There are also two billboards on two properties. I am further informed by the RDA that the project is still at the preliminary stage and that a final alignment is going to be confirmed. The delimitation of the boundaries as well as the exact extent of the land to be acquired in respect of each of the nine portions will be available only after finalisation of the alignment of the Harbour Bridge Project and after conducting the relevant survey of the land. This exercise is being conducted by the RDA. Concurrently, site visits are being organised to determine “*de visu*” the status of the current use of the land.

As regards part (b) of the question, discussions have been initiated with the owners as regards the mode of compensation, including the possibility of relocation in respect of two residential sites.

The information as regards the list of owners/occupiers will be tabled as soon as the survey exercise is completed.

**Mr Ameer Meea:** Can I ask the hon. Minister, if all the owners of the land - be it residential or industrial - have been informed that their property is likely to be compulsorily acquired?

**Dr. Kasenally:** Well, a notice has been sent. They are aware that we are in the process, but how much is going to be acquired is a matter of finalisation of the alignment. However, since they are full-fledged proprietors, obviously, they are concerned, we have called a meeting and my technicians have given them all the fullest explanations. I have also arranged for them to come at any time they have a problem because I have a Standing Committee of Administrators and Technicians to advise them and to give them information about what are the possibilities of acquisition, and also the possibility of free location, if they so decide.

**Mr Ameer Meea:** Can I ask the hon. Minister, even if the project is at its preliminary stage, does he have a preliminary total value of the property that is to be compulsorily acquired?

**Dr. Kasenally:** Mr Deputy Speaker, Sir, we cannot have the land value until we know the exact amount and after a full survey is carried out once the alignment has been finalised. As far as the value is concerned, we have to send it to the Valuation Department of the Ministry of Finance. It will take some time, but they will get plenty of notices and, of course, if they don't



accept, they can always contest it. The procedure is that we will make an alternative offer. Sometimes, the Valuation Department accepts that, and if not, we send it to the Board of Assessment, presided by a Magistrate, comprising of two independent assessors.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, a last question. What is the time frame we are looking at for the study to be completed?

**Dr. Kasenally:** Well, it does not depend entirely on my Ministry. However, it depends on the information received from the Road Development Authority. It will be difficult for me to give you a time frame. But, once the survey is carried out, we will make the preliminary evaluation. Then, we will be able to give you a time frame, how long it will take. However, I must point out that when we send it to the Board of Survey, it takes a long time sometimes for the persons to have their compensation.

In view of this, we are initiating a new policy, whereby, in order not to penalise the proprietor whose property has been compulsorily acquired, we give them the initial amount, what has been proposed by the Valuation Department and then they will get the rest of the quantum after the Board of Assessment has finalised it.

#### **MUNICIPAL COUNCIL OF PORT LOUIS - MARKETS/FAIRS**

**(No. B/277) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the stalls of the Municipal Markets/Fairs of Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to -

- (a) whom a stall is allocated at the death of an occupier thereof, indicating the conditions, if any, attached thereto, and
- (b) if he will table copy of the occupation contracts in relation thereto.

**Mr Aimée:** Mr Deputy Speaker, Sir, I wish to inform the House that according to the clause 14 of the occupation contract between the City Council of Port Louis and a stall occupier of a market, the latter's death puts an end to this contract.

Taking into consideration the hardship caused to the heirs of the deceased stall occupier in such cases, my Ministry has conveyed approval to the City Council of Port Louis to allow the renewal of the occupation contract by the spouse or heir of the deceased stall occupier, to continue with the activity for the remaining period of the contract provided that -

- the heir has reached his/her 18<sup>th</sup> birthday;

- he/she is unemployed, and
- he/she is not already a holder of a stall/shop inside a market fair or other place or business.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, a copy of the occupation contract is being placed in the Library.

**Mr Ameer Meea:** There was a clause; I did not hear the hon. Minister mentioning it. I think that this has been removed or resolved to the effect that the person should be a resident to the Council. Can I ask the hon. Minister, if this condition is still on or this has been thrashed out?

**Mr Aimée:** Mr Deputy Speaker, Sir, there are many people who want to have a stall to work in the catchment area, particularly in Port Louis. So, the newcomers who want to have a stall, we have taken into consideration that they are living in the catchment area, but those who are there for years, they have got priority.

**Mr Baloomoody:** Can I know from the hon. Minister whether the original contract is a standard one *à durée déterminée*? Is it a standard contract in which the duration is specified? Or the one who is entering the contract can negotiate the time with the Council?

**Mr Aimée:** Normally, it is for a three-year contract to be renewed.

#### **SMEs - GRANT**

**(No. B/278) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the grant of a maximum of Rs20,000 per month by Government to the small and medium entrepreneurs to cover their living expenses, he will state the number thereof who have benefitted therefrom.

**Mr Seetaram:** Mr Deputy Speaker, Sir, the Start-ups Entrepreneurship Scheme was announced in the 2012 Budget Speech and is effective with effect from 03 January 2012.

The scheme is open to start-up enterprises which have an innovative and creative potential. It is a royalty-based financing scheme and it is repayable over a period of 8 years, with a moratorium period of two years. Once a project is approved, the beneficiary is entitled to a monthly stipend of Rs20,000 per month during the first year.

Being given that the scheme involves disbursement of public funds, a rigorous selection mechanism has been put into place to ensure the success of the scheme and its perenity.

The different stages leading to the approval of the project are –

- (i) a call for proposals;
- (ii) an evaluation exercise involving the screening of the application and the proposed business plan;
- (iii) an interview phase for the short listed applicants;
- (iv) post-interview monitoring, mentoring and handholding of selected projects;
- (v) follow-up and review phase to assess progress of the projects, and
- (vi) presentation for final approval to the Grants Approval Committee of the Mauritius Business Growth Scheme Unit.

In January and February 2012, there was a call for proposal, and the closing date was on 29 February 2012, and 49 applications were received.

Over the month of March, there was a screening, an in-depth assessment of each project, it was carried out by the MBGS, and it was based on specific and defined criteria involving -

- (a) degree of innovation;
- (b) creativity;
- (c) technology proposed;
- (d) business model, and
- (e) further financial projections also.

As a consequence of the assessment, 31 projects were retained for further consideration and, in April 2012, in that month, interviews were conducted with each applicant, followed by on site coaching, mentoring and handholding activities by the MBGS staff, so that projects presented could be reviewed and adjusted where required, and these were put into shape for the consideration of the Grants Approval Committee by the MBGS Unit. This exercise lasted for a whole month.

In the month of May, the retained applicants were encouraged to start their business, and on site follow-ups and review exercises were carried out to assess their readiness for the scheme. Only eight projects have, up to now, been found ready to benefit for the assistance of the Start-Ups Entrepreneurship Scheme.

In June now, this month, the projects would be presented to the Grants Approval Committee, which is scheduled in about two weeks for the approval of disbursement of funds.

I wish to draw the attention of the House that the Grants Approval Committee is the final authoritative body for giving approval for the disbursement of funds under the scheme. The Committee comprising of representatives of my Ministry, the Ministry of Finance and Economic Development, and the DBM, which operates as per the committee and they do operate independently.

In the meantime, the other shortlisted candidates will continue to be mentored and coached by the MBGS staff until they graduate for the scheme.

In July, there would be a second call for proposal, and the same process would be adopted. Mr Deputy Speaker, Sir, although at this stage no one has yet benefitted from the scheme, it is expected that, by July, disbursement will be effected for the first batch of start-ups entrepreneurs.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, out of 49 requests, only eight have been approved and have still not received any funding from the Ministry. I would like to ask the hon. Minister which field sector are these eight enterprises from.

**Mr Seetaram:** They are mostly from light manufacturing and other fields. If the hon. Member comes with a substantive question, I shall give a list of all fields.

*(Interruptions)*

**Mrs Dookun-Luchoomun:** May I ask the hon. Minister whether he is aware that there is an outcry out there in this country and that people are saying that there is no *encadrement* for small and medium enterprises, and that most of them, during a seminar a few weeks back, have stated that they are not getting the support required from the Ministry and from the SMEDA?

**Mr Seetaram:** I am not aware about that, Mr Deputy Speaker, Sir. As far as I know, there have been many schemes which were to the advantage of SMEs in the country, mainly finance wise, handholding, mentoring and coaching for entrepreneurs by the MBGS and, on the other hand, by the SMEDA to start an enterprise, for registration, for mentoring and in the field of training also, lots of schemes have been developed. I do not believe this observation of any good value.

*(Interruptions)*

**The Deputy Speaker:** Order, please! Hon. Jugnauth, please go ahead with your question.

**Mr Jugnauth:** I heard the hon. Minister saying in his reply that this amount is repayable over a period of eight years with a moratorium of two years. Then, why is it that the scheme is entitled 'Grant of Rs20,000 for SMEs'? If it is grant, it is money that should be given once the whole process - which the hon. Minister has said - has gone through and has been approved. So, why is it that there is this issue of now repayable over eight years?

**Mr Seetaram:** Mr Deputy Speaker, Sir, it is a Royalty Finance Scheme. The point made by the hon. Member is that the two-year moratorium is for the refund, which is scheduled over eight years. It is 20% of the whole sum to be reimbursed.

**The Deputy Speaker:** It is not a grant then?

**Mr Seetaram:** It is not a grant; it is a sort of loan granted, which is repayable.

*(Interruptions)*

**Mr Uteem:** Being given that there are only eight people who have qualified, may I know from the hon. Minister whether, first, he will consider revisiting the criteria for eligibility and, second, the time it takes? Because it took around six months, since February up to now, and they still do not have the money. So, consideration can be given to reviewing the criteria for eligibility and disbursement, and the time taken to make the disbursement.

**Mr Seetaram:** Like I have stated, Mr Deputy Speaker, Sir, it is quite a rigorous scheme being given that it is public funds, but I shall take on board whatever the hon. Member has said.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, now that we have been made aware that it is a loan and not a grant, can I ask the hon. Minister if it is a secured loan or not?

**Mr Seetaram:** Like I stated, this was a budgetary measure. It is a Fund. The hon. Member said that it is a grant, but it is repayable as per...

*(Interruptions)*

It is a Fund repayable...

*(Interruptions)*

It is not a secured loan; it is money given to the entrepreneurs who satisfy the criteria. It has a rigorous scheme that they have to adhere to, to reimburse the Fund.

**Mr Jugnauth:** Will the hon. Minister give guarantee to the House that even those...

*(Interruptions)*

**The Deputy Speaker:** Hon. Ameer Meea. Let's listen to the question!

**Mr Jugnauth:** For entrepreneurs who have passed all these hurdles after six months that the budget has been announced, will he give the guarantee to the House that, at least, those eight will benefit from this scheme?

**Mr Seetaram:** I cannot give a guarantee to the House inasmuch as it is the Grant Approval Committee which will decide.

**Mrs Hanoomanjee:** Can I ask the hon. Minister why in the Budget Speech...

*(Interruptions)*

**The Deputy Speaker:** Hon. Members, have the courtesy to listen to the question!

**Mrs Hanoomanjee:** ... it was mentioned as a grant? What has motivated the decision to change that grant into a loan?

**Mr Seetaram:** I wish to clarify this. The hon. Member has mentioned that it was a grant. But if we go through the budgetary measures of 2012, it is mentioned that it would be granted, but repaid.

*(Interruptions)*

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, the hon. Minister mentioned that these eight enterprises are light manufacturing enterprises ...

*(Interruptions)*

**The Deputy Speaker:** Could you repeat the question?

**Mrs Dookun-Luchoomun:** The hon. Minister just mentioned that these eight enterprises are light manufacturing enterprises. What I asked the hon. Minister was the fields in which these enterprises are.

**Mr Seetaram:** I never said: 'these are light manufacturing'; most of them are, and not 'these are'. Like I said before, I will table all the lists. What is your question again?

**The Deputy Speaker:** The Table has been advised that PQ No. B/280 has been withdrawn. Next question, hon. Mrs Labelle!

### **EDUCATIONAL PSYCHOLOGISTS - RECRUITMENT**

**(No. B/279) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Education and Human Resources whether, in regard to the educational psychologists, he will state the number thereof, who have been recruited by his Ministry following the advertisement of vacancies for the posts thereof, dated 27 June 2011.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, as the House is aware, recruitment of Educational Psychologists, who are public officers, is carried out by the Public Service Commission (PSC).

One vacancy in the grade of Educational Psychologist was reported to the PSC back since February 2011.

Subsequently, three (3) vacancies arose in May 2011 following a promotion exercise for the post of Senior Educational Psychologist.

The posts - four of them then - were advertised on 06 June 2011 with a closing date of 27 June 2011.

I wish to point out that 2 additional posts were created in the 2011 Budget and two other in 2012 Budget respectively. These posts were established in the Civil Establishment Order on 24 May 2011 and 08 May 2012 respectively. These positions were also reported to the PSC.

The PSC had accordingly been requested to fill all eight (8) vacancies.

I understand that the matter is being processed at the level of the PSC and the posts are expected to be filled in shortly.

**Mrs Labelle:** Mr Deputy Speaker, Sir, according to my information, during the last recruitment process, there were some allegations that the best candidate was not selected and this may be a reason for this delay, because it is taking more than one year to recruit a position which is badly needed. We all agree.

Firstly, is this the reason why the PSC is taking so long?

Secondly, it is also being said that at a particular point in time, PSC was being asked to hold on this matter because candidates have been enquiring at PSC level and they were told, at a particular point in time that the Ministry has instructed to hold on this recruitment process. Is it so?

**Dr. Bunwaree:** No, I am not aware of this. I do not have this information. I am more frustrated than the hon. Member for the non-appointment of these officers. The information that the hon. Member is giving, I cannot confirm. I have no control on the PSC.

**Mrs Ribot:** Mr Deputy Speaker, Sir, can we know from the hon. Minister the total number of educational psychologists and for how many schools these psychologists are being employed?

**Dr. Bunwaree:** I think the number of posts for psychologists is sixteen, but eight are in function; four senior educational psychologists, which makes twelve and then, we have educational social workers also helping in the process. From time to time, quite often, I must say, we do liaise with the Ministry of Gender Equality, Child Development and Family Welfare because they have got psychologists there who help us. They work according to a clustering procedure of schools.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister what is the basic academic requirement for this position and also whether administration of psychological test is included in the schedule of duties?

**Dr. Bunwaree:** I think I can circulate the scheme of service which will be much better. I must say that in the scheme of service, in fact, I have been informed that there is also the fact that the educational psychologist should have undergone post-qualification practice under the supervision of a practising psychologist or related professional, either in a recognised health or educational institution locally or abroad over a period of one year or for an aggregate of 1,500 hours with the children and young people with learning difficulties or social, emotional and behavioural problems.

**Dr. S. Boolell:** In view of the fact that there are psychologists at the Ministry of Gender Equality, Child Development and Family Welfare, Ministry of Education and Human Resources, Ministry of Social Security, National Solidarity and Reform Institutions and, I think, Ministry of Health and Quality of Life, would not it be possible to create a Psychologist Cadre where it would be easier to refer a case through assessment? It is quite difficult to refer anyone.

**Dr. Bunwaree:** At the level of our Ministry, we do have. I don't understand the question.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister has just mentioned this question of practice under supervision. May I know whether we have a list of accredited institutions, also accredited psychologists who can certify these practical hours needed?

**Dr. Bunwaree:** I believe that there are, but then, if a proper question is put, we can look into the details and give all the information.

**Mrs Dookun-Luchoomun:** Since we have a scarcity of psychologists in schools and different Ministries, could the hon. Minister consider reviewing the criteria for eligibility which



seems to be very hard for a country like Mauritius with only few psychologists being trained yearly?

**Dr. Bunwaree:** We are looking into this, as I said, because it is taking too much time and because of that special criterion that I have mentioned. If this is the case hindering the process, we have to do like what the hon. Member is saying.

**Mrs Radegonde:** Mr Deputy Speaker, Sir, in his reply, I heard the hon. Minister stating that there are 12 psychologists for the schools. Can he inform us if 12 psychologists can respond adequately to all the behavioural problems arising in our schools?

**Dr. Bunwaree:** I don't think it is sufficient, of course, but I said that we do use the services of psychologists from the Ministry of Gender Equality, Child Development and Family Welfare. I must also say that in the system that we are setting up, we are creating a platform in all schools, a specialised one with people who are not necessarily psychologists, because all children do not maybe need the help of a psychologist immediately, with the qualified people, using the educators. The PRB has also said in its last report that this has to be the job of the educator also to come and help or, at least, allow children, people, to confide in them and help to find solutions to their problems.

A very important groundwork is being done, I believe, in the weeks, in the months to come. Before the end of the year, we will come up with a system which will function by itself.

**Mrs Navarre-Marie:** Mr Deputy Speaker, Sir, will the hon. Minister state whether the services of psychologists do equally cater to Private Secondary Schools and, if not, whether he proposes that these psychologists attend to private schools as well?

**Dr. Bunwaree:** They do cater for Private Secondary Schools also.

**Mrs Labelle:** Mr Deputy Speaker, Sir, with your permission, I would like to come to this question of practical hours, because already there are some rumours regarding this issue. May I ask the hon. Minister whether he will table this list of accredited institutions and accredited psychologists who can certify the practical hours? Will the hon. Minister table this document in the House?

**Dr. Bunwaree:** Yes. I asked the hon. Member to put a proper question, but she is using this question to put other questions. No problem, I will look into the matter and give the information to the House.

## **YOUTH UNEMPLOYMENT - STATISTICS**

**(No. B/280) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to youth unemployment, he will state the latest available statistics thereof, indicating -

- (a) if his Ministry has commissioned a study in relation thereto, and
- (b) the specific measures taken, if any, to address the challenges thereof.

*(Withdrawn)*

### **GOVERNMENT FIRE SERVICES - STATION OFFICERS - VACANCIES**

**(No. B/281) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the Station Officers of the Government Fire Services, he will, for the benefit of the House, obtain information as to the number of existing vacancies for the post thereof, indicating -

- (a) the reasons for the non-filling thereof, as at to date, and
- (b) if these posts will be filled, and if so -
  - (i) when;
  - (ii) if same will be filled on the basis of the existing scheme of service, and
  - (iii) if fire fighters possessing a non-academic Crash Course Certificate of ten weeks from South Africa will be eligible therefor.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed that there are 70 posts of Station Officers on the establishment of Government Fire Services out of which 15 posts are vacant.

With regard to part (a) of the question, I am informed that these posts have not been filled due to representations received in connection with qualifications required in the scheme of service for the post. The representations were to the effect that the scheme of service mentions “graduate” of the Institute of Fire Engineers (IFE) whereas as from year 2007 the IFE Certificate mentions “graduate member”.

As regards part (b) of the question, I am informed that this issue was finally cleared after consultation with the Ministry of Civil Service and Administrative Reforms and the Institute of Fire Engineers. It has been established that the two certificates issued by the Institute of Fire Engineers, one mentioned ‘graduate’ and the other as from 2007 mentioned ‘graduate member’ were indeed one and the same. Subsequently, recommendations were made by the Chief Fire Officer to the Disciplined Forces Service Commission (DFSC) for the filling of the vacancies on the basis of the existing scheme of service. However, a case has been lodged by the Fire Fighters

Union before the Supreme Court and the DFSC had advised that it would not be in order at this stage to proceed with the recommendation of filling of vacancy.

With regard to part (iii) of the question, may I inform the House that there is no such thing as a “Non-academic Crash Course Certificate”? IFE is an international organisation and awarding Body for fire professionals, based in UK with branches across the world, including South Africa.

The Fire Fighters who have followed a course in South Africa and obtained a “Graduate Member” certificate will also be eligible for promotion to the post of Station Officers unless the Supreme Court to which a case has been lodged decides otherwise.

**Mr Nagalingum:** Is the hon. Minister aware that the Institute of Fire Engineers of UK has stated that the Graduate Course of South Africa is not an awarding Body and that it is not recognised as an awarding Body in the UK?

**Mr Aimée:** No, Mr Deputy Speaker, Sir.

**Mr Nagalingum:** Can we know from the hon. Minister whether fire fighters possessing a Non-academic Crash Course Certificate of 10 weeks from South Africa will be eligible for any vacant post?

**Mr Aimée:** Yes, Mr Deputy Speaker, Sir.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, the hon. Minister mentioned that IFE members will be considered, but the scheme of service also mentions, I quote –

“For those who have been successful at the Station Officers Qualifying Examination.”

So, one of the requirements is to be an IFE member, but it does not say ‘and’, it says ‘or’ - or Station Officers Qualifying Examination. So, according to my information, there are several fire fighters who have been successful to Station Officers Qualifying Examination since years. So, why, until now, they have not been promoted to that post despite having the required qualification?

**Mr Aimée:** Mr Deputy Speaker, Sir, as I explained before, you have one IFE organisation and it is in UK. Those giving the Crash Course in South Africa are giving the same certificate of the one following the Crash Course in England or even in South Africa. So, there was a representation of the union and also MQA was looking as to whether the qualification is correct. After representation of the Union to the Ministry of Civil Service and Administrative Reforms, to the Ministry of Local Government and Outer Islands and to the DFSC, they have

tried to find out with IFE whether it is a recognised certificate from all over the island. It is the same institute that gives the IFE certificate.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, please allow me to table a letter from the MQA, properly signed and dated, that says -

“IFE full-time Graduate Course awarded by the Institution of Fire Engineers, South Africa 2009, is not recognised by the Mauritius Qualification Authority.”

**Mr Aimée:** Mr Deputy Speaker, Sir, I mentioned already. I said MQA was not agreeable with the certificate for the Crash Course which is, I think, three or four weeks in South Africa. But now that the Ministry of Civil Service and the DFSC have checked with the IFE which is one Body giving the certificate, they have answered to us that there is one certificate whether it is delivered in South Africa, in Australia, in England or everywhere around the world, it is IFE certificate. I can't answer about MQA. I know that, at a certain time, MQA was not agreeable.

**The Deputy Speaker:** Last question!

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, please allow me to insist. As I mentioned, the scheme of service...

**The Deputy Speaker:** The hon. Member cannot insist!

**Mr Ameer Meea:** In the scheme of service, there are two conditions and one of them should be met for the person to be qualified to this post. That is, one, the IFE Graduate, but also the Station Officers Qualifying Examination which is a local one. Many of the officers have this requirement but still they have been disregarded and have not been promoted.

**Mr Aimée:** Mr Deputy Speaker, Sir, the main Body delivering certificate is the IFE. So, whether the hon. Member is agreeable now, I can only rely on IFE.

#### **PLANTERS (SMALL) - AGRICULTURAL MACHINERY - VAT REFUND**

**(No. B/282) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Agro-Industry and Food Security whether, in regard to the refund of Value Added Tax on the purchase of agricultural machinery, equipment and tools by the small planters, as announced in the 2012 Budget, he will state the –

- (a) mechanism put in place by his Ministry therefor, and
- (b) number of small planters who have benefitted therefrom as at to date.

**The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, the Finance (Miscellaneous Provisions) Act 2011 provides for Value Added Tax refund and the Twelfth Schedule of the Act lists the agricultural machinery, equipment and tools on which VAT refund can be claimed for period January 01 to December 31, 2012. This measure has been proposed to encourage small farmers to invest in agriculture and agro-industry. To be eligible for the refund of the Value Added Tax, the small planters should be registered with the Small Farmers Welfare Fund.

Mr Deputy Speaker, Sir, in order to benefit from the refund of Value Added Tax, the registered planters have to submit an application for the said refund at the Mauritius Revenue Authority together with his or her Planters' Card and the relevant invoices indicating the amount of Value Added Tax charged. However, in order to facilitate small planters' access to this facility, a working arrangement has been put in place between the Mauritius Revenue Authority and the Small Farmers Welfare Fund, whereby the latter assists registered planters in filling the application forms at its 9 sub offices and submits same together with relevant documents to the Mauritius Revenue Authority on a quarterly basis as provided in the Act. Nevertheless, there are planters who apply directly to the MRA.

As regards part (b) of the question, the Finance (Miscellaneous Provisions) Act 2011 provides that applications should be submitted to the Mauritius Revenue Authority within 15 days at the end of every quarter. I am informed that applications from 8 planters have been received at the Small Farmers Welfare Fund, two of which were received in the first quarter. One of the applications was rejected as the purchase was made in 2011. The other application has been forwarded to the MRA in April. The remaining 6 applications will be submitted to the MRA at the beginning of the second quarter, that is, as from 01 July 2012.

**Mr Seeruttun:** M. le président, je vais demander à l'honorable ministre de nous informer le montant de la somme remboursée à ce jour aux petits planteurs. Est-ce qu'il peut nous communiquer le chiffre?

**Mr Bachoo:** Mr Deputy Speaker, Sir, I don't have the information with me. I will request the substantive Minister; once he is here, the hon. Member can ask him the question.

**Mr Seeruttun:** M. le président, cette mesure budgétaire a été annoncée en grande pompe lors de la présentation du budget, mais il semblerait qu'à ce jour rien n'a été remboursé aux

petits planteurs. Est-ce qu'on peut dire que cette mesure n'a pas été un succès et donc cela a été un effet d'annonce mais sans aucun succès ?

**The Deputy Speaker:** The hon. vice-Prime Minister said that he does not have the required information. Yes, hon. Mrs Hanoomanjee!

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, since we have seen that only 8 out of some 13,000 or 14,000 small planters have made an application, can I ask the hon. vice-Prime Minister whether it would be possible to reconsider? Instead of putting these funds for refund of VAT, can the Ministry of Agro-Industry work on another scheme which would benefit small planters? I mean maybe refund on VAT for insecticides and pesticides where small planters would benefit more.

**The Deputy Speaker:** This question would be most appropriate for the substantive Minister.

**Mr Bachoo:** Mr Deputy Speaker, Sir, in fact, this is very clear. Anybody who wants to take advantage of this can follow the procedure. But, at the same time, I am going to convey the apprehensions of the hon. Member to the hon. Minister once he is back.

**Mr Jugnauth:** I am sure that the hon. Minister, although he is not the substantive Minister, should be aware that small planters normally don't buy the equipment. They rent the equipment. In the light of this - and since only eight now are being considered for refund - what is the Ministry doing in order to motivate and help planters so that, at least, they are in a better position to face up with the difficult situation?

**Mr Bachoo:** Mr Deputy Speaker, Sir, as the law stands, it is clear that anybody who wants to buy, if they are planters, they have to follow the appropriate channel and they are going to get the VAT refunded. This is exactly the answer I have given. But now if there are additional benefits or requests to be made by the Ministry concerned, I will humbly request the hon. Member - he has been the Minister of Agriculture - to take up the matter with the substantive Minister.

**The Deputy Speaker:** Next question hon. Li Kwong Wing!

#### **INTERNATIONAL ADVISORY BOARD - OPERATION**

**(No. B/283) 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 International Advisory Board, he will, for the benefit of the House, obtain from the Board of Investment, information as to -

- (a) its role, terms of reference, operational structure, functioning and costs, and
- (b) the total costs incurred on travel and related expenses for its first meeting, indicating -
  - (i) the outcome thereof;
  - (ii) if a report has been submitted, and
  - (iii) the nature of its deliverables and timeline therefor.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, allow me, at the very outset to emphasise that nowadays it is a common practice for many countries to set up International Advisory Boards to tap the expertise and experience of experts of international repute in the different business fields with a view to furthering the development and competitiveness of the economy. Countries like South Africa, Sweden, South Korea, Croatia, just to name a few, have equally set up their International Advisory Boards.

It is in this perspective that the International Advisory Board (IAB) was set up by the Board of Investment in December 2011 and was launched on 14 May 2012.

With regard to part (a) of the question, I wish to inform the House that the IAB is chaired by me and comprises ten eminent experts namely -

- Lord Meghnad Desai, Professor Emeritus of Economics at the London School of Economics & Political Science, United Kingdom;
- Professor Paul Romer, Economics Professor at the New York University, United States;
- Mr Joseph Del Raso, Partner of Pepper Hamilton LLP, United States;
- Mr Mike Rees, Group Executive Director & CEO, Standard Chartered Bank, UK;
- Mr Sanjiv Bhasin, CEO of Development Bank of Singapore, India;
- Mr Vimal Shah, CEO of the BIDCO Group, Kenya;
- Dr. Christopher Cheng Wai-Chee, Chairman of Wing Tai Corporation and of the Hong Kong General Chamber of Commerce;
- Dr. Fanny Liao, President of Oriental Resources Development;

- Mr Ong Boon Hwee, Managing Director of Beyond Horizon Consulting, Singapore, and
- Mr Sanjiv Goenka, Chairman, RPG - Sanjiv Goenka Group, India.

*(Interruptions)*

**The Deputy Speaker:** Allow the Minister to give his answer!

**Mr Duval:** Concerning part (b) of the question, I am informed that all expenses incurred for this first IAB meeting, including accommodation of the IAB members and the meeting venue, were fully sponsored by local private groups and the Government did not incur any expenses thereto.

Regarding parts (b) (i) to (iii) of the question, the IAB submitted a report with a number of recommendations and these are being studied by a dedicated Secretariat at the BOI.

**Mr Li Kwong Wing:** Will the hon. Minister of Finance inform the House whether he is aware that a similar exercise for making the country into an advanced developed country has been carried out in Singapore under the Ministry of Trade and Industry already as far as 1991, that is, 21 years ago, but had been carried out by a team of experts who resided and worked in Singapore. Can the hon. Minister tell us how many of these experts have ever lived and worked in Mauritius? What are they going to advise when we don't even have any working paper, strategy or plan for them to advise on it?

**Mr Duval:** Mr Deputy Speaker, Sir, we can argue until the cows come home as to what should be done, who should be here, local experts, foreign experts. But these people are firstly not paid, they come free of charge to Mauritius and no one can argue except against the fact that these are eminent experts who have come because they like Mauritius. Therefore, we are getting services of these people free of charge and, I think, Mr Deputy Speaker, Sir, we should not look a gift horse in the mouth.

As far as other models in Singapore are concerned, the hon. Member himself spends every week criticising Singapore, and now we should follow Singapore!

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, the vice-Prime Minister is casting aspersions not only on Singapore, but also on what I do in Singapore. I think it is very cheap to do that.

*(Interruptions)*



The fact is, on this side of the House, we are very concerned and very alarmed by what has been said by the hon. vice-Prime Minister, because he is saying that this team of experts is here for free and this is the wrong image that we are giving to people. If we really want to have a team of experts to carry out an excellent professional job, they need to be paid. Here, they are not only not paid, but they are paid by the private sector. Does not the hon. Minister realise that there is a clear conflict of interest in having these experts coming here and funded by the private sector to advise the Government on top of that and, secondly, does this not give a wrong image of Mauritius being a pleasure island, where people come for a free holiday?

*(Interruptions)*

**Mr Duval:** Mr Deputy Speaker, Sir, I really don't understand how a mind can work like this. We have Lord Desai who is coming, Mike Rees, who is CEO of Standard Chartered Bank, coming and the hon. Member dares to say that they come here because they are looking for a free one-day holiday! Come on, Mr Deputy Speaker, Sir, this is not serious! I would not answer this question.

**The Deputy Speaker:** Next question, hon. Li Kwong Wing!

*(Interruptions)*

**Mr Li Kwong Wing:** The question is: the impression and the perception that is given to professionals outside is that this is not serious because there is no timeline, no target, no output and there is not even a report submitted on what they have done.

**Mr Duval:** Mr Deputy Speaker, Sir, the hon. Member has not understood. There has been a report submitted to the Secretariat of the Board of Investment. The deliberations which I followed myself for the major part were excellent, Mr Deputy Speaker, Sir. They were excellent and I am very, very grateful for these people to have come to Mauritius to help us because they are friends of Mauritius and they like us.

**The Deputy Speaker:** Next question, hon. Li Kwong Wing!

*(Interruptions)*

## **REGIONAL DEVELOPMENT COMPANY - INVESTMENT**

**(No. B/284) 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 Regional Development Company Ltd, he will, for the benefit of the House, obtain from the company, information as to -

- (a) the capital invested therein by Government and the expected return therefrom;
- (b) the names of the staff posted thereat;
- (c) its total annual expenditure, since the establishment thereof to date, and
- (d) the projects implemented as at to date, indicating the -
  - (i) names of the co-investors therein, and
  - (ii) amount of funds invested.

*(Interruptions)*

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Firstly, Mr Deputy Speaker, Sir, I would like to say that, in fact, this company is under the Ministry of Foreign Affairs, but with the absence of the substantive Minister and since the Chairman is from my Ministry, I am answering this question.

Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed that the capital invested in the Regional Development Company (RDC) by Government is Rs5 m. in terms of share capital. The expected return therefrom is in the form of rent paid by the prospective investors. A sum of USD30 per hectare per year will be claimed from prospective investors. However, the RDC is not a profit-making company, but aims at promoting regional cooperation with Mozambique in the first instance and with any other interested countries in Africa once we have demonstrated the value added in Mozambique. The rent collected aims at financing the infrastructure to support the projects we promote and the social interventions on behalf of stakeholders to promote economic and social development in Mozambique.

As regards part (b) of the question, I am informed that the staff posted thereat are -

- (i) Mr Karan Emerit, Analyst for RDC Mauritius as from 06 April 2012, and
- (ii) Mrs Angelina Alberto Coana, Analyst based in Mozambique as from 15 May 2012.

The annual expenditure is as follows -

<u>Year</u>	<u>Amount (Rs)</u>
2010	791,000
2011	1,057,000
2012 (01 Jan to 31 May 2012)	496,000

In respect of part (d) of the question, I am informed that following a call for proposals, three companies, namely Bram Agricultural Lda, Mozambique Agritech Lda and Nirmal Seeds Mozambique Lda have been selected for agricultural projects.

The co-investors are: Lda Bram Agri Ltd and Ireko Services Ltd; Cie des Trois Amis Ltd and African Agriculture Ventures Ltd. and Nirmal Seeds PVT, registered in India and Nirmal Seeds Mauritius Ltd.

As at to date, three projects have been approved by the Mozambican authorities.

Another call for proposals was launched on 21 May 2012 and will close on 25 June 2012 with a view to cater for the remaining 5,000 hectares reserved by the Government Mozambican authorities.

No investment has been made so far.

**Mr Li Kwong Wing:** Will the hon. Minister inform the House whether he is still in agreement with the original objective and purpose for setting up that regional development company now that he is initiating a new Africa strategy under what is called a new economic diplomacy because the company, up to now, has not been able to achieve any tangible results in the context of regional integration initiatives?

**Mr Duval:** In fact, I am told that things take a long time to get off the ground, but nevertheless, out of the 16,000 hectares that are available at this present time, 11,000 have already been earmarked for these three agricultural projects. Things are moving ahead. New proposals have been made and, hopefully therefore, the 5000 remaining hectares can be actually allocated. I understand that these three companies will start. They are just taking a bit of time to have a feasibility study and get together the capital. I think, we have reached to this stage and we should continue. Of course, Mr Deputy Speaker, it fits in very nicely with the African strategy of the Government.

**Mr Li Kwong Wing:** Can the hon. Minister inform the House whether there has been any annual report submitted on the company and would he consider asking the Director of Audit to carry out a performance management audit on the company?

**Mr Duval:** I think, in fact, this is a limited company, so, the accounts would have been filed at the Registrar and are available to the public. That's the first thing. As far as his request to have the Director of Audit - I mean, very little amount of money has been spent so far we must

say. A very limited amount of money has been spent on this project, but I'll pass it on to the substantive Minister when he comes.

**RODRIGUES – ELECTRICITY – SMALL SCALE DISTRIBUTED  
GENERATOR**

**(No. B/285) Mr J. F. François (Third Member for Rodrigues)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the production of electricity from the Small Scale Distributed Generator in Rodrigues, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to where matters stand.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I am informed by the CEB that under the first phase of the Small Scale Distributed Generation (SSDG) Project of a capacity of 2 MW, launched in December 2010, no application was received from consumers in Rodrigues following a general advertisement in the local newspapers.

When the project was extended from 2 MW to 3 MW in December 2011, a capacity of 100kW was earmarked for Rodrigues customers to be equally distributed between residential customers (50kW) and commercial/industrial customers (50kW). A communiqué inviting applications was published in three newspapers in Rodrigues on 29 and 30 December 2011 respectively.

I am informed by the Central Electricity Board that, as at now, eight applications (7 residential, 1 non-residential) for permit to act as undertaker for the supply of electricity have been received from Rodrigues.

These applications have been examined by the CEB and have been found to be compliant with the Grid Code.

On 07 May 2012, as provided under the Electricity Act, each applicant has been requested to publish a Notice in the Government Gazette and two local newspapers, with copy to CEB. Any person wishing to object to the grant of such a permit may do so within 14 days of the publication of the Notice.

I am further informed that, up to now, only 2 of the 8 applicants have published their Notice in the local newspapers, but not in the Government Gazette. Given the difficulties encountered by these applicants to publish the Notice, the supplier of the equipment has informed CEB that it will undertake to publish same for the applicants.

**Mr François:** Mr Deputy Speaker, Sir, despite the advertisement - as said by the hon. Deputy Prime Minister - is the hon. Deputy Prime Minister aware that the majority of people in Rodrigues are not well informed about this project and may I make a request that the advertisement be published and broadcast again for the regional public who may have access to this information?

**The Deputy Prime Minister:** We will certainly look into that, Mr Deputy Speaker, Sir.

**Mr Lesjongard:** Can the hon. Deputy Prime Minister inform the House whether the approval of the President of the Republic is required for somebody to become a small-scale distributor of electricity?

**The Deputy Prime Minister:** Yes, Mr Deputy Speaker, Sir, his approval is needed before proclamation. At two stages, he is requested to give his approval.

**Mr Jugnauth:** With regard to this project to encourage the solar-based power producers - I know that there was a scheme with CEB, but this has been discontinued I understand - may I ask the Deputy Prime Minister if it will be revived in the near future?

**The Deputy Prime Minister:** No. Solar, wind and hydro projects, all three still exist and we have extended it from 2 MW to 3 MW and also to a larger scale generation.

**Mr Lesjongard:** Can I ask the hon. Deputy Prime Minister whether Government is considering amending the CEB Act so that we don't have to go to the President each and every time we have somebody who applies to become a small-scale distributor of electricity?

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, the answer is yes. We are looking into this issue. It takes too long to go back and forth unnecessarily.

**The Deputy Speaker:** The Table has been advised that PQ Nos. B/293, B/294 and A/151 have been withdrawn. Next question!

### **MOBILE PHONE NUMBERS - CONVERSION**

**(No. B/286) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Information and Communication Technology whether, in regard to the proposed conversion of the mobile phone numbers into eight digits, he will, for the benefit of the House, obtain from the Information and Communication Technologies Authority, information as to the –

- (a) implementation date thereof;
- (b) reasons therefor, and
- (c) number of mobile numbers presently in use.

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I am informed by the Information and Communication Technologies (ICT) Authority that the proposed implementation date for migration to the 8-digit Numbering Plan is 01 September 2013.

As regards part (b) of the question, I am informed by the ICT Authority that migration to 8 digits on mobile phone numbers has become necessary because of the following reasons -

- (i) there is a scarcity of mobile numbers in the present 7-digit Numbering Plan of Mauritius. The 8-digit Numbering Plan will increase the capacity for mobile numbers and will address the current problem of scarcity in numbers.
- (ii) there is no coherent structure in the present 7-digit Numbering Plan given that the numbers allocated for mobile services are mixed with those allocated for fixed services with the result that consumers may not be aware that they are calling a mobile or fixed number. The new 8-digit Numbering Plan will address the incoherence issue and will enable consumers to differentiate between mobile and fixed numbers.
- (iii) the present 7-digit Numbering Plan does not support innovation in the telecommunications sector anymore. With the adoption of an 8-digit plan, new innovative services such as Mobile Virtual Network Operator and Mobile Number Portability may be introduced for the benefit of the consumers.

With regard to part (c) of the question, Mr Deputy Speaker, Sir, on a world population of about seven billion people, actually we have nearly six billion mobile subscribers.

In Europe, you have more mobile subscribers than Europeans themselves. In Mauritius, as at date, that is, at end of May 2012, we have 1,345,073 mobile subscribers, that is, the penetration of mobile communication is more than 100%.

**Mr Jhugroo:** Can the hon. Minister inform the House what is the expected total cost of migrating from the current system to the new proposed system?

**Mr Pillay Chedumbrum:** In fact, Mr Deputy Speaker, Sir, if you want to innovate, you have to invest on equipment. These costs will be incurred by operators and those who are concerned with it. As far as the public is concerned, they have no cost to incur for that migration from 7 to 8 digits, except, change your *carte de visite et autres*.

**Mr Bérenger:** Can I ask the hon. Minister, in this initiative to move to 8-digit mobile phones, has it come from the Information and Communication Technologies Authority or was the initiative industry-driven and if it was industry-driven, can we have details?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, in fact, this is a project which is long overdue. The last migration was, if I am not mistaken, in 1989. At that time, we had nearly 50,000 mobile subscribers with a population of around 900,000 people. Now, Mr Deputy Speaker, Sir, with more than 100% of mobile penetration and with a population of 1.3, it has become necessary for further development that we adopt the 8-digit numbering. To answer the question of the hon. Leader of the Opposition, the initial consultation was started in July 2003, to assess the need to migrate to 8-digit numbering plan on the specific representation of MT to the effect that three of its main exchanges and 18 of its secondary exchanges would not have been able to support an increase in the number of digits. Consensus was reached for migration to the 8-digit numbering plan to occur on or before October 2007. Again, after a series of consultative meetings and, more particularly, the meeting held on 12 August 2005, the initial day for migration to the 8-digit numbering plan was set for 15 October 2007. On 23 March 2006, Mauritius Telecom subsequently suggested to the ICTA to postpone migration to 8 digits which had been planned for October 2007. Amongst the reasons provided in support of the request, MT has expressed the view that the replacement of a couple of switches on its network, as decided in 2003, would not be beneficial to the Telecom industry, as a whole, at that time. But now, Mr Deputy Speaker, Sir, it is high time to move to the 8 digits. That's why there was a workshop which was held as far back as May, this year, where all stakeholders, the industries, the operators, *la société civile* and the press were there and consensus has been reached for the migration. I have been informed by ICTA that consensus has been reached to have migration from 7-digit to 8-digit as from 01 September 2013, the proposed date.

**Mr Bérenger:** I will put an additional question. So, from what we have heard, it was MT driven where years back it was MT that pushed for this migration to the 8 digits. But is it a fact that today it is the same MT that has put the brakes on, that has stopped the process? So, what next?

**Mr Pillay Chedumbrum:** No. Mr Deputy Speaker, Sir, I am not going to repeat the answers. At a certain point in time, MT proposed that we delay the migration to 8 digits; this was at a certain time. Finally, the situation has become so alarming that we had to move to that

migration. If you have already more mobile subscribers in Mauritius than Mauritians itself, we cannot stay on the 7 digits.

**Ms Anquetil:** Est-ce que le ministre pourrait indiquer à la Chambre, s'il y aurait une raison particulière pour que la migration à huit chiffres se fasse précisément le 01 septembre 2013 ?

**Mr Pillay Chedumbrum:** M. le président, d'après les *international best practices*, comme recommandés par l'*International Telecommunications Union* (ITU), ICTA doit, tout d'abord, avoir au préalable donné notice du *numbering change* au moins 12 mois avant la date prescrite pour que cela prenne effet. It is also recommended, Mr Deputy Speaker, Sir, that as per best international practices, a number conversion or change is best done during the night of a Saturday transiting to Sunday and which falls on the first day of a month. It is good that you know the details.

*(Interruptions)*

This is how the 01 September 2013 which is a Sunday was agreed consensually.

**Mr Jugnauth:** Participant à cet atelier, le ministre avait dit, et je cite –

"Je me permets de le dire haut et fort si le passage à la numérotation téléphonique à huit chiffres a pris du retard, c'est parce que MT en est grandement responsable. Il n'y a pas à sortir de là."

Et le ministre a dit –

"Si vous croisez ma route et je constate que ce que vous faites n'est pas bon pour ce secteur, vous devriez assumer les conséquences de vos actes."

May I know, therefore, in the light of this, *et que le ministre nous réponde haut et fort*, what actions he has taken against MT?

**Mr Pillay Chedumbrum:** The hon. Member should know better. We have already informed the House that the proposed date for the migration is 01 September. There is already consensus on that. People may be against or for, there has already been consensus and on 01 September, there will be that migration as proposed.

**Mr Uteem:** May I know from the hon. Minister, as at to date, how many 7-digit mobile numbers are available, and secondly, may we know the cost to the industry, because this cost is going to be passed on to consumers ultimately?



**Mr Pillay Chedumbrum:** *No, it is not true to say that. Au contraire, la tendance est à la baisse en ce qui concerne les tarifs, je veux dire. Mais, pour répondre à la question que vous m'avez posée, je dirai qu'il y a des frais à encourir pour ces nouvelles technologies. Il faut investir dans les équipements. Either we innovate or we go home. This is what we are doing and it will be in the best interest of the people.*

*(Interruptions)*

**Mrs Radegonde:** Mr Deputy, Speaker, Sir, answering to hon. Reza Uteem, I heard the hon. Minister saying that *la tendance est à la baisse* and that it is high time and all these replies. My question to the hon. Minister is whether there has been any cost effective analysis done to assess the proposed conversion and if he can table a copy thereof?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, in fact, as I have mentioned, discussions have started as far back as 2003. That's why, at a certain time, MT asked for a postponement of the migration period. All these homeworks have already been done since 2003 and it has been postponed to 2006, and, again, there was a postponement. So, in the circumstances, Mr Deputy Speaker, Sir, I don't have the figures to table right now, but I can inform the House that if you look at the manual which MT has just published, already he has made allowance for that migration which has been scheduled for 01 September. I don't have the exact figures, but if you come with a substantive question, I can inform the House how much it will cost the operators.

**Mr Jhugroo:** Is the hon. Minister aware that there are 3 million lines still available? With 7 digits, you will have 9,999,999 lines and with 8 digits, you will have 99,999,999 lines. Let me explain to you...

*(Interruptions)*

**The Deputy Speaker:** I am sorry! The purpose of a question is to ask for information. Can the hon. Member put his question, please?

*(Interruptions)*

**Mr Jhugroo:** My question...

*(Interruptions)*

**The Deputy Speaker:** The object of a question is to ask for information and to press for action. Please go ahead with the question!

**Mr Jhugroo:** Mr Deputy Speaker, Sir, is the hon. Minister aware that there are still three million numbers available?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I don't know whether the hon. Member is aware that, for all mobiles, we must have a SIM card, and all SIM cards must have a number. In the circumstances, being given that *la tendance est à la hausse en ce qui concerne la pénétration du mobile à Maurice, il est tout à fait normal qu'on prenne les mesures nécessaires pour qu'on puisse adresser n'importe quel manquement qui peut faire surface.*

*(Interruptions)*

Mr Deputy Speaker, Sir, either I answer the question or I don't answer it.

*(Interruptions)*

**The Deputy Speaker:** Let the hon. Minister give his reply! The hon. Member has asked a question and the hon. Minister is supposed to give the reply. Let's listen to his reply! Hon. Seeruttun!

**Mr Seeruttun:** M. le président, dans sa réponse, l'honorable ministre avait parlé d'un délai de MT avant de mettre en place la migration. Est-ce que le ministre peut nous donner la raison de ce délai qu'il avait avancée pour retarder la migration ?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, the same question at a certain time was put – not in so many words - by the hon. Leader of the Opposition and I have already answered and given the reason behind it.

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

**Mr Jhugroo:** Is the hon. Minister aware ...

*(Interruptions)*

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

**Mr Jhugroo:** Is the hon. Minister aware - as ICTA is well aware - that the serial starting by the number 5 is still available after the decommissioning of wireless in the local loop by an operator? This liberates one million numbers. Is the hon. Minister aware that ICTA has reserved the serial starting by the number 3 for the service of Audiotex? So, with a new proposed plan, this serial can liberate another 1 million numbers. Is the hon. Minister aware that ICTA has reserved the service starting by the number 8 for 20,000 telephone users in Rodrigues? So, with a new plan and the restructuration, this will liberate another 1 million numbers. So, we will still

be having 3 million numbers, which we can use. As the country is going through a financial crisis, we cannot spend billions of rupees in this conversion.

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I am sorry to say that the hon. Member has not understood anything that is happening. Mr Deputy Speaker, Sir, why are we moving to 8 digits? It is because there is that scarcity in numbers. With that migration, the new numbering plan – *gouverner c'est prévoir* – for all mobile numbers will henceforth begin with digit 5. Furthermore, this will ensure compliance of the numbering plan for Mauritius with international best practices. For instance, in UK, all mobile numbers start with digit 7; in France, with digit 6; in India with digit 9. Similarly, in Mauritius, all mobile numbers will henceforth start with digit 5. I hope the hon. Member has now understood the reason behind moving towards that migration.

#### **WOOTON MOTORWAY – PEDESTRIAN FLYOVER**

**(No. B/287) 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 motorway at Wooton, in Curepipe, in the vicinity of the Doha Secondary School, he will state if he has received representations in relation to the inconveniences caused by students crossing the motorway and, if so, indicate if consideration will be given for the construction of a pedestrian flyover thereat.

**The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport & Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, the reply is in the affirmative. The request also came from the Prime Minister of this country. Two lay-bys have already been constructed. Bid for the construction of two footbridges in the Wooton area, have been received and is being evaluated. The contract would be awarded shortly.

**Mr Bérenger:** Can I ask the hon. Minister if his Ministry has carried out an inquiry to find out how useful most of those bridges are? A good number of those footbridges are of no use at all, and I don't think we can say that it is good for the environment. Has a survey been carried to conclude whether some of these footbridges should be done away with?

**Mr Bachoo:** Mr Deputy Speaker, Sir, the Leader of the Opposition is right because in many places we have not undertaken any such special investigations, but we are aware that in many places people are not using those flyovers. Unfortunately, there are certain places where we have got no other alternative than having recourse to this, particularly in the Doha area

because we have got about 900 students going to that school, and there is no other alternative than to provide it. If you go for let's say underpass, that too is risky. There are a few places where we have put underpass, but they are not being properly utilised. For example, at St. Jean, we have one, and at Grande Rivière also.

### **SOLAR WATER HEATER – APPLICATIONS**

**(No. B/288) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Solar Water Heater Scheme, he will state the number of applications received for the grant offered in relation thereto, since the implementation thereof to date, indicating the –

- (a) aggregate value of the grants disbursed, and
- (b) number of applications processed by each accredited supplier of solar water heaters.

**The Minister of Environment and Sustainable Development (Mr D. Virahsawmy):** Mr Deputy Speaker, Sir, with your permission, I will reply to this question. I am informed that the number of applications received since the implementation of the Solar Water Heater Scheme is 48,581.

As regards part (a) of the question, the aggregate value of grants disbursed to date is Rs257,970,000.

Concerning part (b) of the question, the information is being compiled and will be placed in the library of the National Assembly.

**Mr Uteem:** Can I know from the hon. Minister what is the eligibility criteria for an accredited supplier?

**Mr Virahsawmy:** They have to comply with the conditions which have been laid down by the DBM, and this was publicised. They then sign an agreement with DBM which will include conditions which have been laid down for the quality of the solar water heater, and which the suppliers have to respect.

**Mr Bérenger:** The first move in that direction was very messy and it was at the DBM. There have been talks that the next phases would not stay with the DBM. Are we to understand that the forthcoming phases are still and will be with the DBM?

**Mr Virahsawmy:** The first phase was with the DBM. When we wanted to introduce the second phase, we have contacted all the commercial banks, which have refused to act as a banker for this scheme. So, we had to come back to the DBM.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, the hon. Minister stated that there were 48,581 applicants. Can I ask him, out of this figure, how many applicants have received their grants?

**Mr Virahsawmy:** For the first phase, 24,005 applicants have received their grants, and the grants have been processed and the amount disbursed. Out of the second phase, 12,849 applicants have been processed, and 1,792 solar water heaters have been installed to date. The installation continues; it is an ongoing process.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, we understand that, at the DBM, they have a list of accredited suppliers. Can I know which institution, and whether it is still the DBM or officers from the DBM who ascertain that the equipment delivered are as per norms?

**Mr Virahsawmy:** No, it is not the DBM which checks the equipment and the norms. We have set up two units, one with the help of the Commissioner of Police who has given us retired Police officers and the second unit is made up of officers from the ESD. They go and check at random; of course, they cannot check everything, whether the equipment is according to the norms which have been ordered.

**Ms Deerpalsing:** Mr Deputy Speaker, Sir, following on to the question that was asked by the hon. Leader of the Opposition, is the hon. Minister aware that in the previous phase, there were a number of people who were *arnaqués* by supposedly suppliers who disappeared afterwards? Can I ask the hon. Minister whether this time there is a scheme to see to it that the suppliers who are going to supply these equipment, first of all, are supplying equipment not of lower grades but at an acceptable Government grade of equipment and that these suppliers are not just going to vanish *en plein air, dans la nature* after they have received the grant that Government gives to the individual citizens? What are the measures that the Ministry is taking to ensure that the suppliers do not disappear *dans la nature après*?

**Mr Virahsawmy:** Mr Deputy Speaker, Sir, we have taken several measures to ensure that the consumers get value for money and, on top of that, get quality goods. For example, one of the measures which we have taken is that registered suppliers have to submit a performance security of half a million rupees for 7 years, which means that they have to supply and the

equipment have to be of quality which will last. We have also asked the suppliers that 7 years warranty has to be given. The suppliers have to enter into a formal contract agreement containing 41 clauses with the DBM Ltd which protects the consumers and ensures that there is also a proper workshop and also there are technicians who will do maintenance whenever required to do so. We have also made sure that the supplier undertakes to supply solar water heaters in stainless steel, because we know that with high humidity in Mauritius there will be rust.

In the contract, the supplier undertakes to have the solar water heaters not only delivered but also installed and checked that it is operational. So, all these 41 measures have been taken to ensure that there are reliable suppliers and that the consumers get value for money.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Minister to date what sanctions, if any, has been taken against any accredited supplier?

**Mr Virahsawmy:** Tests have been carried out and whenever they have found that the equipment were either faulty or the payment has been withheld, the supplier has been asked to replace the equipment with good quality equipment free of charge. If they refuse, severe actions will be taken against them.

**The Deputy Speaker:** The Table has been advised that PQ Nos. B/290 and B/295 have been withdrawn. Time is over!

## MOTION

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

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

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

*Question put and agreed to.*

## PUBLIC BILLS

### *First Reading*

*On motion made and seconded the Consumer Protection (Price and Supplies Control) (Amendment) Bill (No. XIII of 2012) was read a first time.*

*At 4.16 p.m. the sitting was suspended.*

*On resuming at 4.47 p.m. with Mr Speaker in the Chair.*

*Second Reading*

**THE CRIMINAL CODE (AMENDMENT) BILL (NO. VIII OF 2012)**

*Order read for resuming adjourned debate on the Criminal Code (Amendment) Bill (No. VIII of 2012).*

*Question again proposed.*

**Mr A. Ganoo (First Member for Savanne & Black River):** M. le président, nous voilà donc au terme de nos débats sur le projet de loi qui est devant la Chambre. Ces débats, vous-en conviendrez, M. le président, ont été l'objet de réflexion profonde et enrichissante. Ils ont porté généralement le sceau de l'honnêteté et du respect. Ils ont été passionnants et passionnés, envoutants même, par occasion. Sauf pour quelques incartades, de dérapages insignifiants, ils ont fait honneur à cette Chambre. Ils ont prouvé dans un sens, si preuve il en fallait, de la maturité de notre classe politique.

Eu égard de son contenu, de sa portée, de ses ramifications multiples et du *free vote* accordé aux députés par la direction de nos partis respectifs, ils ont souligné de surcroît quand certaines circonstances définies, certains sujets doivent nécessairement transcender les clivages politiques, *and rightly so*.

Notre ami, l'honorable Rajesh Bhagwan nous rappelait vendredi dernier de la similitude de la situation qui avait prévalu lors des débats relatifs à l'abolition de la peine de mort en août 1995.

Effectivement, M. le président, j'avais moi-même, à l'époque, argué en faveur de l'abolition de la peine de mort pendant une heure et demie et il échu à mon ami d'alors, l'honorable Ahmad Jeewah, de me donner la réplique - je me souviens très bien - pendant presque deux heures.

M. le président, il est de ces issues, où l'imprimatur du parti politique ne peut et ne doit pas se surimposer sur la conviction, voire sur la foi ou sur le *belief system* d'un individu. Il est à l'honneur du *leadership* de nos partis respectifs d'avoir permis à ses parlementaires d'exercer leurs votes comme bon leur semble, et d'exercer donc leur libre arbitre. C'est pourquoi je me permets d'emblée de répondre à ce qu'avait dit l'honorable Ms Deerpalsing à l'effet que ce débat n'est pas un débat lié à la religion, mais un débat politique. Je me posais la question, M. le président, comment est-ce possible ? Que nous débattions aujourd'hui sur la santé et la protection de la femme, de l'impérieuse nécessité de revoir une loi dépassée, j'en conviens. Mais

nous débattons aussi aujourd'hui, M. le président, de la vie, de la question de la sanctité de la vie, de la mort, du *rebirth* et quand est-il permis de se débarrasser d'un fœtus. Tout cela, M. le président, d'après moi, relève des questions religieuses. C'est pourquoi nous avons témoigné nous-mêmes pendant les dernières semaines, des religieux sont montés au créneau ; tout ceci pour vous dire la complexité du débat.

Il me peine qu'au début de mon discours d'avoir à répondre, à polémiquer avec l'honorable Ms Deerpalsing. Je n'avais nullement l'intention de le faire ce soir, parce qu'en ce qui me concerne, M. le président, ce débat traite d'un sujet tellement complexe et lourd d'émotion, de subjectivité et, effectivement, c'est un débat qui a dépassé les balises politiques traditionnelles que je n'avais pas l'intention de m'engager en aucune polémique ou de provoquer aucune controverse.

J'ai écouté avec beaucoup d'attention mes amis, presque tous les orateurs qui m'ont précédé et je regrette vraiment d'avoir eu à m'absenter en quelques occasions pour des raisons indépendantes de ma volonté. Mais les discours que j'ai écoutés, M. le président, ont en vérité, d'après moi, dévoilé les identités, les personnes qui étaient devant moi et qui parlaient du fond de leur cœur. La question d'IVG a toujours divisé les parlements, les sénats, les pays et les peuples, M. le président, depuis des siècles, depuis l'époque d'Aristote jusqu'à la semaine dernière dans un État d'Amérique dont le nom m'échappe, j'ai lu récemment comment l'avortement, *termination of pregnancy*, peut être un *divisible issue*. Je voudrais moi aussi, au début de mon intervention, rendre hommage à toutes ces femmes, qui ont inlassablement combattu pour l'émancipation et le droit pour la femme à l'avortement et ce qu'elle veut faire de son corps.

Mes amis, l'honorable Obeegadoo et je crois l'honorable Ms Deerpalsing aussi avaient cité ces héroïnes, à Maurice et à l'étranger qui ont fait de ce combat un exemple d'héroïsme. Je voudrais les saluer bien bas, moi aussi, M. le président, ce soir et je crois, en particulier, que Mme Lindsey Collen et ses collaboratrices méritent nos respects et nos applaudissements les plus forts.

Il nous faut ce soir peut-être remplir notre devoir de mémoire aussi et de nous rappeler, M. le président, les souffrances qu'ont endurées certaines femmes à Maurice peut-être dans une moindre mesure, mais dans d'autres pays à l'étranger. Celle qui me vient en tête est une certaine Irlandaise, *Mrs Kadun, who was an inveterate fighter for the cause of abortion*. Elle fut pendue,



M. le président, en 1957 quand mourut une de ses patientes. Elle était un médecin. Elle fut pendue, M. le président.

En vérité, je suis allé dans l'histoire du sujet et ce fut les communistes qui, en vérité, furent les véritables pionniers du droit à l'avortement et qui avaient à l'époque, avant et après la révolution bolchévique, promu l'égalité complète de la femme, une des ces figures de proue, de cette mouvance, M. le président, se nomma Alexandra Collanti et avec Léning, elle avait transformé l'attitude de la perspective communiste et la gauche, en général, en ce temps là. Cette héroïne fut contrainte de s'enfuir, de quitter la Russie des Tsars à l'époque. Elle fut traquée et dut s'exiler, M. le président, pour s'échapper des griffes des bourreaux de ces jours. Elle transforma la politique soviétique sur les sujets tels que l'avortement, le divorce, les lois du travail, la célébration de la journée internationale de la femme, le mariage civil et tout un programme d'actions pour améliorer le statut des femmes. Elle fut l'architecte qui propulsa l'US au-dessus de tous les autres pays en ce qu'il s'agissait des droits de la femme. Finalement, elle fut la première femme à être nommée commissar après le renversement du Tsar de l'époque.

C'est effectivement l'influence des communalistes d'alors sur le mouvement socialiste mondial en émergence qui provoqua cette solidarité, cette adhésion à la cause de la femme incluant son droit de choisir librement de ses droits à la reproduction. C'est pourquoi, M. le président, mes premiers pas de militant de gauche pendant les années d'étudiant à Londres, je devins très vite convaincu de la justesse de ce combat des femmes pour décider du contrôle de leur corps. En tant que jeune gauchiste, la lutte pour l'émancipation de la femme était partie prenante de la lutte des classes et pour le reversement de l'ordre capitaliste d'alors. Nous étions dans tous les combats avec acharnement à l'époque, je me souviens, M. le président, avec mon ami à Londres, un certain Jean-Claude Bibi, nous déambulions dans les grands boulevards de la capitale de la blonde d'Albion. A gorge déployée, nous scandions les slogans pour dénoncer la guerre au Vietnam, la dictature des colonels d'alors en Amérique Latine contre le régime sanguinaire de l'Afrique du Sud, de l'Iran d'alors et les abus vis-à-vis l'IRA de l'Irlande, pour l'indépendance des dernières colonies portugaises en Afrique, en ce temps là, tombaient et je me souviens bien, le Président Salvador Allende, renversé par un coup d'État. C'est à cette époque-là, qu'en Angleterre, qu'au Royaume Uni le projet de loi, l'*Abortion Act* de 1967 venait d'être voté, M. le président. Malgré l'*Abortion Act* de 1967, les débats sur l'avortement étaient toujours d'actualité à Londres et en Angleterre parce que les mouvements féministes d'alors

arguaient que l'État Britannique devait pousser le bouchon davantage et que l'avortement devint *abortion on demand*. C'était la revendication à l'époque des féministes au Royaume Uni, M. le président.

A mon retour à l'île Maurice, je me souviens en tant que secrétaire général du MMM, d'avoir participé dans les années 1980 avec précisément Solidarité Femmes et les amis de Lalit, un forum débat sur l'avortement à la municipalité de Vacoas. Je me souviens après avoir été *briefed* par le *Leader*, l'honorable Paul Bérenger, je rendais public notre position sur la question d'alors. Oui à l'avortement, mais dans des cas spécifiques seulement. Au fil des années, les choses étaient devenues moins claires et nettes pour moi. Le sujet était devenu plus *blurred* et *hazy*, pour moi, M. le président.

J'avais acquis un new outlook on life *et je commençais à réfléchir et à considérer que l'avortement is not just a medical issue or a demographical issue or a woman's issue*. I realised that it was a moral, a bioethic issue raising important philosophical, spiritual and cosmological concerns. But, having said this, Mr Speaker, Sir, I must recognise that the Government and the Attorney General deserve our thanks and congratulations for having introduced this Bill. They have provoked a national debate on the issue. They have done away with an archaic piece of legislation dating back, should I say, from the Stone Age. This Bill was certainly overdue. It is certainly a breakthrough. I will not repeat what has been said before me *puisque'il y a eu tant d'orateurs dans cette Chambre pour ce débat-là*. This Bill, therefore, sets up a new framework, a new situation, comme l'a dit l'honorable *Leader* de l'Opposition: "*plus de place au status quo* ».

It is a Bill which introduces abortion not on demand. *Il nous met au diapason avec nos obligations internationales*. This Bill uplifts us and takes us from the 3% of countries of the world which prohibit abortion. All this has been said before me, Mr Speaker, Sir. I will not repeat and come back on these comments. But I must say that it is certainly a Bill which will create a few problems in its application, but, be it as it may, let us call a spade, a spade. It has granted the medical profession the possibility of terminating a pregnancy in certain cases, especially to save the life of a mother.

Last but not least, Mr Speaker, Sir, *ce que j'apprécie avec ce Bill*, it has sensibilised the population on this issue. *Peut-être que nous, politiciens, croyons tout savoir, mais je crois que ce projet de loi a fait caisse de résonance dans les quatre coins du pays*. We have sensibilised the population on this issue, especially, Mr Speaker, Sir, on this question of teen pregnancy.

On the question of unwanted pregnancies in general, in fact, the question for the need to legislate, to depenalise abortion is linked with one issue, Mr Speaker, Sir: how to diminish unwanted pregnancies. *Et sur ce point-là aussi*, my friends before me, especially hon. Mrs Labelle, have commented abundantly on the matter. I will not dwell any longer, Mr Speaker, Sir, but I think Government must come up with a national action programme.

Our youth today is completely different to what we were 30 to 40 years ago. They have a completely different outlook on the world, the progress in technology, the access to information, whether it is a good or bad thing. We have heard Members saying – and, very often, we hear it on the radios - how our youth are sexually active today and central to this national action programme, there should be sexual education in schools, Mr Speaker, Sir.

In fact, there are some private schools - shall I call them private star schools – *qui, aux élèves de 12 à 13 ans*, dispense sexual education, Mr Speaker, Sir. Sex must no longer be a taboo and with the elders and the authorities, Mr Speaker, Sir, we have to acknowledge that we are living in a new world because of the tragedy of a young child, a young girl getting pregnant, Mr Speaker, Sir, especially if she comes from a poor background. It is a real tragedy, Mr Speaker, Sir, and if you will bear with me, I will just make reference to a case which I know personally, Mr Speaker, Sir.

A young girl of 15 got pregnant - that was about one year ago or so - and I came to know about this case because what happened finally is that a backstreet abortion was carried out on this girl in a *lacaz cité* in my constituency by two abortionists – unlicensed - by two middle-aged women and the baby was killed or died after birth and to save the situation, they asked the father of this 15-year old girl who did not know about all the *manoeuvre* to go and bury this corpse which he did. A little dead baby was put in a plastic bag and the old man took it on his shoulders and went on the shores somewhere and dug a tomb - shall we call it tomb - and buried that body, Mr Speaker, Sir.

That man, after the Police inquiry was initiated, was arrested, sent to jail, prosecuted for concealing the body of a person killed against the provision of section 273 of our Criminal Code, Mr Speaker, Sir. But, more importantly, what hell did this little girl of 15 years old go through? I have a copy of the statement here with me, aged 15 years old, Mr Speaker, Sir, and I will just read three lines for us to understand the tragedy of such a situation.

The Police is putting to the abortionist –

*«Ou fine faire li allonge lor ene matelas lor sali et ou fine coumence peze peze so ventre fort avec ou poignet pu crase sa zenfant-là et ou fine dire se coumsa ki zenfant-la pu sorti mort. Le lendemain mardi 03 février, ou fine redonne miss X (I will call her) deux comprimés et ou fine repez pez so ventre fort fort. Mercredi le 04 fevrier ou fine repez so ventre fort fort. Jeudi le 05 fevrier... ».*

This went on for three or four days, Mr Speaker, Sir, and finally she delivered the baby. The baby died and I just told you what happened. But what happened also, Mr Speaker, Sir, is that this little girl was arrested, jailed and I have with me – because I have the brief - a copy from a psychologist who went to visit that little girl, sent by the Ministry for Womens' Rights, Child Development and Family Welfare and Human Rights, which was a good thing. I will read from this report –

*“The case of minor, miss X, aged 15, regarding an alleged case of infanticide was referred to me...”*

This is the psychologist writing –

*“On the 13 of February...”*

I will not give the year.

*“... a site visit was conducted on the same day at ...”*

I will not give the name.

*“... Police station where the former was found...”*

The former is the little girl.

*“... in a reeking and filthy Police cell. Once rapport was built, Miss X was questioned upon a pregnancy and her assumed delivery. Minor recounted events in an anachronous manner while indulging into self gasping gestures, namely rocking of the upper body.”*

She also related that she had been subjected to Police violence. I can show it to you, Mr Speaker, Sir. Then she went on to say that the articulation was appropriate and so on and so forth. Non-verbal, verbal, vocal content movements and special relationships were evocative of a state of mind which was one of nervousness, apprehension mingled with fear. Can you imagine, Mr Speaker, Sir, 15 years old in a filthy and reeking Police cell! I don't know why the Police have to exercise violence in such a case. Again, this is another problem, I am not blaming anybody, but these are issues which our society, I think, has to address itself to, Mr Speaker, Sir.

The case illustrates to us what I call the tragedy of a young poor girl coming from a working class family, getting pregnant, Mr Speaker, Sir, and by somebody who was much older than herself and the case went to court. I don't think that I have to tell more about this case, Mr Speaker, Sir, but it is just to highlight this tragedy of unwanted pregnancies, especially in the case of working class young girls or young women.

Mr Speaker, Sir, I will say a few words on the Bill, itself. I will say it later. I think each of us, individually, we have our own appreciation of this Bill; some of us will vote for and some of us will vote against. To me, personally, there are two levels at which I look at this Bill.

Mr Speaker, Sir, the Bill, itself, from a legal point of view - upon *vue juridique*, as I said - has certain flaws. The hon. Leader of the Opposition, a lot of my friends on this side of the House or on the other side of the House, have underlined a few loopholes in the Bill. We hope that the hon. Minister, obviously the hon. Attorney General, will react in his summing up, Mr Speaker, Sir, but I will just pass two or three remarks on the Bill itself.

The first comment I wish to make is that there is this provision in the UK Bill. I know that the amendment has been circulated, Mr Speaker, Sir, but I wanted to comment that in case of emergency in the UK, when termination is immediately necessary to save the life or to prevent grave permanent injury to the health of the pregnant person, in fact, one registered Medical Practitioner alone is required. This is in case of extreme urgency, Mr Speaker, Sir. I would have thought although we have listened to the debates, there are now two gynaecologists who have to certify and so on. There is in the UK, this provision that in cases of emergency when there is immediate, urgent, necessity to save the life of the mother because time is of the essence in these circumstances, I think that this is one possibility that we should have considered.

Mr Speaker, Sir, except for the (a), (b), (c) and (d) subsections where the limit of 14 weeks is provided for, in fact, in our law there is no statutory limit to the termination of the pregnancy. There have been a lot of debates on that, Mr Speaker, Sir, not only in this House. I am really not at ease with this: "no statutory limit to the termination of the pregnancy in the cases of subsections (a), (b) and (c)." As far as subsection (d) is concerned, in the case of rape, sexual intercourse with a minor and cases of incest, Mr Speaker, Sir, with a specified person, I will have to repeat what I think has been said before me, that rape is such a complex offence, so difficult to prove as a legal practitioner may know, the issue of consent, Mr Speaker, Sir, and the borderline cases where the boyfriend goes to meet his girlfriend in a bar and they have drinks and then, they

go back to the flat of the girl or of the boy, they go on drinking, and a case of rape is reported afterwards. This is why if we go back to our Sexual Offences Act which was circulated and which went to the Select Committee, as you will remember, a few years ago, the whole issue of consent is revisited.

I am sure the Attorney General knows about it, the question of consent was revisited in the Sexual Offences Act. I say that, Mr Speaker, Sir, to say, firstly, that in the case of rape, from the provisions of the Bill as they stand before us today, it is clear - and so many people have written about this, Mr Gulbul is one of them - this question of the Police enquiry which goes on so long, the statements will have to be taken, the case will have to be sent before court, the DPP will have to be agreeable to prosecute the alleged rapist and so on and so forth, Mr Speaker, Sir. The case can go on appeal, which happens many times in cases of rape and by this time the fourteen weeks will have elapsed. This is why the hon. Leader of the Opposition rightly said, the specialist will shy away in that case, Mr Speaker, Sir, in practice. They will hesitate, as the law asks them to do, to come to the conclusion in good faith to decide whether *la grossesse a été* the result of a rape.

Mr Speaker, Sir, I think that the other question which we should have looked also, when Government had proposed this Bill to the House, is the question of prosecution and sentencing. Today, theoretically, this girl of 15 years, whom I just mentioned, *est passible de servitude pénale* of 10 years. Is not it, Mr Speaker, Sir? The girl I just told - Miss X. I know in most of the cases the DPP does not prosecute the abortee, Mr Speaker, Sir, but it is still in our law today that a girl of 16 who has willingly agreed to be aborted is subject to prosecution. I think, though it's not very easy, the hon. Attorney General and the Law Reform Commission should have looked into this particular case. I am not talking about '*Madame Parasol*' or the abortionist or the backstreet abortionist; she deserves penal servitude, but the abortee of 15 years old, Miss X, whom I just told you about, is also liable to prosecution, Mr Speaker, Sir. I think we should look at this section in our law and revisit it.

Now, my friend, hon. Ramano, made a very good point about the thumbprint question. As an attorney, you know, Mr Speaker, Sir, the interpretation, the Judicial Act, says: in fact, a thumbprint, by itself, has no legal value except it is backed up by two signatures. Is not it? It is the IGCA which states that. I don't know, I am sure the hon. Attorney General has taken this point on board, but I have to repeat it, because when hon. Ramano was talking, I had already

realised that. I was going to make the point, but he had made it before. I would like to reiterate that point, Mr Speaker, Sir; according to the IGCA, the thumbprint should be supported by the signature of two other persons.

Finally, Mr Speaker, Sir, I think *la section 145 de notre Code Civil* to the effect that the minor of 16, with the permission of her parents, can go through marriage or with the authorisation of the Judge in Chambers, upon the application of the *ministère public*. So, girls today, between 16 and 18 can get married in these circumstances. What happens if such a person gets pregnant and falls under subsections 4(a), (b) or (c), Mr Speaker, Sir? She is over 16. If she falls under (a), (b) or (c), Mr Speaker, Sir or she has been raped. She is married legally. She has a husband. Will she require the parental consent as she is still under 18, but, as we know, already civilly married by virtue of *emancipation* as per the *Code Civil*?

These are the few points at this level that I wanted to raise. Some of them have been raised before, but I am sure the hon. Attorney General will enlighten us, Mr Speaker, Sir.

I would like to mention an issue in the last part of my speech, Mr Speaker, Sir. During this debate, we have heard the issue of lobbies, mails sent to all of us and so on and so forth, Mr Speaker, Sir, for myself because each of us is speaking for himself in these debates. There is no whip line. We are to vote according to our conviction. Hon. Ms Deerpalsing didn't seem to agree with that word the other day. She made a good attempt to show what does 'conviction' mean or doesn't mean. Be as it may, I have been subject myself, fortunately, to no lobby. I am sure most of my friends here or all of them, religious or whatsoever, but I must say, Mr Speaker, Sir, I have rarely been labouring under so many conflicting feelings when I realised that I have to speak on this issue. I have been mulling over it since I came over here for the first time for this Bill and heard the speech of the hon. Attorney-General. As I was saying, Mr Speaker, Sir, there are two levels upon which one can look at this Bill: from the legalistic, *juridique* point of view, we scrutinise the Bill, we say it is good, it is a breakthrough, which is true, Mr Speaker, Sir, within the four corners of this Bill. But we can view the Bill also, whoever we are or whoever we are not, Mr Speaker, Sir, from another perspective and belief, from another spiritual perspective. Mr Speaker, Sir, I am not a religious zealot. I believe in a secular State and I am not making my intervention, here, today for any religious cause or *pour des raisons purement politiques ou parce que je sais que les mandants sont en train de surveiller ce que je dis, M. le président*. I will take my stand *pour des raisons personnelles, pour des raisons qui sont peut-*

*être difficiles* to get through today before this august House *pour parodier, M. le président, pour les raisons, peut-être que la raison ne va pas comprendre.* Hon. Ms Deerpalsing, Cartesian as she is, told us the other day, when we came here for this debate, to leave our religious beliefs at home because we are here as MPs and we have to discuss a Bill, Mr Speaker, Sir. Again, I will tell her that we are Parliamentarians. Whatever professions we are from, we are heads of families. We are politicians in the streets. We are father, mother, uncle and so on. We have, each of us, our own religious beliefs, Mr Speaker, Sir. We are indivisible. We come here because this is a Bill, as I said, which deals with issues and transcends politics, Mr Speaker, Sir. We come here to express what we have to say from the bosom of our heart. I have read a lot about what Islam, the Vatican, Hinduism and Buddhism have to say about this complex issue before us, today, Mr Speaker, Sir. I must tell you, I am not going to rely on the sacred text, for example, of Hinduism to make my last point, Mr Speaker, Sir. I am not going to discourse on the Sanskrit terminology regarding abortion. But suffice it to say that in Sanskrit, abortion is denominated as '*garva hatia*' meaning pregnancy destruction and '*bruna hatia*' meaning foetus murder. These are illustratives of the classical view on the matter. I will not refer to the central canon of Hinduism, the Shruti text or the sacred text, the Rig Veda or Upanishad, Mr Speaker, Sir. This is not a religious debate, I agree. In fact, I made a distinction between religion and spirituality. My spiritual upbringing helps me to believe in rebirth which is determined by karma and to me, the foetus does not develop into a person, but rather it is already a person in the moment of conception. For conception to accomplish, Mr Speaker, Sir, I believe that the union between the biological elements is not enough. The biological elements of the men and women, the union is not enough, but it is the intervention of a superior agent which is required to create a new life.

This is why, Mr Speaker, Sir, according to my belief, it results from that union between the spirit, the life principle and the biological body happened at the moment of conception and the embryo is from this very first moment an embodied soul. The soul enters the body along with his individual past karma accumulated in his previous lives and every embryo has a unique identity. It is not only flesh. It is not only a *boule de sang* from the mother's flesh. But it has a distinct life with all his attributes, although yet unmanifested. This is why, according to my humble belief, Mr Speaker, Sir, and nobody has to agree with me in this House, the first consequence is that abortion brutally stops the unborn past lives karmic energy manifestations



and, therefore, affects the soul's, especially because once incarnated in a human being, the soul could probably have acquired liberation from the reincarnation cycle.

Mr Speaker, Sir, I am aware of the complexity of my *propos* and I will not pursue further. But what I am saying is not a religious doctrine. It is not a philosophical precept. I am not talking of violation of religious principle, Mr Speaker, Sir. But having said this, I must tell you what obtains in the sacred land of India. The law is very liberal, I know, Mr Speaker, Sir. In India, 11 to 15 million of abortions are legally done every year. This is another matter. This is another level, Mr Speaker, Sir, what happens in India. In no way, it contradicts with what I have just said about the foetus and the soul.

Mr Speaker, Sir, I will conclude by saying the following. I told you in the beginning; I believe in a secular State. I believe that, as a MP, we should never use religion to further our political interest. I believe we have a duty to the country to uphold the unity of this nation. We come here, Mr Speaker, Sir, and we must honour our pledge to serve our country without fear and favour and, as patriots, to defend our motherland as best as we can. But there are a few issues like the present one, where nobody can indicate to us what path we have to take. This path is shown to us by this inner voice, which dwells in all of us, and this inner voice is always right. It is the link, the communion between us and the one who has blessed us, Mr Speaker, Sir. With due respect to the hon. Members in this House who are for this Bill and are against this Bill, I have to tell them that I am going to abstain when the names will be called, Mr Speaker, Sir. I do this because I have for days and days thought about this Bill. I have been alone in my reflections in my room, and I have decided, therefore, to abstain today, and so I will do. I have finished.

Thank you, Mr Speaker, Sir.

(5.31 p.m.)

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** M. le président, j'ai apprécié le discours de mon prédécesseur, et je respecte, bien sûr, ses convictions les plus profondes. Je tiens néanmoins à féliciter l'*Attorney General* pour la présentation de ce projet loi il y a quelque temps déjà, que nous allons, j'espère, pouvoir terminer ce soir.

Ça a demandé beaucoup de courage de sa part, de la part du Premier ministre, mais aussi de la part de tous les membres du gouvernement. Je voudrais en particulier citer les membres, par exemple, catholiques du gouvernement, qui ont eu une position plutôt délicate face à la position

assez dure, assez définie de l'église catholique. Nous avons eu aussi à nous demander si cette loi serait une bonne chose pour le pays, et donc je tiens à féliciter le courage non seulement de l'*Attorney General*, du Premier ministre, mais de tous les membres du gouvernement, catholiques, musulmans, hindous, qui ont amené ce projet de loi devant la Chambre.

En ce qu'il s'agit du Parti Mauricien Social Démocrate, je dois vous dire, premièrement, M. le président, que nous avons donné un droit de vote totalement libre à nos députés, parce que c'est une question de conscience qu'on ressent profondément en soi, comme l'honorable membre avant moi l'a dit, tout comme la peine de mort. On est pour, on est contre, c'est quelque chose de très personnel en soi, et je dois aussi dire que nous n'avons mis aucune pression sur nos membres. Ils sont tout à fait libres de voter ce soir comme ils le souhaitent, et d'après leur conscience.

Quant à moi, M. le président, je suis en faveur de ce projet de loi; je voterai en faveur de ce projet de loi. J'ai un petit problème de *timing*, parce que je prends l'avion ce soir à dix heures et demie pour une conférence à Londres, mais je vous ferais savoir aussi que j'ai renvoyé au maximum. J'étais supposé partir par la British Airways, parce que je vais à Londres, mais j'ai renvoyé au maximum, et j'espère, le débat permettant, que je pourrai voter en faveur de cette loi qui me tient à cœur.

Je serai pragmatique, M. le président. Pourquoi suis-je en faveur de cette loi? Parce qu'avant tout, et malgré tout, je voudrais mettre un peu d'ordre dans une situation extrêmement chaotique et inacceptable dans le pays. Voilà ma vraie raison pourquoi je suis en faveur de cette loi.

J'ai écouté avec attention le discours du chef de l'opposition qui, d'après ses convictions, a voulu rendre un peu plus difficile le cas d'avortement légal, c'est-à-dire en obligeant la présumée violée d'aller faire un affidavit, etc. C'est très bien, c'est son droit. Mais il faut plutôt penser à rendre plus contraignant, plus difficile, même impossible ces milliers et ces dizaines de milliers d'avortements illégaux qui se font tous les jours chez nous. Si on prend le chiffre, M. le président, de 20,000 avortements illégaux annuellement, depuis que cette loi a été présentée dans cette Chambre il y a trois semaines, il y a eu donc 1,000 cas d'avortement déjà, alors que nous étions en train de débattre cette loi dans cette Chambre.

Donc, il ne faut pas - et ce sera un peu le point ici, M. le président - que ce débat reste inachevé. Nous allons traiter de quoi aujourd'hui ? De cinquante cas qui avant étaient illégaux et

qui seront je l'espère légaux dans quelques jours, quand la loi sera promulguée, si elle est votée. Mais que faire de ces dizaines de milliers de cas illégaux? M. le président, j'ai écouté, j'ai lu tous les discours, et j'ai l'impression que nous sommes restés sur notre faim, qu'il ne faut pas que cette Chambre tourne le dos demain, que la loi soit votée ou pas, à ces cas-là. Que faire? J'ai regardé ! Une seule conviction pour *abortion* ces trois dernières années dans les Cours de l'île Maurice. Très peu de questions parlementaires ici-même. Je crois, dans les cinq dernières années, moins de cinq questions parlementaires posées par les membres de cette Chambre qui ont tous pris la parole avec beaucoup de conviction. Mais pourtant, pendant ces cinq dernières années, qui se sont souciés de ces 20,000 cas qui se font tous les jours ? Et c'est pour cela, M. le président, que je fais un appel à mes collègues, ici, au Parlement, pour qu'on ne tourne pas le dos, une fois que ce projet de loi est voté, aux problèmes. C'est très Mauricien, M. le président, de tourner le dos aux problèmes.

Nous sommes une société avec beaucoup de tabous et je suis très heureux ce soir d'ailleurs que le gouvernement et l'Assemblée nationale aient pu s'affranchir - c'est un bon mot - des clivages ethniques, religieux et socioculturels pour venir ici. La plupart de nous, nous sommes affranchis de ça. Moi, je suis catholique, mais je me suis affranchi de ça en présentant ce que me dicte ma conscience.

Je crois que, malgré tout, ce qui a été dit depuis l'indépendance, nous ne sommes pas vraiment un État laïc, et j'espère qu'aujourd'hui nous allons faire les premiers pas vers cet État laïc, parce que nous sommes tous de différentes communautés, de religions différentes. Chacun a le droit de vivre sa vie comme il se doit. Je n'ai pas le droit d'imposer : 'ne mange pas du bœuf, ne mange pas du porc ! Qu'est-ce que tu vas faire le vendredi ? Non, tu vas prier le dimanche !' On n'a pas le droit de faire tout ça !

Et aujourd'hui, M. le président, sur un sujet aussi important, je félicite l'Assemblée nationale pour s'être affranchie de ces clivages qui nous gardaient dans des menottes, si on peut dire, dans des chaînes, depuis l'indépendance. Cela fait 25 ans depuis que j'ai été élu député pour la première fois - 1987 - et c'est la première fois que je fais l'expérience d'un tel débat, qui est de très haut niveau d'ailleurs, et je suis content de faire cette expérience. J'étais au gouvernement quand, en 1995, nous avons proposé l'abolition de la peine de mort. Mais il n'y avait pas de *free vote*, autant que je me rappelle, à l'époque ; il n'y avait pas ce débat qu'on a eu cette fois-ci.

*(Interruptions)*

Il n'y avait pas de *free vote* du côté du gouvernement en tout cas. Et donc, nous avons tous voté, du côté du gouvernement, pour l'abolition de la peine de mort. J'étais content, parce que nous étions à l'époque la cheville ouvrière de ce projet de loi. Maurice Rault était *Attorney General* à cette époque. On n'avait pas eu ce niveau de débat, et aujourd'hui, je suis content qu'on l'ait eu.

Maintenant, je vais retourner à ces 19,950 cas qui vont rester, parce qu'on traite peut-être de 50 cas aujourd'hui. Que faire de ces pauvres personnes ? Quand j'étais au ministère de l'intégration sociale, j'ai beaucoup apprécié ce ministère, M. le président. Je ne suis pas resté aux paroles ; j'ai essayé. L'honorable Pravind Jugnauth s'est moqué de moi l'autre jour, parce qu'on voulait encourager les pauvres personnes à venir de l'avant. Je crois qu'il s'est moqué. On voulait encourager les gens à venir suivre la contraception, parce qu'on a vécu, j'ai vu les problèmes. Peut-être que les autres personnes n'ont pas vu les problèmes. Moi, j'ai vu les problèmes. J'ai vu des personnes avec cinq, six enfants dans une seule chambre; la promiscuité, tous les problèmes qui se passent, comme s'ils ne réalisent même pas qu'il faut *provide for the child* avant de procréer l'enfant. Tout ça c'est la réalité Mauricienne, M. le président. Donc, j'ai essayé, en encourageant la *Family Planning Association*, en encourageant l'Action Familiale, en essayant de les financer pour qu'ils viennent de l'avant avec des projets. Nous avons tout essayé. Nous sommes allés sur le terrain avec l'honorable Madame Hanoomanjee, qui était ministre de la santé à l'époque - elle pourra en témoigner. Nous avons mis toute une équipe. Nous ne sommes pas restés qu'aux paroles, nous sommes passés à l'action. Nous avons mis toute une équipe sur le terrain pour essayer de convaincre les gens de suivre une contraception. Sur mille personnes contactées, trois ou quatre personnes seulement suivaient nos conseils, les autres cela ne les intéressait pas. Je n'ai pas honte de le dire, c'est pour cela qu'on a encouragé les gens en essayant de trouver une solution pour leur propre bien-être. Quelques fois il faut aider les gens pour leur propre bien-être, c'est-à-dire suivre une contraception. C'était une solution. Mon successeur ne l'a pas encore mis en pratique, j'espère qu'il le fera parce que cela se doit. C'est bien mieux d'encourager la contraception que d'arriver à un point où il faut une interruption de grossesse, M. le président. Bien sûr, je ne vais pas entrer dans tous les débats des *six famous* personnes qu'on n'a pas pu recruter pour suivre les enfants. Mais j'ai été très heureux de pouvoir le faire et, chaque occasion qui se présentera à moi, M. le président, je vais faire de mon mieux pour encourager la contraception, pour encourager une solution à ce problème.

Le PMSD est disponible si on veut *an all party talk*. Sur les 20,000 cas qui vont rester, on est disponible à en parler. On veut trouver une solution ; on ne veut pas que cela reste sur le tapis - *don't sweep it under the carpet*. C'est cela ma proposition ce soir. C'est une petite étape ! Voyons maintenant le reste et trouvons une solution.

M. le président, je ne serais pas long ce soir. Je dis donc que cette loi aujourd'hui n'est pas seulement une loi concernant l'enfant, c'est aussi une loi qui protège les pauvres. Parce que nous savons tous, M. le président, qu'avec un peu d'argent, on peut prendre l'avion et on se fait traiter ailleurs. La personne qui est pauvre n'a pas ce choix et donc cela aussi nous interpelle.

Aujourd'hui, M. le président, nous constatons que Maurice, comme l'a dit d'autres personnes, était dans un groupe de pays où ce n'était pas très encourageant, où on était même en retard sur ce sujet. L'Afghanistan, M. le président, est en avance sur nous, même les pays tels que le Bangladesh, la Libye, le Myanmar et le Soudan. L'Espagne, pays plus catholique que catholique, est en avance sur l'île Maurice et même l'Irlande, M. le président. Donc, il n'y a aucune honte pour le catholique ce soir de voter cette loi.

M. le président, même les pays très catholiques ont adopté des lois beaucoup plus libérales que ce que nous proposons aujourd'hui. L'Italie, là où réside Le Pape, a *the abortion on demand*. On ne demande pas cela, mais juste pour faire le point que ce n'est pas une question de religion, c'est une question de conscience. Il y a aussi la France, la Belgique et aussi le Portugal, et en ce qu'il s'agit des pays musulmans, le Bahrein, le Kazakhstan, la Turquie, la Tunisie pour nommer certains pays, M. le président.

M. le président, je ne vais pas m'attarder plus que nécessaire, sauf pour dire que c'est un grand jour pour l'île Maurice, le gouvernement a eu le courage de traiter un des sujets tabous de notre société. Il y a plusieurs autres tabous et je souhaite vivement, M. le président, que ce gouvernement ait le courage de traiter un par un.

Merci.

(5.44 p.m.)

**Mr P. Jugnauth (First Member for Quartier Militaire & Moka):** M. le président, d'emblée, je souhaite moi-aussi préciser la position que nous avons adopté au sujet de l'avortement. Étant un sujet qui touche surtout aux sensibilités individuelles, mon parti, le MSM, nous avons permis à tous nos parlementaires de s'exprimer librement et de voter selon

leur conscience et leurs convictions, et certainement de pouvoir intervenir lors du débat aussi important sur les différents aspects de cette loi.

Cela étant dit, personnellement, je me prononce en faveur du projet de loi mais je ferais quelques propositions que j'estime valables dans les circonstances actuelles. Ma proposition est basée sur le fait qu'une société moderne a le devoir de s'ajuster par rapport aux problèmes rencontrés quotidiennement, mais qui ne sont pas adressés en raison de certains tabous.

M. le président, en tant qu'individu et politicien, je n'ai jamais eu peur de mes convictions et je dis, ouvertement et franchement, ce que je pense et ce que j'estime être approprié pour mon pays, pour mon peuple, bien sûr, gardant en vue les spécificités, les sensibilités, les préoccupations, les attentes et surtout les ambitions nationales.

There has been a proposition that, as elected Members, our stand with regard to this Bill should reflect the opinion of our electorate. That means in the different constituencies. I believe that this is a non-starter, because I have, like so many of us, been discussing with people generally, mainly in our constituencies, and I suppose, like everyone of us, we have found out that there are people who are totally against and those who are partly against because, as we have seen in this House, some Members have agreed on 1(a), 2(a), (b), (c) and some have disagreed on (d).

There are people who are totally for the Bill. *Mais il y a aussi certains qui sont contre ce projet de loi, parce que ce projet de loi ne va pas assez loin.* Those who are much more liberal would have liked to see a much more liberal Bill coming to this House. Therefore, I believe that, we, as Members of this House, probably have different criteria that we want to take into consideration. We have our own convictions, *et je respecte toutes les positions qui ont été prises par chaque membre de la Chambre.* But I think it is important that we take our stand in this House with regard to the Bill.

M. le président, le débat sur l'avortement dans les circonstances spécifiques telles que présentées dans ce projet de loi doit être un débat de la raison et non un débat d'émotion. Comment peut-on toujours refuser la légalisation de l'avortement quand la vie et la santé de la femme est en danger en raison de sa grossesse? Comment peut-on décréter un avortement illégal quand il y a eu viol allégué et que la dignité même de la victime ait été souillée? Comment peut-on refuser l'avortement sur une base légale à une femme qui apprend que le fœtus qu'elle porte en elle est la proie de malformations ou d'anormalités sérieuses? Je pense que ce sont des

circonstances qu'aucune femme ne voudra vivre, mais elle devrait avoir le choix car c'est elle qui porte le fœtus en développement et c'est sa vie, sa santé, sa dignité qui sont en jeu. Peut-être que nous devrions nous mettre à la place de ceux qui ont le malheur de vivre le calvaire d'une épouse, d'une mère, d'une fille, d'une belle-fille dont la vie est menacée par une grossesse présentant des complications, ou qui vit le drame d'un fœtus en proie de malformations ou encore la tragédie de se retrouver enceinte après un viol. A-t-on le droit de leur refuser le choix d'avortement légal dans de tels cas spécifiques? Agirons-nous en responsables si nous laissons ces cas entre les mains d'avorteurs clandestins qui opèrent lugubrement avec des équipements dessués dans des endroits qui ne présentent aucune garantie pour la santé de celles qui se font avortées ? De toute façon, M. le président, ceux ou celles qui se retrouvent confrontés à de telles situations, même ceux ou celles qui sont contre l'avortement, je pense, finissent par reconnaître que l'arrêt volontaire de la grossesse est l'option la plus apte à considérer. Je répète il y va de la santé, de la dignité et du choix de la femme qui porte le fœtus.

De toute manière, M. le président, l'avortement, dans des cas spécifiques mentionnés dans le projet de loi et même l'avortement tout court se pratique à Maurice. On en a parlé, les chiffres sont éloquentes. Il y a peut-être presque autant d'avortements que de naissances. Bien sûr que l'avortement est, à présent, illégal, mais c'est une pratique courante. Les fortunés de notre société - comme vient de le dire le vice-Premier ministre, l'honorable Xavier-Luc Duval - qui ont de l'argent, se font avortés dans des cliniques privées ou même à l'étranger. Les pauvres se font avorter par les avorteurs clandestins au risque de leur vie. Elles sont nombreuses, malheureusement, à y laisser leur vie, tout simplement, parce qu'elles n'ont pas les moyens ou elles agissent dans la clandestinité pour ne pas tomber sous le couperet de l'illégalité. C'est cela la tragédie qu'on vit à Maurice, et honnêtement, je pense qu'on ne peut pas fermer les yeux face à cette réalité.

De mon point de vue, aussi longtemps que l'avortement est un choix et non une obligation ou une contrainte, cette pratique devrait être légalisée dans les circonstances spécifiques, détaillées dans le projet de loi. En tout cas, il y a un large consensus dans les cas où la vie, où la santé de la femme, porteuse du fœtus, est en danger. Les avis divergent en ce qui concerne les cas où les spécialistes en médecine, déterminent que le fœtus est en proie d'une sérieuse malformation ou anomalie et, bien sûr, j'en ai discuté avec certains médecins, certains spécialistes, je dois dire qu'il n'y a pas de *clear-cut* situation. C'est une situation assez difficile

dépendant des cas. Il y a des spécialistes qui m'ont dit que ce n'est toujours pas évident. Mais ne serait-ce qu'en tenant compte de ces différents points de vue qui ont été exprimés, j'arrive à la conclusion quand même que les personnes les plus aptes à conseiller la femme dans de telles circonstances, demeurent toujours les médecins.

Le choix de se faire avorter ou pas, revient à la femme en premier lieu et à son conjoint et les membres de sa famille en second lieu. Dans le cas de viol, cela paraît un peu plus compliqué, vu les différentes opinions qui ont été exprimées. Franchement, j'étais un peu surpris lorsque j'ai vu le *Bill* qui a été présenté à la Chambre. Je crois que - *of all people I must say and I am saying this in fairness to the Attorney General* – la section 2(d) mentionne ceci –

*"(d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the Police or a medical practitioner."*

La question - l'*Attorney General* le sait très bien - quelle difficulté une Cour de Justice, un juge, un magistrat, a de pouvoir rendre un jugement concernant un cas de viol. Maintenant, aller mettre cette responsabilité sur un médecin, je crois que c'est très bien que l'*Attorney General* ait circulé cet amendement, que j'accueille favorablement, parce que je pense que cela aussi aurait été, je dirai, une impossibilité. Donc, l'amendement qui a été circulé, je pense que cela va dans le sens même qu'on ne peut pas donner cette responsabilité à un médecin pour déterminer s'il y a viol ou pas. Evidemment, quand une grossesse découle d'un acte odieux, d'un viol allégué qui a souillé la dignité et l'honneur de la femme et qui ébranle bien souvent toute une famille, invoquant tout simplement la fatalité, serait forcément trop simpliste et même irresponsable à mon avis.

Pourquoi la victime d'un viol allégué devra-t-elle accepter le supplice d'une grossesse et d'une éventuelle naissance qui va de toute évidence ruiner toute sa vie ? Pourquoi ne devrait-elle pas avoir le droit de mettre fin à cette grossesse dont elle a honte ? Pourquoi devrait-elle être contrainte à donner naissance à un enfant à qui elle ne pourra jamais dire qu'il est la conséquence d'un acte criminel, pour ne pas dire barbare ?

M. le président, le projet de loi exige à ce que le cas de viol soit rapporté à la police avant que la victime puisse envisager un avortement légal. Il y a là des éléments fondamentaux à considérer, si vraiment l'objectif est de protéger la femme et non pas de l'exposer. Je



m'explique. Dans le cours actuel des choses, une fois le viol rapporté à la police, l'affaire est exposée en public. La femme est stigmatisée, son honneur est trainé dans la rue. C'est une situation que beaucoup de femmes ne sont pas prêtes à affronter. A présent, il y a des milliers de cas de viol ou d'inceste qui ne sont pas rapportés justement par peur de la stigmatisation. Des victimes, si elles se retrouvent enceintes, vont se faire avorter dans le secret, un secret qui est partagé seulement soit avec le médecin avorteur ou l'avorteur clandestin. Avec ce qui est proposé dans la version amendée du projet de loi, il ne peut y avoir d'avortement légal en cas de viol, si le viol n'est pas rapporté à la police. Donc, si l'objectif est compréhensible, c'est-à-dire, créer bien sûr un *deterrent* contre le crime de viol et sévir légalement contre ce crime odieux, par contre, que propose-t-on dans le texte de loi pour protéger la femme violée qui ira se faire avorter contre la stigmatisation de la société ? Rien n'est proposé et je trouve cela dommage.

A ce niveau, j'ai quelques propositions à faire à la Chambre dans le but de protéger effectivement la femme victime de viol contre la stigmatisation de la société. Je propose, donc, à ce qu'une unité spéciale de la police soit mise sur pied pour s'occuper uniquement des cas de viol ou d'inceste. Au moment où une victime se présente à cette unité pour rapporter le cas, elle devrait être prise en charge dans la confidentialité absolue. Son nom ne devrait en aucune façon être communiqué aux médias et je préconise à ce qu'on amende les lois régissant les médias pour interdire la publication du nom et de la photo de toute victime de viol. Il faudrait considérer la possibilité aussi d'utiliser un code ou une référence par rapport à chaque cas tout au long du processus menant à une cour de justice. Et les délibérations en Cour devraient se dérouler à huis clos et les jugements communiqués, sans dévoiler le nom de la victime. Evidemment, il faudrait considérer les amendements appropriés aux lois et les procédures judiciaires existantes pour qu'on puisse les adapter aux propositions que je viens de formuler.

M. le président, il ne faudrait, en aucun cas, occulter le fait que notre société multiraciale et patriarcale demeure très conservatrice et injuste envers la femme dans bien des cas. La stigmatisation de la femme violée est dramatique, d'où la nécessité de la protéger et non pas de l'exposer quand nous légiférons pour légaliser l'avortement dans les cas de viol ou d'inceste. Au Chili, par exemple, étant donné la vision patriarcale et la double morale qui règne dans ce pays également, l'avortement est moins sévèrement puni lorsqu'il est réalisé pour protéger l'honneur de la femme et de la famille. Je voudrais citer ici la Cour Suprême qui a ainsi établi que les femmes avaient le droit d'invoquer l'atténuation pour cause de déshonneur prévu dans le délit

d'avortement puisque la protection de l'honneur est une affaire personnelle. Ainsi, la Cour d'Appels de Santiago a établi que cette atténuation pouvait être accordée lorsque la femme alléguait avoir avorté par crainte d'être rejetée de son milieu social et économique.

Donc, c'est clair que la peur de la stigmatisation est réelle. J'en suis arrivé à cette conclusion en faisant personnellement un petit sondage et j'ai posé la question suivante à presque une cinquantaine de femmes : si demain, par malheur, vous êtes victimes de viol et vous vous retrouvez enceintes, allez-vous rapporter le cas à la police ? Vous serez surpris, M. le président, que 42 sur 50 ont répondu qu'elles ne rapporteront pas le cas à la police en raison de la stigmatisation dont elles seraient victimes. C'est tout dire. Et c'est la raison pour laquelle il faudrait élaborer le mécanisme qui garantirait la confidentialité absolue dans les cas de viol rapportés à la police et qui feront l'objet du procès en Cour. Ce n'est qu'à ce prix que la femme serait rassurée et trouverait le courage d'aller rapporter le viol ou l'inceste à la police et éventuellement avoir la possibilité de se faire avorter si elle se retrouve enceinte.

M. le président, j'ai essayé d'avoir un peu de renseignement. Je sais qu'il y a un *protocol of assistance to victims of sexual assault* qui a été mis sur pied et qui est toujours en vigueur, qui concerne deux scénarios. Une femme qui rapporte le cas à la police ou quelqu'une qui est admise directement dans une institution de santé mais en parcourant toute la procédure qui est établie dans ce protocole. Je trouve que quand même c'est très encombrant et toujours pas assez de confidentialité. Donc, si ces questions de confidentialité et de stigmatisation ne sont pas prises en compte comme il se doit, on finirait avec la situation où les avortements post-viol et post-inceste vont se faire de plus belle dans la complicité médecin/patiente et toujours l'illégalité.

Ce serait dramatique si on se retrouve quasiment à la case du départ après avoir légiféré pour légaliser l'avortement dans les cas de viol. Alors, M. le président, je suggère à ce qu'on réfléchit à tête reposée sur cette question de confidentialité et peut-être à l'avenir de proposer le mécanisme structurel - je sais que ce n'est pas facile - et légal afin que l'on puisse atteindre l'objectif fixé pour protéger la femme contre le viol et ses conséquences et certainement à pouvoir amener le violeur devant la justice pour répondre de son acte odieux.

M. le président, le projet de loi devant nous propose la légalisation de l'avortement dans certains cas spécifiques, mais il y a un manquement que je considère important. Rien n'est dit dans le cas où une grossesse est issue d'insémination artificielle imposée contre la volonté de la femme. Prenons le cas de la Colombie, par exemple. Dans ce pays, en mai 2006, la Cour a

dépénalisé l'avortement, c'est-à-dire à travers l'Article 122 du Code Pénal, en signalant que, je cite –

« Il n'y a pas de délit d'avortement lorsque l'interruption de la grossesse se produit avec la volonté de la femme dans les trois cas suivants –

(a) lorsque la poursuite de la grossesse constitue un danger pour la vie ou la santé de la femme de façon certifiée par un médecin - ce qui est presque ce que nous proposons aujourd'hui, sauf que c'est certifié par deux médecins.

(b) lorsqu'il existe une grave malformation du fœtus qui le rend non viable avec la certification d'un médecin – c'est à peu près ce que nous proposons aujourd'hui.

(c) lorsque la grossesse est issue d'une conduite dûment dénoncée, caractéristique d'un accès charnel ou d'un acte sexuel non consenti, abusif ou d'une insémination artificielle ou d'un transfert d'un ovule fécondé non consenti ou d'un inceste.

Aujourd'hui, en 2012, quand nous sommes en train de faire une avancée par rapport à la légalisation de l'avortement, je pense sincèrement qu'on devait corriger le manquement dans le projet de loi pour aussi inclure l'insémination artificielle ou d'un transfert d'un ovule fécondé non consenti.

M. le président, dans le processus menant à l'avortement volontaire, car il ne peut y avoir imposition ou contrainte dans aucun cas, la responsabilité des spécialistes est immense et beaucoup dépendra de leur conscience professionnelle et j'espère que le *Medical Council* aura à assumer un rôle primordial afin de veiller à ce qu'il n'y ait pas de brebis galeuses qui ternissent l'image et le professionnalisme des spécialistes intègres. L'État, bien sûr, doit y veiller de près et notamment je pense à travers le ministère de la santé et de la qualité de la vie. Autant que l'on puisse donner à la femme le choix d'opter pour l'avortement ou pas dans les circonstances spécifiques, autant faudra-t-il que l'on mette les moyens en œuvre pour prévenir.

Je ne voulais pas parler sur cela, mais étant donné que l'honorable Duval en a déjà fait état du programme de la *National Empowerment Fund*, étant donné que la pauvreté, une des causes principales d'ailleurs de beaucoup de conflits sociaux, de désarroi familial, de cas de viol, le combat, bien sûr, contre la pauvreté ne doit pas demeurer un slogan creux. Il nous faut, bien

sûr, des actions courageuses, avec les moyens financiers dont nous disposons aujourd'hui, je pense qu'on peut s'attaquer résolument à ce problème.

L'honorable Duval a dit, l'autre jour, que je me suis moqué de lui. Je ne me suis pas moqué de lui. J'ai fait état de la décision qui a été prise par le *National Empowerment Fund* dans un premier temps qui a été confirmé par le *Board* suivant du *National Empowerment Fund* avec son aval, lorsqu'il était le ministre de l'intégration sociale. Je me pose la question : si lui, il vient de dire que je me suis moqué de lui, pourquoi le programme qui a été approuvé par lui, comme ministre, n'a pas été suivi par le ministre actuel ?

*(Interruptions)*

Il ne faut pas dire qu'à ce moment-là je me suis moqué de lui. Ce n'est pas correct. Je réfute cette critique de la part de l'honorable Duval.

M. le président, il est vrai qu'on est en train de faire une avancée aujourd'hui sur la question de légalisation de l'avortement. On est en train d'amender le Code Pénal comme cela a été le cas dans d'autres pays du *Commonwealth*. Ici, je dois mentionner l'Inde qui fait partie des pays où les valeurs religieuses et morales sont très ancrées dans la société comme à Maurice. L'Inde a adopté, dès 1971, le *Medical Termination of Pregnancy Act*, une loi avant-gardiste. Le Singapour, souvent cité comme modèle, a adopté en 1974 l'*Abortion Act*, une loi très libérale bien qu'un amendement important ait intervenu en 1987 pour rendre obligatoire le *counselling* pré-avortement et un délai de 24 heures est accordé à la femme pour décider si elle veut avorter ou pas. Ici, à Maurice, on a longtemps discuté de l'avortement et de ses tabous et je me souviens, sous le gouvernement MSM/MMM de 2000 à 2005, qu'on avait déjà entamé des discussions et, par la suite, élaboré un *Draft Termination of Pregnancy Bill* inspiré du modèle indien. Nous avons fait du chemin et, aujourd'hui, nous avançons. Un premier pas est franchi et je l'accueille favorablement.

Mais, M. le président, comme j'ai dit tout à l'heure, il faudra ne pas oublier les milliers d'avortements qui se font, qui se feront à l'avenir et qui resteront illégaux parce qu'ils ne résultent pas d'une menace à la vie de la mère, d'un viol, d'un inceste ou en cas où le fœtus est en proie de malformations ou d'anormalités. Puisque le projet de loi ne concerne que des exceptions de circonstances spécifiques où l'avortement sera légalisé, le problème dans les autres cas reste entier. Un nombre élevé de femmes mariées, mères de plusieurs enfants déjà se font avorter, idem pour les jeunes filles et adolescentes qui tombent enceintes suivant des aventures

amoureuses non-protégées. Faut-il revoir notre politique de *planning* familial et de contraception? N'est-il pas temps de repenser notre approche par rapport à la promotion, la disponibilité et l'utilisation de la pilule du lendemain dont l'efficacité est maintenant prouvée? N'est-il pas temps d'accélérer le processus menant à introduire l'éducation sexuelle dans nos institutions secondaires? Et là, je me pose la question : 'que font les organisations religieuses et socioculturelles qui sont si volubiles en ce qui concerne les valeurs à propos de la sexualité, du mariage, de la fidélité, de l'amour et du respect de la femme et de l'enfant et de la famille ?'

M. le président, aucune société qui se dit moderne ne peut se figer dans le temps. On doit nécessairement évoluer et s'adapter tout en tenant compte de nos spécificités et sensibilités. L'avortement ne peut rester éternellement un sujet tabou. On fait une avancée aujourd'hui, il nous faudra prendre la mesure du problème au fil du temps car, même après l'adoption de ce projet de loi, l'avortement illégal sera toujours d'actualité. On doit y réfléchir le plus sérieusement possible et surtout éviter de nous voiler la face.

Merci, M. le président.

(06.13 p.m.)

**The Prime Minister:** Mr Speaker, Sir, as Prime Minister and as citizen of our country, it is with a sense of great pride and achievement that I welcome the introduction in this House of the Criminal Code (Amendment) Bill which seeks to allow termination of pregnancy in very specified circumstances. It can hardly be again said that such an important piece of legislation was long overdue. As the hon. Leader of the Opposition has rightly stated, *nous vivons un moment historique et solennel*. It is indeed a sign of the maturity of our democracy that on such an important topic, we have been able to rise above party politics and think first and foremost of the well-being of all those vulnerable women who are directly affected by abortions carried out in clandestine and dangerous circumstances.

Mr Speaker, Sir, it is also however thanks to the resolve and courage of this Government that this Bill is before this House today. This is not the first time that an appeal has been made to a government to grapple with the issue of abortion. I myself recall that Sanjit Teelock, when he was a Member of this august Assembly in 1993, submitted a motion worded as follows –

“This Assembly is of the opinion that abortion should no longer be considered an offence under the Criminal Code.”

He also put a number of parliamentary questions on the issue. At one point in April 1993, the then Deputy Prime Minister replied that –

“(…) we will continue with the debate until we reach a consensus.”

Mr Speaker, Sir, I believe it would be fair to say that consensus on such an issue is but a utopian dream. We have all read the many press reports on the subject since Cabinet agreed on 04 May 2012 to the introduction into the National Assembly of the Criminal Code (Amendment) Bill. In the beginning, positions were almost irreconcilable among certain groups. However, the introduction of the Bill has acted as a catalyst, and I think that hon. Ganoo mentioned it earlier on, it allowed for a debate on a very important and crucial issue. It acted as a catalyst for diametrically opposed groups to, as we say, *assouplir leur position*. Some had previously forcefully fought for outright legislation of abortion, agreed that although the Bill provides for the termination of pregnancy in limited circumstances, it was a step in the right direction and agreed to support it. Others who would previously not countenance any termination of pregnancy have made constructive proposals for amendments to be brought to the Bill.

Let me say outright that I respect the positions taken by all hon. Members in this debate in this House or even outside the House. Some of them are here. I have received many letters, Mr Speaker, Sir, expressing different views from the general public as well as from Mgr Piat, Mgr Harel and Mgr Ernest. The Attorney General met them and we have given due consideration to their views as far as possible. As hon. Members on our side know, I decided and the vice-Prime Minister and Minister of Finance and Economic Development, hon. Xavier-Luc Duval agreed that we should not impose the way. We allowed a free vote so that hon. Members are not under any kind of pressure and can vote according to their convictions. I know also that the MMM and now I just heard the MSM also did the same.

Mr Speaker, Sir, while I respect the personal views and beliefs of all hon. Members and indeed, of all Mauritians, I believe that time has come for us to recognise that Mauritius is a secular State and that no one and, even less, Government, should act in such a manner as to impede that person's enjoyment of his or her fundamental human rights. I thank all those who have put forward cogent, well-researched arguments in support of their position. It is, of course, understandable, Mr Speaker, Sir, that emotion and passion at times crept into the debate because it is a sensitive issue. But, at no time - at least I did not hear - did the debate become personal, threatening, debasing or hysterical. As Prime Minister, I must say I am proud of our people for

conducting such a civilised and sober debate. But, Mr Speaker, Sir, as Prime Minister, I had for some time now come to the conclusion that the *status quo* was no longer possible. That law on abortion that we have dates back, not to the last century, but even before the last century. Times have moved on and we must move with the times and be realistic. The time had come for the Government to bell the cat. Inaction and caution on the part of successive Governments had led to death of innocent, often young women and to unscrupulous people illicitly enriching themselves and putting the lives of these women, sometimes very young girls, in danger. It was time to decriminalise termination of pregnancy in specified circumstances and to provide for a stiff regulatory framework for the protection of our vulnerable citizens.

We knew, at all times, Mr Speaker, Sir, that there would not be a consensus on the provisions of the Bill, but we were also determined to go ahead. Sometimes, we have to face harsh realities and not bury our heads in the sand or sweep our convictions under the carpet.

Mr Speaker, Sir, under section 235 of the Criminal Code, abortion is presently a criminal offence in Mauritius, in any circumstances. In a gist, section 235 provides that it is immaterial whether or not the pregnant person consents to the abortion. When an abortion is carried out, an offence is committed both by the pregnant person who procures the miscarriage or consents to it, and any person, that is, including a medical practitioner, who procures, facilitates, and administers the means of this miscarriage. The penalty for an offence under section 235 is penal servitude for a term not exceeding ten years. Although this provision has existed for ages, it is a fact - many hon. Members on both sides drew our attention to it - that therapeutic abortions in our hospitals as well as backstreet abortions have always been practised. We are all alive to the problems associated with backstreet abortions, the risks of complications and very often death.

According to the Health Statistic Annual Reports, over the past ten years, 18,691 cases have been treated for complications following abortions, including spontaneous abortions. There have also been three deaths according to these statistics due to complications arising from abortion. Many probably do not show up in these figures. These figures, I think, may well represent the tip of the iceberg, but they are overwhelming and must give food for thought. Should we, in the face of the statistics, fold our arms and close our eyes to the reality?

Mr Speaker, Sir, it is a fact that those who have the means are able to either have an abortion here or else to travel abroad and have the abortion. It is the poor, those who are at a loss, who have no guidance, do not know what to do, they do not have the means to consult the

right people, it is they who go to the backstreet operators and these backstreet operators, with no medical knowledge, do their business under abominable conditions.

Mr Speaker, Sir, there is a case of Anath against the Queen, which was reported in the Mauritius Law Reports in 1977, I would urge hon. Members to read it, if they have the time. You would see under what horrible conditions the abortion was carried out. Believe it or not, with a bicycle spoke how the foetus was disposed of in a pit latrine and the ensuing medical complications of that lady. That was in 1977. Not much has changed as far as the backstreet operators are concerned.

Mr Speaker, Sir, as a responsible Government, our goal is to ensure that such practices are halted. We cannot remain indifferent to situations where women become victims of unsafe abortion because of a lack of access to safe medical treatment. Although abortion laws throughout the world have evolved drastically with a gradual move from the old anti-abortionist approach to a modern pro-choice approach, let me stress, we are not, through this legislation, seeking to introduce abortion on demand. I heard some people say that they don't want abortion on demand. It is not abortion on demand. The woman can decide. She has a choice. It is not compulsory. Abortion laws vary widely from country to country, ranging those, for example, in Chile, Equador, Nicaragua, the Dominican Republic, Malta and the Vatican City - Vatican City but not Italy - which banned the procedure completely, to those in the United Kingdom, Spain, Portugal, Bahrain, India - we just heard - the United States, some countries which restrict abortion after the point of foetal viability. In Pakistan, abortion is allowed to protect the woman's life, physical health and mental health and those in Canada, Vietnam and China, which have actually removed abortion completely from the Criminal Code.

What we seek to allow under the proposed new legislation 235A of the Criminal Code, is termination of pregnancy and, as I have said, in very specified circumstances, namely -

- where a continued pregnancy is likely to endanger the pregnant woman's life;
- affect her physical or mental health permanently;
- result in severe malformation or abnormality of the foetus, which will affect the viability and compatibility with life, and
- where a pregnancy has not exceeded its 14 weeks and results from a reported case of rape, sexual intercourse with a minor or incest.



I must add, Mr Speaker, Sir - from the letters that I have got and articles in the press - that many people have questioned these 14 weeks. Why was it chosen? Why 14 weeks? I must add, Mr Speaker, Sir, and the hon. Attorney-General knows it, I have asked a very eminent consultant - apart from the other people in the medical field - from the UK to advise us on this matter. We have not plugged the 14-week figure just like this. I am saying this, Mr Speaker, Sir, because of the campaign that some of them have been saying.

Mr Speaker, Sir, the European Court of Human Rights - I have just got this judgment here - had to deal with this point in 2004, in a case of V/o against France. Mr Speaker, Sir, they had to deal with the question of whether the foetus enjoys the protection of the right to life provided by Article 2 of the European Convention on Human Rights. I wouldn't read the whole report naturally, but let me just quote some of what they said -

“The Commission answered that abortion is compatible with Article 2, in the interest of protecting the mother's life and health because this provision assuming the applicability of Article 2 at the initial stage of the pregnancy contains an implied limitation on the foetus right to life, to protect the life and health of the woman at that stage. However, the Commission ruled out an absolute right to life of the foetus, having regard to the need to protect the mother's life. According to the Commission, giving priority to the protection of the foetus would mean that the life of the foetus was regarded as being of a high value than the life of the pregnant woman.”

Mr Speaker, Sir, at the end, they also quote a different case -

“One can look at the Commission's decision in H against Norway. There, the Commission whilst explicitly not excluding the possibility that a foetus falls within the scope of Article 2, declared that an abortion made in the first 14 weeks of pregnancy, did not violate the Convention.”

I think this speaks for itself, Mr Speaker, Sir.

The hon. Leader of the Opposition made some valid representations. These have been considered by the Cabinet and the hon. Attorney-General will be moving amendments at Committee Stage to give effect to most of his proposals. The only proposition, we did not adopt Mr Speaker, Sir, was that concerning the swearing of an affidavit to avoid false allegations of rape. It was a good suggestion, I must say. But the suggestion that the pregnant woman will

have to swear an affidavit to the effect that her pregnancy is a result of rape – we have examined the proposal very carefully because this is a real possibility, it is a fact of life that this can happen. However, we have decided against it because we felt it would be adding to the trauma and anxiety to subject such a person to have to swear an affidavit.

Already we know, Mr Speaker, Sir, many victims of rape fear to report the case because of the stigma attached to it. Now, we felt that to ask her to go and swear an affidavit to say that the pregnancy is due to rape would be making her already traumatic situation worse. We have tightened the law because of this situation. We have thought that maybe the best thing is to tighten the law. The making of a false declaration of rape, sexual intercourse with a minor or incest for the purpose of procuring treatment to terminate pregnancy will be criminalised and shall be liable on conviction to penal servitude for a term not exceeding ten years. Counselling will be provided to all women undergoing such abortions. Any termination of pregnancy, which is carried out outside the parameters of the proposed new section 235A, would remain an offence. I think it is important for people to realise this as well. Mr Speaker, Sir, women's rights are human rights. This is spelt out in the international and regional human rights covenants and treaties, but also in our Constitution, which prohibits discrimination under the ground of sex and our recently proclaimed Equal Opportunities Act. Mauritius needs, Mr Speaker, Sir, to confront its domestic realities, but also to honour its obligations at regional and international level. In July of 2003, the African Union adopted the optional protocol on Women's Rights to the African Charter on Human and Peoples' Rights. This human rights treaty which came into force in November of 2005 is the first human rights treaty to explicitly recognise the right to abortion. Let me quote from that, Mr Speaker, Sir – “State parties shall take all appropriate measures to protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the mental and physical health of the mother, or the life of the mother or the foetus”.

In the same vein, the 50<sup>th</sup> United Nations Convention on the Elimination of Discrimination Against Women Committee which met in Geneva on 07 October of last year and considered the report of Mauritius under the Convention - I was present there - had, when they were concluding it, in its concluding observations requested Mauritius to expedite the amendment of the Criminal Code Bill which seeks to amend section 2 (3) (5) of the Criminal Code on abortion in order to remove punitive measures imposed on women...

I am quoting their words –

“... who undergo abortion and decriminalise abortion under certain conditions specifically when pregnancy is harmful to the mother’s life and health as well as in cases of rape and incest”.

They asked us “to hasten the consultation process with the relevant stakeholders while ensuring that women are included in this consultation”.

With the present Bill, Mr Speaker, Sir, Mauritius will finally be able to honour this international obligation.

Mr Speaker, Sir, women are an integral part of our society. They contribute enormously to the growth and development of this country. It is our duty to support and protect vulnerable women and to give them the right to choose whether or not to carry on with a pregnancy which could have a detrimental impact on her health and well-being. The effect of this legislation is far reaching when it comes to the empowerment of women.

Mr Speaker, Sir, we must not overlook the fact that women’s rights are an important aspect of this Bill. Any Government, which is conscious of deep-seated societal discrimination that women face, has to address the fact that women should not be discriminated against with respect to equal access to health care. Vulnerable women who would otherwise have had to undergo life threatening pregnancies will be given a right to choose when it comes to their health and well-being.

In my view, Mr Speaker, Sir, a breach of a woman’s human rights and an affront to a dignity as a human being to deny her of the right to decide what to do with her body, to force her to bear a child within herself for nine months when it is the product of a brutal aggression or to force her to bear a child who will have to be given away at birth, I think that is wrong.

On the other hand, this Bill is not forcing – I again say is not forcing - a pregnant person in such circumstances to terminate a pregnancy. The decision can only be that of the pregnant woman after such counselling, support and advice that can and should be provided to her. Women who, for religious or other reasons or after having followed counseling, decide not to have a pregnancy terminated, although the law will allow them to do so, are free to do so. They should, Mr Speaker, Sir, be given all the support that we can. To that end, I must say my Office, with the help of the other Ministries - we will also be in touch with some stakeholders - will be reviewing about adoption structure. I further subscribe to the view that we should no longer

continue to treat teenage sexuality as taboo and urge our stakeholders to address this issue lucidly, responsibly and with realism.

Mr Speaker, Sir, I cannot end my speech without putting on record my appreciation for the enthusiasm with which the hon. Attorney General has piloted this Bill and the thoroughness with which he has undertaken consultations. I reiterate my remarks to all those who have contributed to this debate in and outside this House and we have heard, I must say, Mr Speaker, Sir, some speeches *d'un très haut niveau*. I must admit this. In particular, I want to thank all the hon. Members on this side of the House as well as the hon. Leader of the Opposition and the hon. Members of the Opposition for their support for this groundbreaking Bill.

Thank you, Mr Speaker, Sir.

(6.35 p.m.)

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, may I start off by expressing my sincere thanks to all hon. Members who have intervened on this Bill. On such an issue, it is difficult to reach an absolute consensus, and we have to agree to disagree. I must say that I respect the personal views and positions taken by all in this debate.

I have listened with great interest to the arguments which have been put forward. I again thank the hon. Prime Minister for his support and intervention. We have listened to 52 interventions, and the debate which has spread over five parliamentary sittings has generally been of a very high standard.

I seize the opportunity to thank you, Mr Speaker, Sir and the Deputy Speaker for the dexterity with which you both presided over the debates. I thank the hon. Leader of the Opposition for generally supporting the Bill.

However, he had three reservations. Firstly, he stated that we should ensure that the requirement to have two specialists in Obstetrics and Gynaecology does not cause undue delay. The process should be smooth and rapid. He also referred to the law in the UK, stating that proposals are now being made to have only one doctor.

Mr Speaker, Sir, let us not forget that the UK abortion law dates back to 1967. It is not surprising that the UK feels comfortable with a system put in place, and is now considering a proposal to rely on the opinion of only one doctor. We, on the other hand, are making a start in Mauritius in 2012, and we have, in fact, agreed to the proposition of the hon. Leader of the Opposition to have the opinion of two specialists instead of one in Obstetrics and Gynaecology

and one in the relevant field. This will be a very strong and necessary safeguard. It will reduce the likelihood of wrong opinions being reached.

As far as the delay issue is concerned, the Ministry of Health and Quality of Life will prevent undue delays, as stated by the hon. Minister. I understand that pools of appropriate specialists will be available to deal with the matter.

Secondly, the hon. Leader of the Opposition, the hon. First Member for Savanne and Black River and other hon. Members expressed reservations about how these specialists will be able to form an opinion on whether the pregnancy results from rape, sexual intercourse with minor or incest. I have been informed by colleagues from the medical profession that it is not difficult, following a medical examination of the pregnant person, to conclude whether the pregnancy results from an offence of rape, in view of the physical and mental trauma suffered.

I must also state that we are not reinventing the wheel with this formula. This specific provision has been inspired from South Africa's choice on Termination of Pregnancy Act 1996, although I hasten to add that what we are proposing in the Bill contains better safeguards.

Section 2 (1)(b) (iii) of South Africa's legislation says: "a pregnancy may be terminated from the thirteenth up to and including the twentieth week of the gestation period if a medical practitioner, after consultation with the pregnant woman, is of the opinion that the pregnancy results from rape or incest."

In South Africa, it is, therefore, sufficient for a medical practitioner after he has examined the pregnant woman to form such an opinion; nothing more is provided as safeguard there. However, in this Bill we are taking the care to include the following safeguards -

- (1) The opinions of not one, but three specialists have to be sought.
- (2) The opinion is not in relation to whether the offence of rape, sexual intercourse with minor under sixteen or incest has been proved.

If we read the wordings of the proposed section 235A to (d) carefully together with the relevant amendment, which I shall be moving at Committee Stage, it is in relation to an opinion formed in good faith that the pregnancy results from a case of rape, sexual intercourse with minor or incest which has been reported to the Police. *A priori*, therefore, these specialists will have to ascertain whether the matter has been reported to the Police.

- (3) Thirdly, any false declaration will constitute a criminal offence.

What has to be ascertained, first of all, is whether such allegation has been reported to the Police. The specialist will then have to form an opinion in good faith whether the pregnancy results from such an offence.

Mr Speaker, Sir, the third point raised by the hon. Leader of the Opposition was that swearing of an affidavit by victims of rape or incest to the effect would have had more of a deterrent effect. The swearing of an affidavit will necessitate going through certain administrative steps, for example, going through an Attorney, getting the paperwork done and going to court. As a result, it is bound to take more time and may prove a daunting experience for the victim. What we are proposing instead, that is, the requirement to have the case reported to the Police is straightforward and practical. Moreover, the penalty for making a false declaration will be penal servitude for a term not exceeding ten years which is much stronger than that for swearing a false affidavit. The aim behind this is to have a powerful deterrent effect on the rare women who may be inclined to make false declarations of rape or incest in order to have the pregnancy terminated.

The hon. Third Member for Stanley and Rose Hill, the hon. First Member for GRNW and Port Louis West, the hon. Second Member for Port Louis North and Montagne Longue, the hon. Second Member for Beau Bassin and Petite Rivière, the hon. Second Member for La Caverne and Phoenix, and a few other hon. Members have raised several qualms about the Bill, many of which have already been answered by my colleagues, the hon. Minister of Health and Quality of Life and the hon. Minister of Housing and Lands. The hon. Third Member for Belle Rose and Quatre Bornes has also answered a number of issues raised.

Mr Speaker, Sir, international human rights law as well as courts worldwide have clearly established that any prenatal protection must be consistent with women's human rights. As far as 1973, the United States Supreme Court decision in *Roe v Wade* established that a woman has a right to self-determination covering the decision whether or not to carry a pregnancy to term, but that this right must be balanced against a State's interest in preserving fetal life. In the case of *Tremblay v Daigle* (1989) the Supreme Court of Canada held that a foetus has no legal status in Canada as a person either in Canadian common law or in Quebec civil law.

Mr Speaker, Sir, the hon. Third Member for Vacoas and Floreal and the hon. Third Member for GRNW and Port Louis West spoke about our international obligations. The Beijing Platform for Action 1995, to which Mauritius is a party, thus expressly called upon Governments

to re-examine abortion laws that punish women. The CEDAW, the Committee on the Elimination of Discrimination against Women, recommended Mauritius to, I quote -

“Consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Beijing Platform for Action.”

Mr Speaker, Sir, I would also wish to reassure the hon. Third Member for GRNW and Port Louis West, who referred to the case of the minor who is a victim of incest and whose parents would not give their consent to the pregnancy resulting from the incest being terminated. Once the young pregnant person reports the offence to a teacher, a doctor, a friend, members of the medical or paramedical profession and members of the staff of the school, have the duty, under section 11 of the Child Protection Act, to notify immediately the Permanent Secretary of the Ministry of Gender Equality, Child Development and Family Welfare who may then promptly apply to the District Magistrate for an emergency protection order. Such an order confers on the Permanent Secretary’s authority where necessary for the welfare of the child to cause her to be submitted to medical examination or to urgent treatment.

I have no doubt, Mr Speaker, Sir, that a victim of incest should be removed from the household of her aggressor and that the Permanent Secretary could, in such circumstances, authorise the termination of pregnancy which results from incest.

The hon. Third Member for Port Louis Maritime and Port Louis East expressed the rather extraordinary view that the specialist would be usurping the function of the Judiciary by finding, in effect, a person guilty of the offence of rape, sexual intercourse or incest. I must say, I had some difficulty understanding the hon. Member on this issue. It is quite clear that the specialists are not concerned with the offender, but with the victim. The identity of the offender is, in fact, irrelevant, except in the case of incest. What matters is that the offence has to be reported to the Police. It would be dealt with by the appropriate authorities. Unfortunately, the outcome of the case cannot be awaited. It suffices for the purposes of this Bill that the offence was reported to the Police and that the specialists are of the opinions in good faith that the pregnancy results from such an offence.

Many hon. Members have spoken about the delay in prosecuting and hearing of rape or incest cases. I assure the House, Mr Speaker, Sir, that I have taken good note of those representations and will convey them to the appropriate authorities.

Mr Speaker, Sir, we cannot close our eyes to regional and international provisions and judgments. We live, after all, in a global village. As a responsible Government, we are bringing this legislation to address real existing problems and above all to provide relief to vulnerable girls and women. We are only giving them the choice in limited circumstances rather than there being no choice at all. Do the women of this country do not deserve to be given the right to choose?

Let me hasten to add, however, that I do not believe or wish termination of pregnancies as envisaged by this Bill to be the panacea for teenage pregnancy. I fully endorse the views expressed by both sides of the House in favour of enhanced sexual education for teenagers in the light of stark modern realities.

As I stated in my Second Reading speech, we are about to create history. By voting for this Bill, we will be changing the lives of many girls and women in a positive way. Once again, I am very grateful to the hon. Prime Minister for his relentless support and vision. A change in the law was long overdue and without the vision and commitment of this Government, it would not have been possible to move forward.

Before I end, Mr Speaker, Sir, allow me, again, to express my thanks to all hon. Members who have contributed to and enriched this debate. I wish to inform the House that I will be moving for a division of votes at Third Reading. I thank you all for your kind attention.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

### **THE CRIMINAL CODE (AMENDMENT) BILL**

**(NO. VIII OF 2012)**

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3 (Section 235 of principal Act amended)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Varma:** Sir, I move that in clause 3(b), the words “section (1)” be deleted and replaced by the words “subsection (1)”.

*Amendment agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*



*Clause 4 (New Section 235A inserted in principal Act)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Varma:** Sir, I move for the following amendments in clause 4, in the proposed new section 235A –

- (i) in subsection (2), by deleting the words “specialist in the relevant field shares” and replacing them by the words “specialist in obstetrics and gynaecology and another specialist in the relevant field share”;
- (ii) in subsection (2)(c), by deleting the words “, as assessed by the appropriate specialists” and replacing them by the words “which will affect its viability and compatibility with life”;
- (iii) in subsection (2)(d), by deleting the words “or a medical practitioner”;
- (iv) by inserting, after subsection (2), the following new subsection, subsections (3) to (9) being renumbered (4) to (10) –

(3) Notwithstanding sections 297 and 298 of the Criminal Code, any person who, for the purpose of procuring treatment to terminate pregnancy, knowingly makes a false declaration of rape, sexual intercourse with a female under 16 or sexual intercourse with a specified person to the police shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

- (v) in subsection (4), as renumbered, by deleting the words “(4) and (5)” and replacing them by the words “(5) and (6)”;
- (vi) in subsection (7), as renumbered, by deleting the words “Where appropriate, counselling” and replacing them by the word “Counselling”.

*Amendments agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

*Clause 5 (Consequential amendments)*

*Motion made and question proposed: “that the clause stand part of the Bill”.*

**Mr Varma:** Sir, I move for the following amendment –

In clause 5(a), in the proposed section 38A(6), in the definition of “prescribed institution”, by deleting the words “subsection (4)” and replacing them by the words “subsection (5)”.

*Amendment agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6 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 Mr Speaker in the Chair, Mr Speaker reported accordingly.*

*Third Reading*

*On motion made and seconded, the Criminal Code (Amendment) Bill (No. VIII of 2012) was read a third time.*

**Mr Varma:** Sir, I move for a division.

*(Division Bells were rung)*

1. Hon M. K. Seeruttun
2. Hon P. Roopun
3. Hon K. Ramano
4. Hon Mrs M. J. Radegonde
5. Hon L. S. Obeegadoo
6. Hon D. Nagalingum
7. Hon K. C. Li Kwong Wing
8. Hon P. K. Jugnauth
9. Hon P. Jhugroo
10. Hon Mrs S. B. Hanoomanjee
11. Hon A. K. Gungah
12. Hon Mrs L. D. Dookun-Luchoomun
13. Dr. the Hon. S. Boolell
14. Hon N. Bodha
15. Hon Mrs P. K. Bholah
16. Hon. V. Baloomoody
17. Hon J. C. Leopold
18. Hon D. S. Khamajeet

19. Hon A. R. G. M. Issack
20. Hon A. H. Hossen
21. Hon J. H. T. Henry
22. Hon. P. G. Assirvaden
23. Dr. the Hon B. Hookoom
24. Hon Ms M. G. S. Anquetil
25. Hon Ms K. R. Deerpalsing
26. Hon R. A. Bhagwan
27. Dr. the Hon R. R. Hawoldar
28. Hon M. Peetumber
29. Hon P. R. Bérenger
30. Hon S. Moutia
31. Hon Mrs M. F. Martin
32. Hon J. Seetaram
33. Hon S. Dayal
34. Hon S. C. Sayed Hossen
35. Hon L. Bundhoo
36. Hon J. Sik Yuen
37. Hon M. Choonee
38. Hon L. H. Aimée
39. Hon S. Ritoo
40. Hon L. J. Von-Mally
41. Hon T. Pillay Chedumbrum
42. Dr. the Hon R. Jeetah
43. Hon D. Virahsawmy
44. Dr. the Hon V. Bunwaree
45. Hon Mrs S. Bappoo
46. Dr. the Hon A. T. Kasenally
47. Hon A. Bachoo
48. Hon X. L. Duval

49. Dr. the Hon A. R. Beebeejaun

50. Dr. the Hon Prime Minister

**AYES: 50**

1. Hon. M. R. C. Uteem
2. Dr. the Hon M. R. Sorefan
3. Hon S. Soodhun
4. Hon Mrs L. N. Ribot
5. Hon J. P. F. Quirin
6. Hon Mrs A. Navarre-Marie
7. Hon G. P. Lesjongard
8. Hon Mrs F. Labelle
9. Hon E. J. R. Guimbeau
10. Hon. J. F. François
11. Hon. C. M. Fakeemeeah
12. Hon. J. C. Barbier
13. Hon M. Ameer Meea
14. Hon Mrs M. J. Perraud

**NOES: 14**

1. Hon A. Ganoo

**ABSTENTION: 1**

1. Hon. Mrs K. B. Juggoo
2. Hon. S. Mohamed
3. Hon. S. V. Faugoo
4. Dr. the Hon. A. K. Boolell

**ABSENT: 4**

**AYES: 50    NOES: 14    ABSTENTION: 1                    ABSENT: 4**

**Mr Speaker:** The Ayes have it.

*The Criminal Code (Amendment) Bill (No. VIII of 2012) was read a third time and passed.*

(7.03 p.m.)

*At this stage the Deputy Speaker took the Chair.*

### **MOTION**

#### **GOVERNMENT PROGRAMME 2012-2015**

*Order read for resuming adjourned debate on the following motion of the hon. Third Member for Port Louis North and Montagne Longue (Mrs B. Juggoo) -*

*“This Assembly resolves that the Government Programme 2012-2015 presented to this Assembly on Monday 16 April 2012, copy of which has been circularized amongst Honourable Members, be and is hereby approved.”*

*Question again proposed.*

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** M. le président, permettez-moi à l’occasion de ma participation dans le débat autour de cette motion de remerciements pour le discours-programme qui a été lu par Madame la présidente par intérim de la République, le 16 avril dernier, de féliciter en commençant par Madame la Présidente elle-même pour avoir lu ce discours avec autant de conviction et de brio. Permettez-moi aussi, M. le président, de remercier et de féliciter l’honorable Madame Kalyanee Juggoo pour avoir été l’auteur de cette motion de remerciements pour ce discours-programme et permettez-moi aussi de remercier et de féliciter le Premier ministre lui-même pour avoir été le moteur de ce programme et aussi pour la stratégie adoptée afin que ce programme soit lu et que les débats autour de ce programme soient à l’ordre du jour de notre auguste Assemblée.

M. le président, posons-nous la question : c’est quoi un programme gouvernemental et pourquoi cette motion à l’Assemblée Nationale ? Un programme gouvernemental, M. le président, est toujours un projet de programme qui vient à l’Assemblée Nationale pour démarrer une législature. Cela vient presque toujours après une élection et, dans notre pays, une élection démocratiquement conduite et à la suite de laquelle le pays se retrouve avec une majorité parlementaire au sein de laquelle on retrouve le gouvernement et ses membres et de l’autre côté une opposition parlementaire avec un *Leader* et des membres.

Après une élection, donc, démocratiquement conduite où se trouve constituée notre Assemblée Nationale, on démarre toujours avec un programme et ce programme reflète en général notre programme qui a été débattu au sein de l’électorat pendant la campagne électorale où il y a beaucoup de discussions, de conversations avec du folklore animant tout cela et où l’on

a l'occasion juste avant le démarrage de notre programme de cinq ans au niveau d'un gouvernement démocratique comme chez nous, de réfléchir s'il faudrait apporter certains amendements à notre programme électoral, projet de société débattu avec le peuple, s'il faudrait apporter des amendements sur la base des conversations, des discussions, des débats qui ont eu lieu dans le pays pendant la campagne électorale et on finalise donc ainsi un programme gouvernemental où le moteur est bien le Premier ministre lui-même, comme je l'ai dit tout à l'heure, et où il y a la contribution de tout un chacun de son groupe.

Ce programme est lu par le Président de la République, en l'occurrence Madame la Présidente, et puis, il y a une motion qui est proposée pour débattre ce programme et cette motion, M. le président, était déposée il y a quelques semaines déjà par notre amie élue de la circonscription Port Louis Nord et Montagne Longue pour permettre les débats autour des projets, des différents thèmes qui se retrouvent dans ce programme.

L'occasion est donnée à ce moment à tous les membres de l'Assemblée de participer aux débats et de venir - bien sûr, je parle de l'opposition essentiellement - faire leurs propositions, contrepropositions, critiquer et donner leurs avis et cela permet encore une fois une autre réflexion dans le but de permettre un meilleur développement du pays. Le programme est proposé par le gouvernement. Le gouvernement va, bien sûr, défendre ce programme. Mais on s'attend à ce que l'opposition vienne de l'avant pour attirer l'attention du gouvernement sur certains points qui pourraient paraître, à sa façon de voir, inacceptables ou irréalisables, et faire des propositions ou des contrepropositions pour essayer d'améliorer tout cela dans le but de faire, après l'élection, cinq ans de progrès et permettre une évolution de notre société pour que les projets de société de notre pays soient réalisés. Sa façon de voir pourrait paraître inacceptable ou irréalisable et faire des propositions ou des contrepropositions pour essayer d'améliorer tout cela dans le but de faire deux des cinq ans de progrès après l'élection et permettre une évolution de notre société pour que le projet de société de notre pays soit réalisé. Voilà ce qu'on voit aujourd'hui. L'opposition joue l'abonné absent. Ils ont déserté l'hémicycle pour des raisons qu'on connaît.

M. le président, je voudrais vous dire qu'en ce qui concerne notre Premier ministre, nous avons eu, après les élections de 1995, un discours programme au début de 1996. Nous en avons eu un autre après les élections de juillet-août 2005 et, dans les semaines qui ont suivi de 2005, un

autre discours programme parce que ce sont des élections qui étaient faites pour durer jusqu'à 2010 et ce qui a été le cas.

En 2010, il y a eu une autre élection, donc un autre discours programme avec le même Premier ministre et ayant permis au pays d'avancer et d'arriver où on est aujourd'hui. Nous savons d'ailleurs qu'en 2005 nous avons débattu de nombreuses fois ici même des difficultés sur le plan international; tous les grands défis, les crises, etc. Nous savons comment nous avons résisté à tout cela et ces discours programmes ont été des discours qui ont permis à un programme de se réaliser. En 2010, c'est la même chose. Après les élections de 2010 au mois de mai il y a eu encore une fois le discours programme. Dans les trois cas que j'ai mentionnés nous avons le même Premier ministre; nous avons des alliances différentes en fonction de ce qui se passe, des événements qui ont eu lieu dans le pays, mais, à chaque fois, c'était après une élection. A chaque fois, c'était un programme débattu avec le peuple.

Voilà ce coup-ci en 2012, on a un quatrième discours programme avec le même Premier ministre mais par obligation, je dois dire, ce coup-ci ce n'est pas après une élection, mais c'est après une prorogation de notre assemblée qui est permise dans nos lois et dans notre système démocratique parlementaire. A l'occasion d'un coup de maître du Premier ministre, *leader* de la Chambre et *leader* de l'alliance majoritaire au pouvoir, parce que c'était l'effet d'une stratégie qui a obligatoirement des avantages extrêmement valables pour le pays, il a décidé de faire proroger l'Assemblée Nationale et, je pense que, dans son esprit, il y avait deux choses importantes. Ces deux choses nous animent aussi nous de ce côté de la Chambre. Premièrement, les événements politiques qui ont eu lieu dans le pays aujourd'hui sont à l'origine du fait que l'opposition ne soit pas présente. Cette évolution politique a créé un flou politique dans le pays; a créé une confusion, je dois dire, dans le pays, alors qu'une partie de cette opposition donc le MSM en l'occurrence était avec le gouvernement, avait débattu le programme gouvernemental des cinq ans en 2010. Ils ont été élus effectivement sur la base de ce programme. Ils décident de rompre l'accord, de fuir leurs responsabilités, et de disparaître de cette alliance qui avait été prometteuse pour le pays pour une période de cinq ans, de 2010 à 2015. Nous aurons à rendre compte. Le moment va venir. N'empêche que cela crée un flou. Je ne rentre pas dans les détails. Plusieurs membres qui ont parlé avant moi ont expliqué les raisons qui ont aujourd'hui poussé l'opposition MSM à agir de la sorte – défense des clans, clans familiaux ou autres. Ils jouent aujourd'hui aux déserteurs. Ils perdent la confiance du peuple mais nous, le Premier ministre, en particulier, ne

pouvait pas laisser paralyser le pays. C'est une des raisons majeures, je pense, qui a fait que le Premier ministre ait décidé de proroger l'Assemblée et de permettre l'Assemblée d'avoir un autre programme gouvernemental à débattre.

M. le président, il y a aussi cette deuxième raison. Le Premier ministre a été élu en 2010. Il est devenu Premier ministre encore une fois pour ramener ce paquebot Maurice à un meilleur avenir. Il s'agit du développement de notre pays. C'est de cela qu'on parle. Il ne pouvait pas permettre que le développement soit à l'abandon - déjà en 1995, je dois dire, mais qui a pris un essor hors concours, si je puis m'exprimer ainsi, en 2005; qui a continué en 2010 pour aller jusqu'à 2015 où il sait très bien qu'il aura à rencontrer à nouveau l'électorat Mauricien pour briguer un prochain mandat.

Alors, c'est la deuxième raison essentielle, en bon stratège qu'il est, reconnu par tout le monde, qu'il est passé à l'action et a permis la prorogation de cette Assemblée qui a provoqué donc pas de nouvelles élections, bien sûr, parce que ce n'est pas fait pour cela, mais la possibilité de remettre de l'ordre dans ce grand flou politique et qui a permis de mettre les points sur les i pour qu'il n'y ait plus de confusion, que le peuple sache que voilà pour les mois à venir maintenant et pour plusieurs mois. Quand l'Assemblée a été prorogée, c'était à un an et demi après les élections. Donc, il y avait déjà trois ans et demi devant nous. Maintenant, on peut dire il y a près de trois ans, mais vous savez que les élections peuvent se faire quelques mois après aussi. C'est presque une autre législature. Vous savez il y a eu dans l'histoire politique de notre pays des moments où les élections ont eu lieu prématurément sur quatre ans. Cette période qui est devant nous, de trois ans et demi à quatre ans, est une période relativement longue, je dois dire, pour que le gouvernement puisse accomplir sa mission et faire mieux encore pour le bien de notre pays et de notre population.

M. le président, pour éclaircir ce brouillard politique et politico-économique de notre pays, nous avons, bien sûr, la chance maintenant de parler de ce programme, d'étayer les points qui ont été soulevés, qui ont été émis dans ce programme lu par la Présidente par intérim de la République.

Sans perdre de temps, M. le président, pour repartir dans les raisons de l'absence de l'opposition, je dois juste, avant de venir à la partie qui m'intéresse de ce programme de l'éducation en général parce que l'éducation est à la base de tout comme on le sait, dire que pour moi c'était quelque chose de très poignant un jour où j'étais ici à cette Assemblée. Vous savez il



y a des moments où grâce à vos soins, vos services, vous permettez aux personnes âgées ou même aux enfants de venir visiter l'Assemblée Nationale. Ils viennent en autobus et nous, les élus des régions - vous aussi avez sûrement eu l'occasion d'assister à ces petites séances, M. le président - ils viennent ici, ils s'asseyaient sur les sièges qui sont là devant nous. Je me rappelle il y avait des personnes de ma circonscription qui étaient venus et j'étais debout pas très loin de votre perchoir, M. le président, pour leur dire quelques mots. Et je leur indiquais l'endroit où, avant la cassure de 2011, s'asseyait le *then vice-Prime Minister and Minister of Finance*, c'est-à-dire, quatre sièges à ma gauche, ici. Et puis, j'indiquais à ces mandants l'endroit où s'assoit aujourd'hui le député, l'honorable Pravind Jugnauth, c'est-à-dire, cinq sièges à ma droite. Je leur demandais : « Qu'est-ce que vous voyez devant vous là ? » Devant nous, ici là ? Et j'étais de l'autre côté, près de votre perchoir. Tout le monde a dit: "*It's the floor in front of us.*" Alors, comment est-ce que le député, l'honorable Pravind Jugnauth, a pu quitter cette place, ici, et aller à six ou sept mètres, de l'autre côté, *without crossing the floor* ? Comment cela a pu se faire ? Et, ils ont voulu nous faire comprendre : "Non, il y avait des raisons, etc.". Mais, c'était tellement clair, tout le monde sait que le MSM n'a non seulement déserté, mais a permis une pratique anti-démocratique de *crossing of the floor*. Pourtant, nous avons deux députés, ils sont toujours du même coté, ils sont devenus ministres maintenant, alors ils commencent à taquiner, à parler de n'importe quoi, alors que c'est tellement clair, tout le monde dans une voix unanime, avait bien dit ce jour-là, c'était tellement clair que *you cannot leave this place on my left and go on that place on my right without crossing the floor. These are the people who have crossed the floor*. Et le peuple jugera le moment venu.

Mr Deputy Speaker, Sir, let me now come to the Government Programme 2012-2015. Je dois aussi dire, M. le président, avant de rentrer dans le vif du sujet, que pour préparer ce programme, les ministres ont eu une implication, parce que quand le temps est venu pour préparer le programme, cela a pris trois à quatre semaines. Tous les ministres s'étaient mis à la tâche afin de voir ce qu'on va faire. Le programme avait été débattu dans la population en 2010. On avait déjà un programme 2010-2015. On était à 18/19 mois après le premier programme de 2010-2015. Donc, la première chose que tout le monde devait faire - et c'est ce que j'ai fait - c'est d'aller voir notre programme 2010-2015, voir tous les projets qui ont été mentionnés et voir où on en était, *make an assessment, at least, of all the points that were raised in that programme*. Mais, M. le président, si je prends mon propre ministère, si je prends mon propre domaine de

l'éducation et de la formation, les 85% des mesures annoncées dans le programme 2010-2015 étaient déjà accomplies. Et je sais que parmi mes collègues, il y en a d'autres encore, tout le monde a fait des progrès. Mais, j'avais déjà accompli 85% du programme gouvernemental 2010-2015, alors qu'on était encore en 2011. Comme-ci, si le Premier ministre n'avait pas eu cette grande notion de venir proroger l'Assemblée Nationale et de nous permettre d'avoir un autre programme à travailler, je serais réduit au chômage technique dans les quelques semaines qui auraient suivi, parce que j'aurais terminé les 100% pratiquement dans les semaines qui allaient suivre. Donc, heureusement, pour le pays peut-être qu'on a eu quand même à travailler d'arrache-pied pour refaire un nouveau programme. Ce nouveau programme est basé sur cette discussion que nous avons eue démocratiquement avec la population, avec l'électorat en 2010, on ne peut pas oublier cela. Bien sûr, il y a eu autre chose qu'on a dû ajouter, parce qu'on a trois ans et demi devant nous. Comme je sais, il y a beaucoup de projets qui ont déjà été accomplis, pas seulement au niveau de mon ministère, comme je le disais, mais aussi au niveau des autres ministères. Donc, il a fallu continuer à innover, à créer et à trouver des moyens pour que ce programme soit un programme encore meilleur, et la chance du pays, c'est que nous avons eu des crises et nous avons résisté honorablement à des crises entre 2005 et 2010. Ce qui fait que nous avons déjà la preuve d'une économie résiliente qui a su se maintenir pour pouvoir permettre un meilleur avancement de notre pays.

Mr Deputy Speaker, Sir, having said this, I must say that, never before in the annals of the education history of our country, have we been able to implement Government measures in such a short span of time with such groundbreaking and landmark setting reforms which have been instrumental in the transformation of the entire education system.

What has been achieved, Mr Deputy Speaker, Sir, needs now to be consolidated and this is what I intend to do. An 'edifice' needs now to be constructed on existing foundations. This is what the Government Programme 2012-2015 will do. This new programme, Mr Deputy Speaker, Sir, will provide an added boost to sustain the innovative reforms in the education sector and will contribute towards enhancing the level of development in our country.

Mr Deputy Speaker, Sir, as rightly pointed out in the programme, the guiding principles of the Government has been to coordinate national efforts to achieve a higher degree of prosperity, raise skills and capacity of our people and harness the power of technology.

But over and above all, we will ensure that the children who leave our system as young adults are full-fledged citizens and this after having had the opportunity to develop fully their potential as well as a holistic personality development - sufficiently equipped to meet the challenges in life.

Mr Deputy Speaker, Sir, key policy reforms have been initiated by my Ministry over the period 2010-2012 in line with the strategic plan of my Ministry covering 2008 and 2020. Furthermore, policy measures announced in the new programme 2012-2015, I must say, had already started being implemented at the beginning of the year, *avant même que le programme n'arrive, parce que c'est normal. C'est normal, parce que le nouveau programme a pris en considération les nouveautés commencées au sein de l'éducation, qui n'étaient pas nécessairement dans le programme 2010-2015. Donc, on a inclu dans le nouveau programme* and, therefore, we have started implementing and this programme has taken it on board and will give a further boost for us to go more quickly and realise other things for the education sector in Mauritius. This programme, Mr Deputy Speaker, Sir, if we look into the details of the subjects that it deals with, will show that we want to transform our education system, ensure equitable access, enhanced quality and improved delivery of learning.

My Ministry, Mr Deputy Speaker, Sir, has been proactive, not only for having implemented, as I said, nearly all the measures of 2010-2015, but also for having put on rails some new measures which have been announced in this new programme.

Mr Deputy Speaker, Sir, I consider the pre-primary sector which is, I must say, as the foundation of the education sector and I think everybody agrees on that. Everybody who is interested in education knows that the pre-primary subsector is, in fact, the foundation of the education sector.

It is of common knowledge, Mr Deputy Speaker, Sir, to everyone and it is recognised internationally that a child who is exposed to formal pre-primary schooling has greater chances of being successful later in his/her future career. In this regard, Government is placing further emphasis on policies pertaining to early childhood development. We have promoted access, and will continue to promote access at a very early stage.

The access deficit, Mr Deputy Speaker, Sir, for children aged three to five years was around 16% in 2005, and it has considerably decreased to 4% in 2012 which is, in fact, a landmark.

In line with our policy of promoting access to all school-aged students in our system and that no child be left behind, we have successfully implemented the Grant Scheme, originally applicable to four-year olds, by extending same to cover three-year olds as from January this year.

As part of the continuum for the universalisation of education, pre-primary education, Mr Deputy Speaker, Sir, will be made compulsory, as mentioned in the programme 2012-2015, for the age group three to five, as from January 2013. Emphasis will also be placed on the quality of care and education provided in preschools.

*Maintenant, l'éducation sera obligatoire dès l'âge de trois ans jusqu'à l'âge de 16 ans.* Until now, it is from the age of 5 to 16, but as from January 2013, we will come with proper legislation to make it compulsory as from the age of 3, which means from the age of 3 to 16, education will be compulsory in Mauritius as from January next year.

Now, I come to the primary subsector, Mr Deputy Speaker, Sir. A lot of transformation is taking place in that subsector. This encompasses, amongst others, the introduction of new subjects, the reinforcement of curriculum, new pedagogical measures, new strategy for ZEP schools, review of the CPE, regulation of additional tuition, and may I proudly say, Mr Deputy Speaker, Sir, the use of our two mother tongues, namely *Kreol Morisien* and *Bhojpuri*. Today, this is a reality. The official recognition of *Kreol Morisien* and *Bhojpuri* languages, and their introduction as optional subjects in our primary schools, has been a success at Std 1 level this year. Teaching and learning are going on swiftly in both subjects, and the results are excellent.

It is worthwhile noting that the “*Akademi Kreol Morisien*” has also been accordingly set up. Under the aegis of this *Akademi*, a number of documents have come up, namely “*l'Ortograf Kreol Morisien*”, the “*Gramer Kreol Morisien*” and the “*Diksioner Morisien*” have been produced.

Concerning *les Zones d'Éducation Prioritaires*, Mr Deputy Speaker, Sir, we have encouraging results with the ZEP programme, and improvements have been noted in a number of schools, but there is still a lot to be done, and we are going to continue in that direction.

As far as reducing the failure rate at the end of the primary cycle is concerned, we have, Mr Deputy Speaker, Sir, successfully implemented new, innovative pedagogical programmes to improve performance across the primary cycle. Moreover, the implementation of the special CPE Repeaters Programme – *un programme commencé l'année dernière* – a diagnostic and

continuous assessment, performance level of CPE repeaters in 2011 increased by about 2.8%. *Normalement, l'augmentation est de 0.5 à 1%, mais dans le groupe des repeaters, avec un nouveau programme introduit l'année dernière, le success rate au CPE a été augmenté par presque 3%, qui est un résultat remarquable.*

The new Government Programme 2012-2015, Mr Deputy Speaker, Sir, enunciates also a strategic review of the CPE. Je dois dire qu'on avait déjà commencé cela. Une revue des examens du CPE est incluse dans le programme maintenant. J'ai organisé un grand forum *where all stakeholders were invited*. C'était de très haut niveau et à la suite de cela, on a mis sur pied cinq comités pour cinq départements, avec des programmes différents. Ces comités ont travaillé. Ils ont pratiquement terminé avec le travail, et ce travail est résumé dans un rapport pour chaque comité. Ces rapports ont été déposés sur la table au niveau de mon ministère, et les experts sont en train de se pencher sur la question de rappeler le grand forum national afin de débattre toutes les conclusions de ces cinq comités, y compris les modes de sélection des écoles secondaires, pour voir dans quelle direction on doit continuer. Quant à aller dans la même direction, sûrement pas - c'est pour cela qu'on a mis sur pied ce travail - mais ce qu'il faut apporter comme changement.

It would be recalled, therefore, Mr Deputy Speaker, Sir, that this work has already started, and is going to yield its results in the weeks to come. In line with the objective of rendering the learning experiences of students more enriching and stressfree, Government will pursue actions to reduce overreliance on additional tuition, which is the real scourge of the current educational system that stunts a holistic development of the child. In this regard, following amendments already brought to the Education Act in 2011 - we have turned away with tuitions in Std IV in primary schools - new regulations are going to be promulgated in the weeks to come, to regulate and control additional tuition for pupils beyond Std IV, *parce que dans des cas où les leçons privées seront tolérées, il y aura des règlements car on ne peut pas continuer à permettre aux enfants d'aller prendre des leçons, par exemple, à six heures du matin, avec des gros sacs sur le dos, ou d'aller prendre des leçons les dimanches et les jours fériés, ou même d'aller dans des groupes de 30 à 40 élèves, avec un éclairage bien sombre qui abîme les yeux des enfants. Donc, il y aura des règlements qui vont venir pour réguler ce secteur.*

Mr Deputy Speaker, Sir, let me come to the secondary subsector. We have talked about the reviewing of the formula for the payment of SC and HSC examination fees. The

Government has at heart the future of all children of the country, especially those coming from deprived families. This is the reason why this new formula for payment of SC and HSC fees has been put in place. But I must say that the formula for sponsorship of fees was reviewed by the Ministry of Social Security in 2011, and the family income threshold has been increased from Rs8,500 to Rs14,500, thereby enabling a larger number of students to benefit from Government sponsorship. This measure will be pursued, and will be further consolidated.

Mr Deputy Speaker, Sir, moreover, with a view to providing more opportunities to post School Certificate and Ordinary level students to access to upper secondary education, the criteria for promotion to Lower VI has been reviewed, and some 2,000 students have benefited from this measure in 2011. This is also putting more democratisation in the education sector.

Mr Deputy Speaker, Sir, one of the weaknesses of our current system is that there are no formal assessment examinations between the CPE and the Form V examinations. In this regard, we have already started, on pilot basis, the national Form III assessment.

I must say today that this assessment which has been carried out over two years and will be carried out once more on a pilot basis at the end of the year. Because, Mr Deputy Speaker, we have opened it to three science subjects, instead of only one. This has been, in fact, an eye opener at the lower secondary level. Mr Deputy Speaker, Sir, it has helped to highlight the existing weaknesses in terms of competencies subject wise and school wise.

M. le président, on a fait un *survey*, un travail scientifique, un *assessment* extrêmement détaillé et on a présenté tout cela sous forme de *CDs* et on a transmis à toutes les écoles qui ont participé à ce *Form III assessment* des détails sur la performance de chaque enfant prenant part à ces examens de *Form III* et dans chaque école où cela a eu lieu. Ce qui veut dire, M. le président, que les professeurs, les éducateurs et même les parents dont les enfants vont à ces écoles peuvent avoir, avec force détails, pas seulement les points par matière, mais les points par question au niveau de chaque matière. S'il y a eu dix questions, il y a les points par question les uns après les autres. Donc, c'est un travail de fourmi qui a été fait ; comme vous le savez avec le système de *computer* cela peut se faire très facilement. Le format est déjà là et on va continuer dans cette direction. Cela donne les paramètres et les écoles peuvent y puiser pour pouvoir améliorer la performance des enfants pour les années qui vont suivre.

Mr Deputy Speaker, Sir, this assessment will, as from this year 2012, be rolled out in all State Secondary Schools and most of the private secondary schools. *L'année prochaine cela va rentrer dans le système et va devenir obligatoire pour tous les enfants de la Forme III.*

Mr Deputy Speaker, Sir, the new Laureate Scheme, despite the increasing number of students for SC and HSC examinations and the diversity of disciplines being now made available, the Laureate Scheme remained unchanged for a number of years - as we all know - and now we have reviewed the system. We have doubled the number of scholarships from 30 to 60 and we have created a new bursary scheme providing 8 bursaries per year. This has been introduced for the benefit of students from the lowest income families, who have passed the HSC examinations. The number which has been increased from 30 to 60 will be applied for students who will compete for the HSC examinations as from 2012, and this will be applied next year.

For the new bursaries, they will be applied this very year on the basis of the examinations results that have been known in the month of February this year. I think that the Ministry of Social Integration has already finalised the names of the beneficiaries and will be made public very soon.

These measures, Mr Deputy Speaker, Sir, will provide greater social justice by giving due recognition to the efforts put in by meritorious students coming from poor family backgrounds and it shows Government's commitment to reward students not only on merit, but also on equity grounds with the belief that education is the key to poverty alleviation. It is the first time in this country that we have added in criteria for scholarships - the equity grounds, that is, the social status of families.

Mr Deputy Speaker, Sir, for pre-voc education also, the implementation of a new pre-vocational strategy requires focused action to address the problem of high dropout rates.

We have started putting order in this and we are coming forward with a new mechanism to monitor the *parcours scolaire* of each and every child from CPE to tertiary. *Quand un enfant rentre à l'école à l'âge de 5 ans, il aura un dossier scolaire qui va l'accompagner jusqu'à la sortie du système scolaire et jusqu'à ce qu'il commence ses études tertiaires, au cas où il va jusque là.*

Mr Deputy Speaker, Sir, let me state that it is imperative that we inculcate now the notion of entrepreneurship in our youth. We want to do this at secondary level. This is what the Government Programme 2012-2015 says. One of the major themes of the education sector, the

inculcation of the notion of entrepreneurship in our youth at secondary level to provide them with the necessary skills so that they can tap self-employment opportunities after their secondary schooling. We are planning to introduce a new discipline which will be called new 'entrepreneurship study' at upper secondary level, whereby students will be exposed to new skills. This will help to develop an entrepreneurial stylishness that will be useful for earning a living in the future. The culture of entrepreneurship will sustain efforts for the further democratisation of our economy with a strong knowledge and technology base where the SMEs will play a predominant role.

Nous savons combien c'est difficile pour les jeunes d'aller commencer des entreprises, de faire une percée après avoir terminé leurs études. Je pense que si cela est inculqué, ce sera des études qui vont couvrir plusieurs mois et seront sanctionnées par un diplôme *in entrepreneurship studies*. Donc, je pense que cela va leur donner aussi le goût parce que ce gouvernement voudrait que l'Ile Maurice soit une nation d'entrepreneurs.

Mr Deputy Speaker, Sir, as a caring Government, it is also envisioned to give a parity of treatment to private secondary schools by extending the same facilities as in Government schools. And, in this line, we have introduced a revised comprehensive grant formula for the period 2009-2012 with emphasis on performance which has already been put in place for the financing of private grant aided secondary schools.

Moreover, we want to provide all schools with the best infrastructural facilities so that teaching and learning is carried out in a more conducive environment and that there is no disparity in the infrastructural set up between State and private schools.

Même au niveau des écoles du gouvernement, on veut là où cela existe, éliminer les disparités. Notre vision est aussi de permettre aux écoles privées d'avoir les mêmes aménités infrastructurelles que les écoles du gouvernement.

I am, therefore, pleased to announce that a new loan scheme on soft terms is to be implemented by the DBM Ltd. It has already been worked out and it will be introduced very shortly with a view to financing new projects that will help modernise the teaching and learning school environment for private-aided secondary schools, especially in disadvantaged areas.

There is also the institutional support, Mr Deputy Speaker, Sir, for private secondary schools and the programme says that, in our vision for our system to foster a quality-based education, and to provide similar treatment to private secondary schools, the programme



mentions that the role and functions of the Private Secondary Schools Authority (PSSA) will not be confined to that of a regulatory nature, but should be reoriented so that the Authority assumes a developmental role and facilitates the transformation process. In short, Mr Deputy Speaker, Sir, the PSSA should be a facilitator and catalyst for private secondary schools. In this regard, the PSSA's legal and institutional framework for the management and operation of private secondary schools will be accordingly reviewed and its role and function will be revisited so as to enhance support to private secondary schools such that it becomes a more effective education support institution.

Let me come very quickly, Mr Deputy Speaker, Sir, on a few cross-cutting issues. There is the question of Special Education Needs (SEN). *D'ailleurs, cela est prévu dans le programme.* This Government firmly believes in inclusive education and that no child should be left behind. In this context, Mr Deputy Speaker, Sir, an early identification and assessment programme to profile the needs of differently-able learners will be introduced for timely intervention and remediation.

Mr Deputy Speaker, Sir, the use of assistive technology to facilitate the teaching and learning process in Special Education Needs Schools will also be promoted.

Now, I would say a few words on the digitalisation of classrooms. It has already started for the past two years and it is continuing, it is a whole programme called the Sankoré Programme. The world, Mr Deputy Speaker, Sir, we all know, is fast changing insofar as ICT is concerned and Mauritius cannot afford to lag behind in this domain. In this regard, we want to provide for the digital empowerment of our youth through a number of facilities that will be provided for their easy access to modern technology.

My Ministry will also implement the additional measures to consolidate this digitalisation process within our classrooms. I think the country knows what it is now, so I don't have to dwell too lengthily on that. But the traditional reliance - this is the only thing that I want to say insofar as this is concerned - on the chalkboard method will thus give way to a distinctly modern approach, best suited to the new aspirations of our learners, thus leading to an increased efficiency in the education system.

Si j'avais le temps, M. le président, je voudrais expliquer ce que c'est, mais je dois dire que c'est une nouvelle pédagogie qui marche avec un nouveau système moderne où il y a

l'interaction entre le prof et les enfants à travers ce système et qui fait des merveilles dans les écoles, mais il faut attendre cinq ou six ans pour en voir les résultats. Parce que tout ce qui se fait, se fait au niveau des enfants de troisième et de quatrième, le temps que ces enfants arrivent à la CPE et puis passent au secondaire et voir un peu le changement que cela apporte dans les résultats. Mais c'est un nouveau système pédagogique qu'on apprend différemment.

The quality assurance and its inspection also is a weakness in my Ministry, I would not dwell too lengthily again on this, but just to say that it has been a weakness. *Les inspecteurs dans les écoles secondaires n'ont pas existé depuis quelques années. Il n'y a pas d'inspection dans les écoles secondaires. Ce n'est pas acceptable. Il y en a dans l'inspection du primaire, mais dans le secondaire, il n'y en a pas. Comment en font les professeurs? Il y a des problèmes de discipline associés à tout cela, la pédagogie, le progrès des enfants, on comprend un peu la faiblesse. On est en train de venir avec un nouveau programme de Quality Assurance and Inspection.*

En ce qui concerne l'introduction de la musique et des arts dans les écoles primaires, puis dans le secondaire, et surtout dans le secteur préprofessionnel, M. le président, il y a des enfants qui ne réussissent pas à la CPE et qui peuvent devenir de très bons chanteurs et artistes valables. Donc, il faut leur donner les moyens pour que cela puisse se réaliser. Mr Deputy Speaker, Sir, my Ministry has also promoted efforts towards inculcating the notion of sustainability right from an early age.

« *Maurice Ile Durable* », on ne peut pas dire un mot là-dessus parce qu'on est en train de faire beaucoup dans les écoles. Pour mener une campagne de reboisement de la cour des écoles, on est en train de planter. Les plantes dans les écoles tout près des classes permettent la ventilation à l'intérieur des salles de classes et d'abaisser la température qui permette une atmosphère meilleure et pour les profs et pour les enfants. Donc, on est en train d'aller fort dans cette direction.

Il y a le *rain harvesting* dans les écoles. Il y a la production de compost qui se fait dans de nombreuses écoles et qui va être de plus en plus généralisée. Il y a aussi, je dois dire, le photovoltaïque qu'on est en train d'installer. Cela a déjà été fait dans deux ou trois écoles. On va venir avec un projet pour une douzaine d'écoles ; les *tenders* vont être lancés dans les semaines qui viennent et cela va se généraliser au fur et à mesure. On voudrait que les écoles produisent leur propre électricité et ceux qui sont en excès – vous savez que le soleil se lève à

six heures mais les enfants sont à l'école à neuf heures, donc de 6.00 à 9.00 le soleil produit. Dans l'après-midi, pendant les weekends, les congés publics et les congés d'écoles, c'est la même chose. Donc, il y a beaucoup d'heures où le soleil va continuer à produire et où l'école ne va pas utiliser cette électricité produite et qui va être renvoyée sur le *grid* comme on dit où on va avoir des revenus pour les écoles, permettre aux écoles d'améliorer leurs infrastructures, que ce soit à l'intérieur des classes ou à l'extérieur des classes.

I will go very quickly, in fact, not to say much about human resource development, but this does not mean that it is not an important sector, Mr Deputy Speaker, Sir. *Je vais peut-être résumer en disant* from 2010 to 2012, 100,000 employees have been trained under the National Training Fund. Around 1,000 people have been trained in Training Needs Analysis and Designing of Training Programmes as part of the one-stop shop HRD project. In order, to provide broader, flexible, easily accessible and meaningful career information and services to help people of any age at any point throughout their lives to make educational, training and occupational choices and to manage their careers, the Career Guidance Services are being re-engineered. *C'est de la nouveauté qui va venir et c'est ce qui est prévu dans le nouveau programme gouvernemental.*

*Il y a aussi la provision de training par le MITD, mais j'aurais l'occasion à d'autres moments, M. le président, de revenir là-dessus. Ce serait intéressant de dire* that we want our people to have the required competitive advantage in this globalised world. This is what animates us. In this respect, a series of training will be offered by the MITD to prepare our people to take up employment in different sectors. *On continue à parler de mismatch. J'étais le ministre des finances de ce pays il y a une dizaine d'années, je parlais de mismatch et on continue à parler de la même chose. Mais, il faut quand même qu'on réalise une fois pour toutes qu'il va falloir qu'on mette frein à cela.* Therefore, we are going to have a list of sectors –

- training for cruise ships;
- training for unemployed in housekeeping, and
- training in solar water heaters for plumbers and pipe fitters;

Je dois vous dire, M. le président, que dans quinze ou vingt ans - comme on a des téléviseurs dans nos maisons, comme on a la lumière, l'électricité, bien sûr, dans toutes les maisons, de l'eau, ventilateurs, parce qu'il fait chaud à Maurice, certains privilégiés ont le *air conditioning* – partout dans le pays, il y aura la possibilité d'avoir des climatiseurs. Donc, c'est

un nouveau créneau qui s'ouvre. Réfléchissez le nombre de maisons qui existent à Maurice et le nombre de chambres qui existent. Allez voir ces maisons avec des climatiseurs. Donc, il faut qu'il y ait des personnes formées pour que ces systèmes puissent être introduits dans les maisons et la maintenance puisse être faite comme on a des personnes qui *maintain* et réparent les téléviseurs et les ventilateurs. On aura besoin des milliers de Mauriciens pour aller dans cette direction.

- Training for unemployed youths also by MITD;
- training for technicians;
- training in pre-vocational education;
- increased training in IT for Rodrigues and training in green skills to promote sustainable development in line with the Maurice Ile Durable (MID) Programme.

Mr Deputy Speaker, Sir, the Education Act – I think I will finish with this one. *J'espère que le repas est prêt parce que tout à l'heure on m'avait dit que ce n'était pas prêt encore. Alors on comptait sur moi pour attendre le repas venir. J'espère que maintenant, you will bear with me. Laissez l'appétit continuer. Je ne vais pas être long, M. le président, pour vous dire que the major things which the Programme mentions, are the following -*

The Education Act which was enacted as far back as 1957 provides for the legal and institutional framework for the educational system in Mauritius. During the pre-independence era, the Education Act merely provided for a regulatory framework for the provision of education at a time when education was not free and opportunities were not fair and equitable. The Act was formulated to serve the needs of an educational system which focussed on a purely regulatory type of system of administration and education which were academically oriented.

Over the years, a number of piecemeal amendments were brought to the legislation and in parallel a number of new accompanying legislations were introduced for the creation of educational development and support institutions, namely the PSSA in 1976, the MIE in 1973, the MES in 1984 and the ECCEA (Early Childhood Care Education Authority) in 2008.

So, the House will concur with me, Mr Deputy Speaker, Sir, that after more than half a century of the existence of the Education Act of 1957, it is high time and imperative that we have a new integrated and holistic legislation for the Education Sector, that will repeal the Education

Act 1957 and render it more in tune with the new challenges, innovations, developments and the changing education landscape.

In conclusion, Mr Deputy Speaker, Sir, the continuum of reforms across the different sub-sectors in the field of education has resulted in the implementation of a number of innovative measures aimed at perpetuating an inclusive, flexible and efficient system geared towards increasing transition rates, enriched educational experiences of learners and the acquisition of shared values for greater societal cohesion.

The challenge today, Mr Deputy Speaker, Sir, resides in working towards improving the completion rate at the primary and secondary levels, providing greater autonomy to schools for effective management, creating an enabling environment for the learner to be transformed into a self learner and eliminating the skills shortages and mismatch between educational outputs and labour market requirements.

In this context, Mr Deputy Speaker, Sir, the education and training system has to be made more responsive to the emerging needs and challenges. This demands a step up towards anchoring a new quality culture in the system where the educational processes will be closely monitored, evaluated and benchmarked.

With these words, Mr Deputy Speaker, Sir, I thank you for your attention.

*At 8.04 p.m. the sitting was suspended.*

*On resuming at 9.25 p.m. with the Deputy Speaker in the Chair.*

**The Minister of Civil Service and Administrative Reforms (Mr S. Moutia):** Mr Deputy Speaker, Sir, it is a privilege for me to be a Member of the team on this side of the House led by Dr. the hon. Navinchandra Ramgoolam, the most capable and preferred Prime Minister leading the country.

In the very first instance, I would seize this opportunity to congratulate the Ag. President of the Republic of Mauritius as well as extend my thanks to her for having opened this new session of the National Assembly with the proposed Government Programme for 2012-2015. I would also seize the opportunity to thank hon. Mrs Kalyanee Juggoo who has commended the Government Programme of 2012-2015 to the National Assembly. This programme confirms the legitimacy of this Government to manage the affairs of the country for the people for the next three years.

Before proceeding any further, I also wish to congratulate the hon. Prime Minister who, in all his wisdom, has strategised to come up with a Government Programme that adjusts itself to the background of serious global economic crisis, and more precisely to consolidate our resilience to the crisis in countries constituting our main export markets. We have succeeded in the recent past and we will succeed again because we have the blessings of the population and a visionary leader.

Mr Deputy Speaker, Sir, the course of events since February this year, the way some people have played with institutions, the way they have played with public opinion, the way they have played with the sensitivity of our *peuple admirable*, the persistent moves to destabilise the country, to destabilise the economy, the *coup monté pour un coup d'État, tout cela doit nous interpeller*.

The writings are on the wall. We not only pulled the country out of the depth of an *état d'urgence*, but also set it on the proud march towards international acclaim. The very positive comments from Hillary Clinton, the US Secretary of State, and Stiglitz, Nobel Prize in Economics, the rank of Mauritius in the Mo Ibrahim Index, on the World Economic Freedom Index for Ease of Doing Business and the recognition among the best managed countries of the region are but a few things that have to be mentioned in this House time and again because of the poor memories of those on the other side who have chosen to be absent rather than face the fine achievements of those on this side of the House.

Mr Deputy Speaker, Sir, grey clouds are hanging over countries which form part of G24. The economic giants are struggling to bail out not only insolvent banks or private companies, but rather a whole country like Greece. Other countries of the Euro Zone such as Ireland, Italy, Portugal and Spain are facing serious difficulties. The Arab world has seen the fall of many powerful leaders in the wake of *Le Printemps Arabe* although they have been endowed with high value natural resources.

Mr Deputy Speaker, Sir, in Mauritius the recently published financial reports of major actors of our economy, especially those in the banking sector, show profits by billions for the nine months ending on 31 March 2012. The stock market is also in good health, we have the positive growth, the country proving to be resilient in the face of exogenous threats. We have all seen on TV recently the harvest of premium quality rice at Bananes, a small village in my constituency, which is a concrete example of the response of this Government to the food

security problem that surfaced a few years ago. The response has been quasi-immediate. Small planters, including sugarcane and tea growers in the south are marveled by this breakthrough. We have no doubt that they will go for the paradigm shift.

Mr Deputy Speaker, Sir, this Government under the strong and able leadership of Dr. Navin Ramgoolam has, once again, shown that it will not be daunted and, despite the President shirking his State responsibilities, the Government has come forward with a bold statement on its mission for the country for the next three years -

- Three years programme;
- The three years of national development;
- The three years of actions against whatever external shocks that may threaten the future of our people and our country, and
- Three years of continuity before the next election.

Mr Deputy Speaker, Sir, the Government Programme boldly focuses on the six areas that Mauritius as a country needs to focus on at a time when European countries are battling hard to survive the Euro Zone crisis. Mauritius and this Government want prosperity for all, enhanced connectivity, a cohesive society, empowered people who will create a strong nation that will drive Mauritius on the path of sustainable development.

This Government does not shy away from the economic realities. Neither is it fixated on the past, nor is it obsessively looking in the rear view mirror. Mr Deputy Speaker, Sir, we are looking at the challenging realities in the face. We have strategies and we are putting solutions in place to combat the impacts of economic downturn that may arise.

This Government has sailed in troubled seas and brought the ship safely to shore in the recent past. We should not forget the legacy left by the outgoing Government in 2005 – “*les squelettes dans les placards, état d’urgence économique, pertes d’emplois à une vitesse vertigineuse.*” That’s why the people have again placed their trust in the leadership of Dr. Navinchandra Ramgoolam and the polls have done justice in 2010. This country has a Government and a leader. We are continuing to deliver a strong, stable, inclusive growth.

Sustaining existing welfare provisions, further consolidating of welfare, a dedicated Ministry for social integration, improving access to education at all levels for one and all, support to poor families for child-minding services, are all doings of this Government.

Mr Deputy Speaker, Sir, improvement on the existing infrastructure, increasing the stock of public infrastructure, houses for the poor, subsidy on basic commodities even to the extent of support for casting of slabs, grant schemes for water tanks, solar water heaters, all these seem to go unnoticed by the Opposition.

The transformation of the health service infrastructure, specialised services, increase in the allowance for treatment abroad, needle-exchange programme and methadone services for those dependent on dangerous drugs demonstrate the sensitivity of this Government to the difficulties and vulnerabilities of some segments of the population.

Mr Deputy Speaker, Sir, Equal Opportunity, gender responsiveness, the health of women, are all areas of priorities for this Government. And the will of this Government to come forward with the Criminal Code (Amendment) Bill on legalisation of abortion in specific conditions, against the natural resistance from certain quarters, is but proof of how caring this Government is.

Mr Deputy Speaker, Sir, the introduction of *Kreol Morisien* in schools, regionalisation of scholarship system, scholarship for young sportsmen and women, recognition of prior learning, increasing opportunities for tertiary education, enhancing employability of our youth through work placement are all the doings of this Government under the visionary leadership of the hon. Prime Minister, Dr. Navinchandra Ramgoolam.

Mr Deputy Speaker, Sir, Mauritius being a country destined to rely almost entirely on its human resources for development, Government is investing massively in the well-being, welfare, education and training of its people. The civil service provides the facilitation for all these programmes.

The civil service, Mr Deputy Speaker, Sir, has been one of the main players in helping to move the economy forward and delivering on the Government agenda. This Government, therefore, will ensure that the civil service continues to maintain its track record and will provide all necessary resources to help it deliver high quality services at minimum cost.

Mr Deputy Speaker, Sir, this Government has turned Mauritius into a country-wide *chantier* and as projects continue to be delivered, Government is even more conscious of the challenges ahead as more projects see the light of day. The Project Management and Delivery Unit has been set up to deliver projects to the citizens in time. This Government has made the lives of so many citizens easier with the new roads, bypasses, additional lanes along highways,



underpasses, overhead passes, flyovers, bridges, drains and many other facilities. Commuters are already finding it relatively easier to access or pass through Port Louis.

We are here to work, Mr Deputy Speaker, Sir, and the civil service will be geared to keep pace with Government's thought and action. There is, therefore, a dire need for us to put our heads together and join hands to reinforce our resilience and move ahead with our integrated and sustainable development strategy. We cannot be complacent just because we are still experiencing economic growth when the developed economies are at a standstill or in the decline. The synergy between politics and the civil service has to be strengthened.

Mr Deputy Speaker, Sir, this Government is already multiplying its efforts to create a culture of life-long learning. My Ministry has increased the number and variety of courses being offered to public officers and will soon be setting up the Civil Service College. This will be a landmark for the civil service as we are slowly but surely moving in the direction of a much longed for and long-awaited institution for public officers which will pride itself on the quality of its courses delivered to public officers in Mauritius in the first instance and, in the medium term, allow the college to grow to become a beacon for the region in terms of training in Public Sector Management and Governance. The college will also have a School of Diplomacy and International Trade.

Mr Deputy Speaker, Sir, Government believes in training and staff development. Without training an employee, be it in the public or private sector, cannot be expected to deliver efficiently in a constantly changing global environment. The value placed on education and training is evidenced by the number of training institutions that are being encouraged to set up shop in Mauritius. We are attracting the best practices and names. Within the public sector, we have the Mauritius Institute of Health, the Mauritius Institute and Training Development, the Human Resource Development Council, the Nursing School, the new Police and Prison Officers Training School and the School of Diplomacy which confirms Government's commitment to producing the best and developing talent for the benefit of the country.

Mr Deputy Speaker, Sir, the 2012-2015 Government Programme is confirming our will and determination to address all impediments that prevent the public service from both keeping pace with and being immediately responsive to emerging challenges. We are indeed keeping the modernisation of the civil service high on our agenda for more result-oriented, task-effective, efficient, transparent services.

Mr Deputy Speaker, Sir, we recognise that the customer is the most important stakeholder to our organisations. Those who serve them directly come next and the management is there to support those who serve the customer. My Ministry is looking into the redesigning of systems and processes with a view to improving delivery both for our internal and external customers.

Mr Deputy Speaker, Sir, in a bid to modernise and render public service more efficient and professional, we are implementing a Reform Strategy that encompasses a Human Resource Strategy.

1. We have already reviewed the Performance Management System and are looking at ways to improve the present process.
2. Actions have been sustained through various means (distribution of pamphlets, website, posters, training sessions) to promote ethical culture within the civil service.
3. We have encouraged the implementation of Quality and ISO Certification initiatives across the civil service. Evaluation of 'transfer of learning' for all training courses.
4. We have completed manpower assessments in certain areas of the civil service, including Rodrigues to ensure the judicious use of human resource. These exercises are continuing.
5. We are working on streamlining of procedures and processes for the prescription of schemes of service to reduce delays in the filling of vacancies.

Mr Deputy Speaker, Sir, great strides have been made during the recent past years towards harnessing Information and Communication Technologies in the public service. The benefits of computerisation are well-known. They include increased productivity, accuracy of information, better response time, cost reduction in decision-making process, improving quality of the decision and confidentiality of information contributing towards efficiency and effectiveness in the civil service.

We have already initiated actions to put in place an integrated Human Resource Management Information System (HRMIS) that will be a valuable tool to assist in the management of our human resources.

Mr Deputy Speaker, Sir, the HRMIS will not only provide up-to-date information on human resources to assist in the decision-making process, but it will also help in simplifying both the human resource functions as well as some of the financial functions with regard to payment

of salaries and allowances. It will integrate both the existing Government Payroll System and interface with other applications being implemented in other organisations, for example, the Treasury Accounting System, Passage and Pensions System, the Salary Card System.

The HRMIS will provide employees with options to manage their personal details and facilitate their interaction with the HR Department through employee self-service applications, for example, for leave, passage benefits, notification of changes, queries on other benefits and entitlements. We expect to avoid duplication of work and eliminate wastage, thus ensuring judicious use of scarce resources. The HRMIS is being piloted by my Ministry. It will subsequently be rolled out to other Ministries as from 2013.

Mr Deputy Speaker, Sir, other applications being implemented by my Ministry include the Electronic Attendance System and the Computerised Registry System (CRS). These two systems which have been developed since a few years and which are already being implemented in several organisations are being subjected to an evaluation.

This Government, through my Ministry, has improved and enhanced the working environment in many Ministries. Some 177 projects have been implemented which include Pest Control, Provision of Ventilation Systems, First Aid kits and replacement of damaged Electrical Installation, covering both Rodrigues and the Outer Islands. We are proceeding with the implementation, on a pilot basis, of the Occupational Safety and Health Management System in some Ministries and Departments so that the civil service also becomes compliant to health and safety norms.

Mr Deputy Speaker, Sir, this Government wants to create a nation of well balanced citizenry. While we move to becoming a high income nation, sight is not lost out on the quality of life or the leisure activities for the population. The construction of the third recreational centre for the elderly has been launched at Pointe aux Piments by the hon. Prime Minister. And, we have already made provisions in the Budget for another one in the south at Riambel.

Community leisure will be introduced and encouraged. Music and the performing arts will be encouraged. Citizen initiatives are being encouraged. Government will empower citizens to create a culture that nurtures self development and progress for the community.

Mr Deputy Speaker, Sir, this Government truly believes that by building in self-reinforcing mechanisms, Mauritians will take their destiny in their own hands and develop a sense of belonging to our nation. There will be consultation on Constitutional reform by way of

a referendum and debates on issues of national importance which will be held on all-party basis in the spirit of true democracy. We recently put this to test on the abortion issue.

This Government knows that progress can be made only through consensus and where national interest prevails. The thematic debates will, in fact, promote citizenship. The spirit of debates on the legalisation of abortion in specific cases is real proof of the wisdom of the hon. Prime Minister and his team. We often fail to realise that we have made sensible progress. Mauritius has grown up as a nation. One just has to see how the debate on this issue has succeeded in drawing the wisdom of our hon. Members on both sides of the House to the surface. Mauritius has experienced the best moments since independence during these few weeks contrary to opinions expressed in the press with regard to the thematic debates included in the 2012-2015 Programme.

Mr Deputy Speaker, Sir, the Government Programme 2012-2015 lays down in clear terms how we are going to move the nation forward. It is not the time to engage in rhetoric, but it is time for concrete actions.

Our people are intelligent and wise enough to differentiate between discourses of intention and honest discourse. Our citizens expect a lot from this Government. They believe in us because since we have been in power we have been showing to them that we mean business and our actions have yielded results.

There has never before been a clear thrust towards development and nation building as we are witnessing now with this Government. In fact, every Mauritian parent dreams of leaving behind for their offspring a much better world than they themselves lived in. This Government is working to make this dream a reality. And we will succeed because we have one Prime Minister for the whole duration of the mandate, one vision and one Government.

Mr Deputy Speaker, Sir, there was a time when the isolation of our island in the middle of the ocean was taken as a fatality. Now, with a globalisation, high-speed connectivity, easy air and sea link between Mauritius and the rest of the world, our insularity has become one of our major strengths. Our economy is being further diversified and the development, an additional economic pillar, is within arms' reach. The progressive development of an ocean economy through the effective exploitation of 2.5 million km<sup>2</sup> of marine space will drive our people to realise that we are, in fact, a coastal population with extensive possibilities within the blue economy in an *État océan*.

Mr Deputy Speaker, Sir, any development initiative will need the contribution of public officers. Government is responsible for policy making. Civil service which is the executive arm has the duty to implement these policies, monitor and evaluate their impact. We have no doubt that the strong civil service that we have will live up to our expectations. The work on this programme has already started. All Ministries and Departments have already put in place the necessary structure to follow up and deliver on all measures announced in Government Programme 2012-2015. The results will soon be visible.

I would end on this note and wish to express my gratitude to the hon. Prime Minister and the people of my Constituency who have given me the opportunity to serve the country as a Member of this House.

Thank you for your attention.

**Mr Bundhoo:** Mr Deputy Speaker, Sir, I move for the adjournment of the debate.

**Mrs Bappoo rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

(9.50 p.m.)

## **PUBLIC BILLS**

*Second Reading*

### **THE BUILDING CONTROL BILL**

**(No. XI of 2012)**

*Order for Second reading read.*

**The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, I move that the Building Control Bill (No. XI of 2012) be read a second time.

Mr Deputy Speaker, Sir, this Bill can be viewed as a major landmark in the development of the construction industry. It comes at a time when Government is committed to reviewing the different legislations pertaining to land use planning and development. The Building Control Bill is an important piece of legislation that will replace the existing Building Act which dates back to 1919, and which no longer meets the present exigencies and realities of the construction industry.

As a responsible Government, Mr Deputy Speaker, Sir, we cannot rest on our laurels, and let things remain as they are. We all know that, over the years, the construction industry worldwide has been continuously evolving with ever changing new technologies and new requirements. Mauritius has to keep pace with all these changes, and create the proper environment for this sector of the economy to develop further. As the major industries develop, and the standards of living of our people improve, the number of high-rise buildings, hotel resorts, residential projects, shopping malls keep on increasing across the island.

In order to meet all these new challenges, Mr Deputy Speaker, Sir, the need for a new and modern building legislation has become imperative. In fact, this need was felt years back. It is important, Mr Deputy Speaker, Sir, that hon. Members know the long process that this Bill went through before it lands today in this august House.

Government, under the bold leadership of the present Prime Minister, took the initiative in 2005 to include in its 5-year Programme a proposal for the review of the Building Act 1919. It all materialised from there although in 2002 a committee, under the chairmanship of the Chairman of the Construction Industry and Development Board, started to work on a new Bill, using the Spanish Act as a model, but which was not relevant to the Mauritian context.

Mr Deputy Speaker, Sir, bearing in mind the importance to review completely the existing Building Act, my Ministry set up a Technical Committee, under the Chairmanship of the Director of Architecture for that purpose. The Committee comprised representatives from the Ministry of Energy and Public Utilities, the Ministry of Housing and Lands, the Fire Services, and the Local Authorities. In January 2006, the Committee submitted a first draft Building Bill.

However, Mr Deputy Speaker, Sir, as Government had announced in October 2006, the implementation of the new Business Facilitation Act in order to create a good business climate in the country, there was need to update the first draft Building Bill, and to provide for appropriate measures in the Bill in order to be in line with the Business Facilitation Act. Such measures included, Mr Deputy Speaker, Sir, the merging and issue of the development permit, and the building permit as a single permit, known as the Building and Land Use Permit; the controls to be *ex-post* instead of *ex-ante*; the review of fines to be imposed on the offenders; and the setting up of a Building Regulations Advisory Council. Mr Deputy Speaker, Sir, the Committee submitted, in August 2007, a second draft Building Control Bill.

Again, Mr Deputy Speaker, Sir, the draft Bill had to be revisited in the light of the long-term energy strategy 2009-2025, formulated by Government in 2009, where great emphasis was put on developing the energy sector, renewable energy, reduction of the dependence on imported fossil fuel, and the promotion of energy efficiency at all levels, including energy management in buildings; and in the light of the project 'Removal of Barriers to Energy Efficiency and Energy Conservation in Buildings', implemented by the UNDP and GEF.

The overall project goal, Mr Deputy Speaker, Sir, is to reduce greenhouse gas emissions sustainably through a re-engineering of the building energy efficiency for existing and new buildings. The Steering Committee, which was set up to monitor the project, recommended that the draft Building Control Bill includes a provision of the energy efficiency aspects in buildings.

Mr Deputy Speaker, Sir, energy efficiency and energy conservation in buildings are important requirements. Thus, the services of the Danish Energy Management, a consultancy firm, were hired with the assistance of the UNDP, in June 2010, for the development of a new Building Control Bill which would incorporate the energy efficiency aspects in buildings. The consultancy firm was also assigned the responsibilities for the development of building codes for energy efficiency measures and regulations for the energy efficiency and compliance mechanisms, and the preparation of training materials for capacity building.

Mr Deputy Speaker, Sir, the Danish Energy Management and the Technical Committee, in consultation with other stakeholders, namely the Ministry of Energy and Public Utilities, the Ministry of Housing and Lands, the Ministry of Local Government, the Ministry of Environment and Sustainable Development, the local authorities, the State Land Development Company, the Association of Professional Architects, Engineers and Quantity Surveyors, and the Rodrigues Regional Assembly, worked extensively on the preparation of a new Bill, and submitted in August 2011 a final draft of the Building Control Bill, including the Energy Efficiency Building Regulations and Codes as well as associated guidelines. The Bill required some fine-tuning and it could only be finalised this year in consultation with all stakeholders, including the Attorney General's Office.

Mr Deputy Speaker, Sir, it is good to note that all stakeholders concerned have been taken on board in the process for the preparation and finalisation of this Bill. The consultancy firm, even in anticipation of the coming into operation of this particular legislation, held, in September 2011, a training workshop on its implementation aspects with the technical and non-

technical staff of the local authorities, the certified energy auditors, and professionals from the public and private sector.

Mr Deputy Speaker, Sir, the philosophy underlying the Bill lies in regulating building works in order to ensure safety, comfort, energy efficiency and aesthetic value. Mr Deputy Speaker, Sir, many of us, in this House, are probably aware that many buildings are designed and planned with little or no input from an architect or engineer, and are constructed without adequate supervision.

This Bill introduces a post-control mechanism through a system of control of compliance by local authorities; defines and regulates the responsibility and accountability of the different professionals involved in the construction process; provides for the liability of the builder towards the developer or eventual buyer, and of the developer engaged in residential or commercial letting towards eventual buyers or lessees, to be guaranteed through different types of mandatory property damage insurance policies against defects; provides for the making of regulations which will set the minimum building standards for functionality, safety and sustainability with a view to guaranteeing the safety and comfort of users, energy efficiency and aesthetic value; and provides for the setting up of a Building Control Advisory Council, which will be responsible for advising the Minister on the regulations to be made, and for formulating policies.

Mr Deputy Speaker, Sir, I shall now deal with the important specific provisions of the Bill. Section 3 of the Bill provides that every building shall be designed, constructed and maintained in such a way, as I mentioned earlier, to guarantee people's safety, society's well-being, the protection of the environment, and aesthetic value, and should satisfy the following requirements -

- (i) Functional requirements, in terms of its utility so that all facilities are provided for the building to be used for its intended purpose; in terms of its accessibility with a view to ensuring that all persons with impaired mobility and communication, elderly persons and pregnant women are able to access and use the building comfortably; and in terms of gender compliance to ensure that gender-specific requirements are integrated in a building as per the National Gender Policy Framework which was adopted by the Government in March 2008.



- (ii) Safety requirements, in terms of provision for structural safety, safety in case of fire, and safety of use with a view to ensuring that the building poses no risk of accident to any person.
- (iii) Sustainability requirements, by providing indoor air quality in the building to ensure the well-being, comfort and productivity of the occupants of the building; and by ensuring a proper system of water management, waste management, noise protection, and energy savings, and optimum energy consumption for the proper running of the building.

As I mentioned earlier, Mr Deputy Speaker, Sir, the Bill provides, under section 5, for the establishment of a Building Control Advisory Council which will be responsible to advise the Minister on all matters relating to permits and regulations to be made, and to formulate policies for a more effective, safe, efficient and sustainable construction of buildings.

The Council will comprise, Mr Deputy Speaker Sir, representatives from the relevant Ministries, the Energy Management Office, the Construction Industry Development Board, the Professional Engineers Council, the Mauritius Association of Quantity Surveyors, a registered association of contractors and the Mauritius Association of Insurance Companies.

Mr Deputy Speaker, Sir, provision is made, under this particular section, that the Council shall, in the exercise of its functions, take into consideration and aim at promoting the public interest, and shall, where it considers appropriate, consult any person, commission research and surveys and require a local authority to furnish information for the purpose of discharging its functions.

Section 15 of the Bill, Mr Deputy Speaker, Sir, provides the conditions that must be observed before a Building and Land Use Permit, under the Local Government Act 2011, is issued for any building. Such conditions include compliance to the functional, safety and sustainability requirements, as I mentioned earlier, and with the prescribed minimum energy efficiency requirements.

Here, Mr Deputy Speaker, Sir, I must inform the House that my Ministry has already worked on the Energy Efficiency Building Regulations and Codes, and these will be implemented after the proclamation of the new Act.

Mr Deputy Speaker, Sir, I must also mention that these regulations will be mandatory for certain specific buildings that may be prescribed, for example, for large residential and all non-

residential building projects above a specified threshold area, and will include a certificate to be issued by an Energy Auditor of the Energy Efficiency Management Office, prior to the issue of a Building and Land Use Permit. For other buildings, an Energy Efficiency Certificate will not be mandatory. However, these measures for a mandatory Energy Efficiency Certificate will gradually be extended in the future to all buildings, including individual residential building projects.

Mr Deputy Speaker, Sir, the other important condition, provided for in section 15 of the Bill that must also be respected before a Building and Land Use Permit is issued, concerns the mandatory requirement for the plans and drawings of a building, having a floor area of more than 150 square metres, to be drawn up and signed by an architect, and an engineer, where applicable. This requirement is not mandatory for a building having a floor area of 150 square metres or less, where the plans and drawings of the building may be drawn up and signed by a person other than an architect. In both cases, Mr Deputy Speaker, Sir, the applicant will have to comply with such guidelines as may be issued by the appropriate local authority.

Mr Deputy Speaker, Sir, to ensure some forms of standardisation and uniformisation of the guidelines that would be adopted at the level of each local authority, the proposed Building Control Advisory Council will be called upon to come up with generic guidelines for dissemination to all municipalities and district councils.

Mr Deputy Speaker, Sir, with a view to guaranteeing the safety of a would-be occupant of a building after its construction has been completed, provision has been made, under section 19(1) of the Bill, for a compliance certificate to be delivered by the appropriate local authority before that building is inhabited, used or occupied.

Mr Deputy Speaker, Sir, section 19(2) provides that an application for a compliance certificate shall be accompanied by a clearance certificate, to be issued by a principal agent, who could either be the architect or engineer, appointed by the developer to supervise the building works. It will be the responsibility of the principal agent to certify that the building works have been carried out in accordance with the Building and Land Use Permit.

Mr Deputy Speaker, Sir, the application for a compliance certificate must also be supported by documentary evidence that the builder and developer have paid the necessary premiums for a property damage insurance policy, as required under section 21 of the Bill. I will explain later the purpose for the requirement of a property damage insurance policy.

It is only after all the conditions, I have just mentioned, are fulfilled, that a compliance certificate will be issued by the appropriate local authority for the building to be inhabited or occupied. Only on reasonable grounds and after having given the applicant reasonable time to comply with the legislative provisions, as stipulated under sections 19(4) and 19(5), shall a local authority refuse to issue a compliance certificate. However, to guard against any abuse of power by any local authority, provision has been made under section 19 for any applicant, who is aggrieved by the decision of a local authority refusing to issue a compliance certificate, to appeal to the Magistrate of the district against such decision.

Mr Deputy Speaker, Sir, section 19(6) provides that any person who allows a building to be inhabited, used or occupied without a compliance certificate, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

Mr Deputy Speaker, Sir, I must stress that the requirement for a compliance certificate applies only to buildings having a floor area of more than 150 square metres, and it does not apply to buildings having a floor area of 150 square metres or less, or to any such building that may be prescribed. We have thought it reasonable, Mr Deputy Speaker, Sir, to provide, under section 19(8), an exemption from the requirement of a compliance certificate for such specified buildings.

This measure is being applied with the primary objective of shielding those persons, mainly the low-income group, owners of such buildings, from undue hardships and inconveniences. Nonetheless, this should not be construed to mean that they can afford to construct while defying the basic requirements. Thus, Mr Deputy Speaker, Sir, at least, one site inspection by the Local Authority will be compulsory, as provided under section 16 of the Bill, to ascertain that the building has been completed according to the permit, and the conditions of the permit have been complied with. This provision applies to all buildings under construction.

Mr Deputy Speaker, Sir, the Bill introduces for certain size and type of buildings to be prescribed a post-control mechanism whereby the Principal Agent, who could be an architect or an engineer, appointed by the developer at the time of the issue of the building and land use permit, shall, as defined under section 20(3), supervise the building works at all stages until completion, and ensure that the building works are carried out in accordance with the permit.

Mr Deputy Speaker, Sir, after completion of the building, the Principal Agent is required to prepare a report confirming that the building has been constructed as per the approved plans

by the Local Authority and submit a Clearance Certificate. The principal agent will be responsible for the veracity and accuracy of any information provided.

We all know, Mr Deputy Speaker, Sir, that building or buying a house is a heavy investment made by most citizens. This is an undeniable fact. Therefore, safeguarding building standards is imperative for the protection of our people, mainly the low income earners and the common man. This Government shares people's concerns on unqualified or inexperienced builders, and unreliable developers who undertake building works, and consequently the risks that such buildings might cause to the users or occupiers. We are also concerned about the poor quality of many buildings.

Mr Deputy Speaker, Sir, provision is, therefore, made under section 21 of the Bill, for every builder and developer to subscribe, in relation to such building as may be prescribed, a property damage insurance policy to guarantee, for a specified period, the payment of compensation for any property damage due to execution faults or defects in the building; and for any property damage caused during a cyclonic season.

To be explicit, Mr Deputy Speaker, Sir, a property damage insurance policy, for such building as may be prescribed, shall be taken by -

- (a) every builder, in favour of a developer or an eventual buyer, to guarantee, for a period of one year, payment of compensation for any property damage due to faults or defects affecting the finish works, for example, roughcasting, tiling, paintworks;
- (b) every developer, in favour of eventual buyers or lessees -
  - (i) to guarantee, for a period of two years, the payment of compensation for any property damage due to faults or defects in non-structural elements or services, for example, no proper ventilation, poor water and waste management system, etc;
  - (ii) to guarantee, for a period of 10 years, the payment of compensation for any property damage due to faults or defects affecting the structural elements, for example, beams, supports, framework, load-bearing walls, etc., and
  - (iii) to guarantee the payment of compensation for any property damage caused during a cyclonic season.

Mr Deputy Speaker, Sir, as regards the manner dangerous and hazardous buildings should be dealt with, the provisions made for that purpose under Part V and Part VI of the Bill are more or less the same as provided for in the existing Building Act 1919. No major amendments have been made to those Parts, except that the different sections of the existing Building Act 1919 have been re-arranged, and that a new section 22 (5), under Part V – Dangerous Buildings, has been included to provide for the penalty to be imposed on any person who fails to comply with a notice served by a local authority for securing, or repairing or taking down or vacating a building which has been surveyed and reported to be in a dangerous state.

Mr Deputy Speaker, Sir, section 22 (5) of the Bill, therefore, provides that any person who does not comply with the notice shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 4 years.

Mr Deputy Speaker, Sir, I must also mention with hindsight, it has been found that the present legislative provisions as regards dangerous and hazardous buildings, apart from being complex, are presented in quite an unstructured manner. Hence, when designing the new legislative framework, great care has been taken to ensure that the relevant provisions are clearly spelt out to ease understanding and compliance.

To conclude, Mr Deputy Speaker, Sir, needless for me to state that this Bill was long overdue and, in spite of the complexities of the subject matter, we have, through our relentless effort, been able to produce a modern piece of legislation that will go a long way towards strengthening our building control system and improving the energy performance of new buildings. No doubt, Mr Deputy Speaker, Sir, compliance to energy efficiency requirements will lead to an increase in the energy performance of the buildings that will, ultimately, bring long-term cost savings to both householders and businesses, while at the same time contributing to reducing the dependency of Mauritius on fossil fuel with all its negative incidence on our economy, at large.

What differentiates, Mr Deputy Speaker, Sir, this Bill from the present Building Act is the innovative approach which brings in new concepts such as in-built sustainability in buildings, gender compliance, energy efficiency compliance, post-control mechanisms, responsibility, accountability of developers and builders, and mandatory guarantees for property damages. The Bill, Mr Deputy Speaker, Sir, sets the ground also for the creation of a level playing field whereby minimum building standards are effectively applied to all builders and developers, and

that buildings are designed and constructed in such a way as to minimise eyesores, taking into account aspects of aesthetics, and be in harmony with the environment.

Mr Deputy Speaker, Sir, this Bill is one which will be responsive to the new challenges facing the construction industry and, at the same time, to preserve the beauty of our island which, undeniably, is our greatest asset.

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

**Dr. Bunwaree rose and seconded.**

(10.12 p.m.)

**Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue):** Mr Deputy Speaker, Sir, as stated in the Explanatory Memorandum, this Bill, in front of us today, that is, the Building Control Bill will replace a very old legislation, a legislation that dates back to 1919. And, as the hon. Minister has stated, the Building Control Bill will help the concerned authorities to regulate building works and the country in order to, firstly, ensure safety, comfort, energy efficiency and aesthetic value of the building.

Mr Deputy Speaker, Sir, the Minister has shared with us how this Bill started and he has gone back to 2006 to explain why between 2006 and until today, where we are debating this Bill, his Ministry has taken so much time to finalise the Bill. He has put forward the introduction of, firstly, the Business Facilitation Act and, secondly, the energy strategy put forward by the Government.

Mr Deputy Speaker, Sir, I should say that I am not convinced at all. Because of these two issues, it has taken so much time for Government to come forward with this piece of legislation, especially, when we have a look at the second paragraph in the Explanatory Memorandum which states that many buildings are designed and planned with little or no input from an engineer or architect and are constructed without adequate supervision. Just after that sentence, we read that the post-control mechanism which has been put forward by the Government at the level of local authorities, one would want to ask himself that question: whether that post-control mechanism has really worked for the Minister in this piece of legislation at the second paragraph to state that buildings are constructed without adequate supervision.

Mr Deputy Speaker, Sir, the hon. Minister has stated that there have been consultations carried out all throughout the process of preparing this piece of legislation. When one looks at

the Bill, one is under the impression that not all the stakeholders were involved during that consultation process.

Allow me, Mr Deputy Speaker, Sir, at the very outset of my speech - because I have circulated proposed amendments that I intend to move at Committee Stage - to draw the attention of the House on one specific issue. Mr Deputy Speaker, Sir, I believe that among the stakeholders involved in the construction sector, due consideration has not been given to engineers in this piece of legislation and I'll explain why. I stated earlier that the aim of this piece of legislation is to regulate building works in order to ensure safety, comfort, energy-efficiency and aesthetic value.

Having said that, Mr Deputy Speaker, Sir, although the architect and the civil engineer have to work in the implementation of a building project, their jobs and responsibilities are different. Architecture is mainly a practice of designing structures with aesthetic and special functionality. Architects deal mainly with creativity, look, feel and functionality of design. The Civil Engineer, also referred to as the structural engineer, specialises in the structural elements of systems, ensuring that facilities can withstand normal and extreme loading conditions. Like I have stated earlier, civil engineers have to work closely with the architects, but they are responsible for realising the vision of the architects. That's why I am saying when we have a look at building works, when we have a look at how to ensure safety, how to ensure comfort, how to be able to monitor energy efficiency and also aesthetic value, we can see that there is a balance between the role and the job of an architect and that of an engineer. That is why, Mr Deputy Speaker, Sir, I find it unfair and I will go to clause 15(2) of the legislation which deals with requirements for permit. At section 2, it is stated in the legislation –

“(2) Where a building has a floor area of –

(a) more than 150 square metres, the plans and drawings for the proposed building works shall be drawn up and signed by an architect;”

I shall be moving an amendment, first of all, Mr Deputy Speaker, Sir, to delete “and drawings” and the section (a) should read –

“(a) more than 150 square metres, the plans (...).”

Why I have brought forward this amendment, Mr Deputy Speaker, Sir? Because there is no definition in the legislation with regard to plans and drawings. When one has a look at other legislations dealing with the construction sector, there is a clear definition of plan. A plan, Mr

Deputy Speaker, Sir, means drawings. I don't find the purpose of putting plans and drawings because plans means drawings, detailed diagrams, structural details and calculation showing or relating to the building works.

I have added something else, Mr Deputy Speaker, Sir, because I think we have missed it in this legislation. We all know that now we use the information technology and one way of storing plans today is to use the electronic form, and if prepared in electronic form, it includes the medium in which the plans of the building works have been stored.

Another amendment with regard to that same clause deals with –

"(...) the proposed building works may be drawn up by a person other than an architect, and an engineer, where applicable."

I feel that it will be very fair towards Engineers - because I am an engineer - to insert it, because architects deal with architectural drawings and plans whereas the engineers will also deal with the structural drawings. It is for this reason that I have added and asked that this particular clause be amended to read –

"(a) more than 150 square metres, the plans and drawings for the proposed building works shall be drawn up and signed jointly by an architect and an engineer;"

With regard to the subsection (b) of that same clause, Mr Deputy Speaker, Sir, I have submitted amendments and the section will read as follows -

"(b) 150 square metres or less, the plans for proposed building works may be drawn up by a person other than an architect and where applicable by an engineer."

One point which I wish to raise, Mr Deputy Speaker, Sir, is that in the previous legislation, the floor area was 250 square metres, now we have decreased that floor area to 150 square metres, that is, the floor area for someone to have his plan drawn up by an architect or an engineer. First of all, I would wish the Minister to enlighten us with regard to buildings. In this piece of legislation, we have a definition for buildings whereas in the previous legislation, we did not have any definition for buildings. We had definition for premises and new buildings. In this piece of legislation, the definition for buildings includes -

- “(a) a manufactured home, a movable dwelling or other movable structure;
- (b) a permanent or temporary structure erected or made on, in or under any land;”



When we go to clause 3 - and later I will get to that section - again, there we have buildings. I would like the hon. Minister when we are talking of buildings, are we talking of residential, commercial and industrial altogether? If this is the case, Mr Deputy Speaker, Sir, we can have a building of maybe less than 150 square metres which is going to be used as an industrial building where, I believe, the structural aspect of that building will have to be taken into consideration. That is why I am putting that question: how did we use that figure of 150 square metres whereas before it was 250 square metres, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I come to clause 3, that is, basic requirements for buildings. It is stated that -

"Every building shall be designed, constructed and maintained in such a way as to guarantee people's safety, society's well-being, the protection of the environment, and aesthetic value, and satisfy the following - "

There are a series of functional requirements and I go along with that. But I would like to ask the hon. Minister with regard, for example, to part (ii) where it is stated that -

“(ii) accessibility, to ensure that persons with impaired mobility, and communication, elderly persons and pregnant women are able to access and use the building and the facilities within the building comfortably;”

I agree with regard to apartments and commercial buildings that this should be provided. But is this the case with a normal residential building? Should the owner of a residential building make provisions for accessibility to ensure that persons with impaired mobility and communication, elderly persons and pregnant women are able to access? Then, Mr Deputy Speaker, Sir, it will be difficult for somebody who is building, say, a house of 200 or 250 square metres to provide such facilities. As I said, I agree that for apartments or for commercial buildings, this facility should be provided.

Mr Deputy Speaker, Sir, with regard to part (ii) of the legislation, that is, the Building Control Advisory Council, it is clearly stated what is going to be the function of that Council. But when we have a look at the members of that Council, Mr Deputy Speaker, Sir, there are 15 members on that Council with seven representatives of various Ministries, three Government organisations are represented and we have five representations from various associations, for example, the Professional Architects Council, the Registered Professional Engineers Council. I don't find any representative from the Local Authorities. We have the representative from the

Ministry responsible for the subject of Local Government, but we do not have any representative from Local Authorities when we know, and the hon. Minister has stated in his speech, that compliance certificates will be issued by officers of Local Authorities, visits to be effected, will be effected by an authorised officer and in the interpretation clause the “authorised officer” has the same meaning as in the Local Government Act 2011.

Mr Deputy Speaker, Sir, I think that we, on the Council, should have a representative from the local authority. The hon. Minister has also stated that consultations were made with the Rodrigues Regional Assembly, but, again, on the Advisory Council we do not find anybody representing the Rodrigues Regional Assembly, Mr Deputy Speaker, Sir.

When we get to Part IV of the legislation, Mr Deputy Speaker, Sir, we have for the first time introduced new notions in this piece of legislation which deal with supervision of building works. We have the ‘developer’ which is clearly defined where it means a person on whose behalf the building works are carried out. In the present case, he is either a housing or a commercial developer. We have also the definition of the design team where it is stated in the legislation at clause 20 subsection (2) on the role of the design team -

“Every member of the design team shall –

- (a) prepare a project in accordance with this Act and any other enactment, and the terms of the contract entered into between him and the developer;
- (b) ensure that plans and drawings made by him are in compliance with this Act and any other enactment, and
- (c) be responsible for the veracity and accuracy of any information provided.”

Then, we have the definition of a ‘principal agent’. That is also a new notion in that piece of legislation.

“Every principal agent shall –

- (a) supervise the building works at all stages until completion;
- (b) ensure that the building works are carried out in accordance with the permit;
- (c) issue a clearance certificate, and
- (d) be responsible for the veracity and accuracy of any information provided.”

I would wish to put a few questions to the hon. vice-Prime Minister with regard to the design team and the principal agent. Will the legislation allow members of the design team to form part of the team appointed as principal agent by the developer or will it be different

persons? Can the engineer who has designed the structures be the one who supervises the structural works, because no mention or details have been given with regard to the site supervisors? I believe that if we have come forward with the notion of 'design team' and 'principal agent', we should have also included in this piece of legislation the concept of 'resident engineer' and have it clearly defined in the legislation.

What I do not find in this piece of legislation is the relationship and association between project parties. I think that this should have been the case in order to protect the public interest. Can the architect or the engineer who has been appointed to design the project, like I said earlier, be involved in the supervision of the project? Can also the engineer or the architect be a nominee or partner of the developer, Mr Deputy Speaker, Sir? The same reasoning later will apply to the one who will issue the certificate. Can we have somebody who is going to issue a clearance certificate and who has also a professional or financial interest in the building works, Mr Deputy Speaker, Sir?

With regard to other clauses of the legislation, Mr Deputy Speaker, Sir, I welcome the one dealing with mandatory guarantees, that is, property damage insurance policy to protect buyers and lessees. Whereas clauses dealing with dangerous buildings and hazardous buildings, I think that they were there in the previous legislation and they have been included in this legislation with a few minor modifications. Mr Deputy Speaker, Sir, I think there are some important issues and the hon. vice-Prime Minister has highlighted that earlier in his speech, especially in the context of *Maurice Ile Durable*.

First, with regard to energy efficiency, we have now a legislation that we had voted a few months back and I believe that at that level the Commission is working to come forward with standards. I think the hon. vice-Prime Minister will also see to it that building standards are updated. And I believe that where we are going to have problems is with regard to supervision. That is why I have stated earlier – because I think that the post-control mechanism that has been put in place at the level of local authorities does not function properly. That is why I believe that we have to look more specifically at this concept of 'principal agent' where now it is in the legislation and we have to ensure that buildings are constructed as per specification to the satisfaction of people who contract out the construction of their buildings.

Thank you, Mr Deputy Speaker, Sir.

*At this stage Mr Speaker took the Chair.*

(10.41 p.m.)

**The Minister of Housing and Lands (Dr. A. Kasenally):** Mr Speaker, Sir, prior to commenting on the Building Control Bill, I wish to go down memory lane as to the evolution of the construction landscape. We all recall that in 1950s, after the war, houses were made up of thatched straws with floors and walls coated cow dung and mud paste and some were of stone built walls.

These constructions, Mr Speaker, Sir, did not resist cyclonic weather like we had the bitter experience of cyclone Carol and Alix in the 1960's, which ravaged all the houses; apparently strong wooden houses with iron roof. They were substandard, unsafe, since then the whole mindset has changed with the growing population and with the new challenges facing the country. We have had to move forward to accommodate the international trend. Buildings have been replaced by new materials and designs.

Mr Speaker, Sir, we are continuing to move fast and, therefore, it is imperative that we revisit our rules and regulations in an orderly, esthetical and planned way to ensure a pleasant environment. I will, particularly, refute hon. Lesjongard's contestation, that this is long overdue. Of course, it is better late than never. I mean, that the hon. Member has also been there - as well as many Governments before us - he has been Minister of Housing, he could have initiated it, at least. I wonder whether the hon. Member had, at least, started setting up a committee to look into this. It is easy to criticise, but those who handle the frying pan, know how hot it can be.

As Minister of Housing and Lands, I fervently welcome this Bill, an *avant-garde* piece of legislation, to regulate the construction industry. It comes at a judicious time when the country is aiming to become a model of sustainable development in the world and is in the process of implementing the *Maurice Ile Durable* vision - a project spearheaded by the hon. Prime Minister, himself.

Mr Speaker, Sir, I have said that this Building Act of 1919, nearly hundred years ago, no longer responds to the demand and exigencies of a modern Mauritius, whose construction industry is thriving at an unprecedented and frightening rate. We are all aware that presently many buildings, particularly dwellings, are designed by non-professionals, who are not well versed in planning norms and building standards and such buildings are constructed under minimum supervision with sometimes dire consequences, especially when we have a cyclone. For many years, control on construction practices has not been strict and as a result quality has

been affected. Therefore, it is imperative that we take the bull by the horn and start setting things right. It is in this context that this Bill, Mr Speaker, Sir, will regulate building works in order to ensure minimum condition of safety and comfort, guarantee socio well-being, the protection of the environment and ensure the aesthetic value and energy efficiency of buildings. To do so, the Bill defines and regulates responsibilities and accountability and these are two very important words, I think which hon. Lesjongard has been going on and on as a leitmotiv in his intervention - of the different players involved in the construction process and refer to a system of control of compliance. I firmly believe that this Bill has introduced innovative concepts, new rights, obligations and a system which imposed new regulations and requirements, to ensure that buildings are safe and remain safe throughout its life.

This Bill encourages all stakeholders in the construction sector to integrate energy efficiency principle at the design stage of the project. So, we will have to have an architect and specialist in that field. It makes it mandatory for developers to appoint a design team, which will constitute of architects and engineers - like the hon. Member - and other professionals to design, supervise, monitor and be responsible for the project. I think this answers most of the questions which our friend, hon. Lesjongard, was querying. It also contributes to the aesthetic and sustainable building environment. It also defines and regulates the responsibility and accountability of various professionals involved in the building construction; calls upon stakeholders in the construction industry to assume their responsibility in making Mauritius a barrier free society by providing accessibility to elderly pregnant women and persons with impaired mobility. Now, this refers mainly to public buildings or buildings which have got many offices, but it is also important that in a house, a living quarter, we have such facilities on a limited extent. We have to know that people are becoming old these days. Imagine what will happen to us in 20 years' time. We have to climb the stairs. We must have a safe place because the house can sometimes be the most difficult place where accidents happen. Therefore, it is important to incorporate a certain amount of safe accessories.

This Bill also provides for old buildings about 150m<sup>2</sup> - as he has canvassed his ideas a lot - which will be supervised by architects and engineers wherever applicable, in order to guarantee safety, energy efficiency and aesthetics. However, buildings having a gross floor area less than 150m<sup>2</sup> will be exempted from the compliance certificate in order not to cause undue hardship to small owners. However, the other provisions of this Bill will have to be applied. Here, you

know, the local authorities, under the PPG - which my own Ministry will be providing in the few months to come about building regulations - as it is, it provides for stringent penalties for those contravening the provision of the Act and provides for pulling down orders in flagrant cases of non-compliance of norms. I think that this is very important because we have had many instances where houses have been built over the weekends, especially if we have got a long weekend with a public holiday on Monday, and, so far, I have found the local authorities unable or impotent to apply the rules or sometimes ...

*(Interruptions)*

Yes, Viagra will not help. I think it is deliberate. We have people whose lands have been encroached by walls and they even go to the courts. Sometimes, they have to do with that. This is the law of the jungle, which I hope; they will put an end to.

There have been concerns from some hon. Members of this Assembly, regarding the requirement of supervision, architect and engineer for buildings less than 150m<sup>2</sup>. Mr Speaker, Sir, the current market rate - I am doing a small mathematical calculation - is about Rs1,000 per sq feet, which leads to an investment of Rs1.5 m. for a floor area of 150m<sup>2</sup>. In this circumstance, it will be in the interest of the developer to have design of his building, vetted and certified by professionals for his security as well as safeguarding his investment, which will be about Rs1.5 m. It could be easily spent and invested in a small sum of about Rs100,000 on an architect and engineer.

I also wish to reassure the House that Government has at heart the hardship cases of those families who are at the lowest rung of the ladder and who wish to construct a unit of a floor area less than 150 m<sup>2</sup>. The Mauritius Housing Company offers among its range of products three house plans to low income families. This facility, in fact, releases the burden of paying architectural engineering fees. Furthermore, the NHDC, the implementing agency of social housing for Government, assists to the Roof Slab Scheme Grant families from the low income group who are owners of a plot of land in building a housing unit.

Mr Speaker, Sir, the impacts of the measures in the Building Control Bill on the construction industry are –

Firstly, it spells out clearly the duties of all parties, that is, the contractor, the developer, the team, the site supervisor and the authority issuing permits. All have their responsibility that the building works are carried out in accordance with approved plans and regulations.

Secondly, all designs must be checked, certified before they can be approved; this is to ensure safety.

Thirdly, the Bill recognises the important role played by the developer, the design team, the agent in the construction process. They will have to apply for a permit before start of work, apply a proper 'Damage Insurance Policy', and they are required to carry out supervision works until completion. I think this is one of the point canvassed by hon. Lesjongard. There is a continuous monitoring and we have seen it in newly built houses; we are having skyscrapers - a team effort, an integrated effort by all the professionals, to see to it that the work is being done.

Fourthly, provisions have been made for authorities concerned - I think especially of the local authority - during construction to ascertain that permits have been obtained.

All these measures, Mr Speaker, Sir, are being introduced to ensure that our buildings are safely constructed and continue to remain so for occupation.

Mr Speaker, Sir, the setting up of a Building Control Advisory Council is a laudable initiative. It will comprise all stakeholders in the construction industry, including my Ministry. The Building Control Advisory Council shall advise on all matters relating to permits and regulations made under this Act, and will be empowered for formulating policies for a more effective, safe, efficient, and sustainable construction of buildings. Of course, it is the Ministry of Local Government which will represent the local authorities.

Hon. Lesjongard made a point about the local authorities. Now, imagine we have so many local authorities. Do you think we could put one from each?

*(Interruptions)*

There is somebody. They are being replaced and, of course, the Ministry of Local Government can get all its urban associations or UA, whatever it is.

Another fundamental element in the Bill, Mr Speaker, Sir, is the introduction of a Clearance and Compliance Certificate, to ensure that construction has been carried out as per approved plans. So, there is a continuous supervision and final inspection. This will not only deter unlawful development, but will also assist in monitoring changes in land use, which is a key function of my Ministry.

I understand that numerous workshops were organised with all stakeholders in the construction and environment sectors to gain a consensus on the finalisation of the Bill and my Ministry participated actively in the various roundtable discussions. Maybe, there are some

organisations which have not been called, but I understand we made provision for a wide field of experts to be involved.

In recent years, Mr Speaker, Sir, sustainable development has gained huge momentum all over the world. We have all heard of climate change and its far-reaching implications. We noticed that over this weekend, where in the South of England, in Wales, there was a massive flood, causing havoc to the habitations of the inhabitants there. The best way to address these is through concerted planning and design. This is why you have to plan it in such a way that the houses are safe from river banks because once the river banks overflow, with flooding we can have a disaster.

With these in mind, my Ministry has gone one step further, and is presently working on a series of design guidance, from a land use planning point of view, to incorporate passive sustainability measures in development projects at the conception and site preparation stages. Issues such as orientation of the building, natural lighting and ventilation, landscaping, shading techniques, solar panels, and rain water harvesting devices would be addressed.

The design guidance on sustainable buildings will be issued next year. My Ministry will shortly introduce a new Land Use, Planning and Development Bill, which will concentrate on the plan making function at various special skills, introduce mechanism for monitoring of plans, user development charge, compensation, planning, agreement and obligations as well, as role of main institutional aspects in the process. Sustainability principles and climate change adaptation will be inbuilt mechanisms in the plan making.

We have all noticed that there have been cases of serious flooding all over the island, especially after the recent downpours. This is why planning is very important, and it is also important to see that there is adequate drains for diverting rain water.

As we evolve a more sustainable-built environment, we are also promoting sustainable construction. The provision of the new Building Control Bill will also contribute in the Participatory Slum Upgrading Programme (PSUP), a key initiative of the UN-Habitat, which is being followed up by my Ministry in assisting cities to provide durable housing and city wide upgrading of outdated and unsafe housing conditions. The safety and regulatory standards will ensure that residential apartments for social housing units are built to the required norm, and have a comfortable life cycle with an integrated environment.



Here, I must pause to say that we are having still a few problems with new houses being built by contractors, who have been late in delivering the product. Construction is a very important sector of our economy. It is widely acknowledged that well managed and successfully delivered construction projects can improve the delivery of public, as well as private services. The enactment of this Bill is, therefore, essential for the regulation of the construction sector in Mauritius in line with developed countries. All practitioners in the construction industry, and the public at large, will have to be sensitised, through an awareness campaign, on the provisions of this Bill. However, successful implementation can only be ensured by putting additional resources in the local authority - this is very important - so that we can have the manpower to follow up.

Moreover, capacity-building within institution and training of the appropriate staff at all levels must be provided for on this innovative piece of legislation. It is important that we are introducing a new legislation, but we must have the manpower to implement all the provisions and this actually is a bit under par at the local authorities. So, my friend, the hon. Minister of Local Government and Outer Islands will probably attend to that.

The Building Control Bill will strengthen the legislation on the structural safety of buildings. It will emphasise the roles and responsibilities of various professionals involved in the construction industry and will ensure that the highest standards are observed.

Mr Speaker, Sir, this Bill will make Mauritius a harmonious and vibrant island and, at the same time, will ensure that liveability and sustainability are compatible with industrialisation and modern life.

Thank you, Mr Speaker, Sir.

(11.01 p.m.)

**Mrs P. Bholah (First Member for Piton & Rivière du Rempart):** Mr Speaker, Sir, it was high time for the existing Building Act to be repealed and replaced by a new Act in view of the profound changes in the overall environment in Mauritius and the global climatic challenges we have to face. So far, we have been doing bits and pieces to alleviate and mitigate new risks in our construction industry, but things need to be formalised and legalised in a proper manner.

Here, I wish to congratulate the hon. vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping for having brought the

new Building Control Bill to this Assembly for us to take cognizance and give our inputs to the requirements of the new regulations to be adopted.

Mr Speaker, Sir, I have had the opportunity to work as PPS and I am aware of the numerous difficulties encountered in the construction sector, be it buildings, public infrastructure like roads and drains or any other public utilities. During my various site visits in my constituency and many other places, I have noticed that houses are built on natural drain paths and on wetlands without providing any facilities for rainwater drainage. Such illicit and irresponsible actions have led to devastating outcomes like floods. As a result, Mr Speaker, Sir, millions of rupees are being spent in the construction of new drains.

Mr Speaker, Sir, there are some cases where wastewater is directly discharged into canals and rivers polluting the natural water and its aquatic life. Even the underground water is seriously affected and strict remedial action is to be taken to save our Small Island State. The disastrous flooding in Mon Goût, in l'Amitié and in Flacq regions in 2008 and 2011 have served as lessons and proved the stakeholders to take urgent actions in the upgrading of infrastructure. But how to control wild developments around the country remains a very big challenge for the authorities concerned and all of us, here, in this House.

Mr Speaker, Sir, issues related to climatic change, resource depletion, pollution, are all accelerating rapidly, and the supply of fossil fuel will be reaching its peak in the next twenty years according to scientists. And all these have strong links with the building industry. Hence, reducing our energy consumption is an essential survival strategy. Choosing to build green, eco-friendly design methodology can further reduce energy consumption by minimising energy inputs for heating, cooling and light, and incorporating energy efficient appliances. Saving energy for the occupant also saves money.

The use of solar energy, which is abundant in our country, must be utilised as renewable energy and even for generating electricity during peak power requirement. The use of solar heaters should be advocated more and more to the reach of the public at large.

An eco-friendly construction not only helps to create a better outdoor surrounding, but it also helps to build a healthier indoor environment.

With a degree in Home Science and being a diploma holder in Interior Decoration, I understand that many conventional building materials and methods have been linked to a wide range of health problems.

Chemical pollutants from paints, solvents, plastics and composite timbers, along with biological pollutants such as dust, mites and moulds are known to such symptoms such as asthma, headache, depression, eczema, palpitations and chronic fatigue syndrome.

Green buildings, however, eliminate these problems through good ventilation design, breathable walls, and the use of natural, non-toxic products and materials.

Mr Speaker, Sir, from thatched roof houses, *'la case la paille'* to hi-tech buildings, from wooden log huts to steel cum glass structures; every construction needs to be designed intelligently. New ideas, for sustainable buildings should be encouraged, for example, the facility for rain harvesting should become mandatory to new building complexes. This will assist in recharging our ground water table which gets depleted in dry seasons.

Mr Speaker, Sir, although there have been a complete modernisation of the building materials in the last decade, there is need to think about sustaining our natural resources. Hence, it is crucial to specify the type of materials to be utilised in the construction industry, for example, minimise the use of wood to avoid depletion of forests, and find ways and means to be economical and ecological in our design and in our concept.

Mr Speaker, Sir, it is here that the assistance of architects and engineers in the field becomes necessary whenever someone has a plan to construct a house, a building or any other structure for domestic or industrial use.

Mr Speaker, Sir, the present law provides for the design of buildings for more than 200 square metres, 150 square metres is too small to be accepted which is existing to be undertaken with the consultancy of qualified architects and engineers and which is a minimum requirement for obtaining a building permit for a house or building. This building permit is issued by local authorities after having scrutinised the design and visited the site of the proposed construction.

However, Mr Speaker, Sir, my worry is that those buildings below the area of 200 square metres, 150 square metres are too small to be accepted and are left to whims of unqualified draughtsmen, who, by drawing a plan without the knowledge of ecology and energy saving, do obtain the necessary permit to build a house or a building of any kind just by following some basic guidelines.

Mr Speaker, Sir, in some rare cases, the owner who wishes to construct his house or a building consults an architect or engineer for proper advice. But, Mr Speaker, Sir, there is a

heavy price to pay for this consultancy. Those who cannot afford to pay such fees are left to the mercy of some *bricoleurs*.

Unfortunately, Mr Speaker, Sir, this Bill does not mention much about this category of buildings. And we will continue seeing eyesore types of houses which are built just to allow the residents to have respite but not a harmonious and ecological green living.

It is high time that, we, in this Assembly, start thinking of people who want to build a decent house, but, due to lack of sufficient funding, prior to the approval of their loans, they cannot have access to the service of professionals due to their high consulting fees.

Mr Speaker, Sir, I would like to make some suggestions to the hon. vice-Prime Minister and also to the hon. Minister of Local Government, namely the appointment of some Architects/Engineers with knowledge of ecological housing system. They would assist every applicant of a building permit in designing his or her house using, at the same time, a harmony of colours, architectural design, keeping in mind the environment where the proponent wishes to construct.

I am aware, Mr Speaker, Sir, that harmonious and ecological designs are being implemented at some regions of our country, but, there, the prices of these houses are beyond the reach of the common middle income group category. I have often heard tourists commenting that the houses in many regions of Mauritius do not harmonise with each other nor do they blend with the environment. And I would like to see more harmonious development in every region and not only in specific areas.

Coming back to the Building Control Bill, Mr Speaker, Sir, it brings about a complete change in the present law by the creation of an Advisory Council composed of qualified members and a Chairman, who will take necessary action with regard to the application of such laws and to see that all regulations under the new law are respected.

However, Mr Speaker, Sir, I would like to suggest that the Chairperson proposed for the New Building Control Council shall not only have experience in the field of Architecture and Engineering, but should also be qualified professionally in the said fields, this, to ensure that adequate decisions are taken whenever the need arises.

Like, someone with only experience in medical field cannot prescribe a medicine to a patient if he is not a qualified or registered medical practitioner. I wish that this point will be taken into consideration by the hon. vice-Prime Minister, who, according to this Bill, will be

responsible to nominate the Chairperson of the Council, and this qualification will give the Chairperson adequate power to trash out issues and take *les décisions qui s'imposent*.

Mr Speaker, Sir, I wish also to draw the attention of the House to paragraph 6(1)(b) of the proposed function of the new Building Control Advisory Council where it is stated that it will –

*“Examine and comment on any guidelines referred to in Sub-Part F of Part VIII of the Local Government Act 2011(...).”*

The question is: Shall the Building Control Advisory Council have the power to repeal any such guidelines and have them replaced? Secondly, shall it ensure that any comment issued to the said guidelines be put into practice by the local authorities?

While concluding, Mr Speaker, Sir, I would suggest that Government contemplates seriously in having professionals posted, in addition to the existing engineering staff, in those institutions issuing building permits, even if not on a permanent basis, but on a case to case basis they may ensure that the designs are harmonised, and adapt to the increasing demand for the use of new materials and products.

By creating such posts, there would be more scope for university students to choose their fields of study and instead of having one graduate per family, unemployed in many cases, there would be one working professional, hopefully in every two families.

Thank you, Mr Speaker, Sir.

(11.23 p.m.)

**The Minister of Local Government & Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, first of all, I would like to congratulate my colleague, the hon. vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping and his team for their considerable effort in the preparation of the new piece of legislation.

The existing Building Act dates as far back as 1919, nearly a century ago. The Bill *a fait son temps*, Mr Speaker, Sir and its replacement was long overdue. During that time, our small island has evolved into an independent country, eventually becoming a Republic. Our economy, which initially was an agriculturally intensive one, is moving to a service-driven sector, with a booming construction industry. More and more land which was under cultivation is being converted to residential and commercial development. To ensure the sustainable development of our island, it is important that the legislative framework set in place for regulations provides for

the protection of our environment, the maximisation of our energy sources and the promotion of development which is conducive to improve the quality of life of our people. From time of enactment of the current Building Act in 1919 until 1954, there was no legislation dealing with the Town and Country Planning environmental issue or sustainable development.

Today, with the advent of new technology, new construction materials and expertise and techniques in the field of construction, buildings are becoming more and more complex. Residential development are shifting to tall and slender block of apartments, commercial complexes are integrated to satisfy a variety of consumer products and industrial development is clustered to benefit from infrastructural and economic gains. There is, therefore, the urgent need to revitalise our legislation to cope with the new challenges and to cater for the needs of future generations.

The new Building Control Bill is a novel piece of legislation which aims to achieve a couple of highly important objectives. It establishes provisions to ensure safety, comfort, energy efficiency and aesthetic value to our construction industry. The law requires that buildings to be constructed would have to be more environmentally-friendly, encourage and save energy, make use of optimum energy consumption and ensure a proper waste management and water management within the premises.

Mr Speaker, Sir, the Bill is not a standalone piece of legislation, but is linked to other laws such as the Town and Country Planning Act, the Planning and Development Act, the Public Health Act, the Fire Protection Act, the Energy Efficiency Act, the Environment Protection Act, the Business Facilitation Act as well as the National Heritage Fund Act and the Local Government Act 2011.

The Bill further provides an effective control during the period of construction and the responsibility falls on the professional who is to supervise the construction to certify and report to the Local Authority by issuing a clearance certificate following which the Local Authority is required to issue compliance certificate for occupation of the building. This will, in a way, relieve the Council staff from periodic inspections, but the law allows for mandatory inspection by an authorised officer of the Council so as to ensure compliance with the conditions of the permit.

The gender issue has not been overlooked by this legislation. More and more concerns are now raised with regard to specific needs of the old, the disabled and pregnant women with

regard to accessibility and use of building facilities available within the premises. The new Bill makes it an obligation on the developer to ensure that functional requirements with particular attention to the utility, accessibility and gender compliance are catered for at the design stage. Hence, if proposed designs of buildings do not comply with these mandatory requirements, the developer will not be issued with a building and land use permit.

The Bill may not contain all technicalities of construction norms and standards, but allows for those matters to be addressed through regulations under the Act on recommendation of the Building Control Advisory Council.

Mr Speaker, Sir, I will kindly propose to my colleague, the hon. Minister, concerning the composition of the Building Control Advisory Council, for all the representatives on that Board. It is fully represented by persons with capacity in different fields as we can see the Chairman having experience in the field of architecture and engineering to be appointed by the Minister. But I would add to the attention of my colleague that we have nine Local Authorities and in two or three months, we will have 12 Local Authorities and each Local Authority has got a planning department where we have planners and engineers who are technical people working there to oversee constructions and the plans and architectural designs. The more so is that, if there is any problem with the developers, who are not respecting the norms, we need somebody to go to court to challenge them. I think these are the only people that would go to court for challenge.

*(Interruptions)*

I am sorry; I think there is a need to have a member at least from the Associations of Local Authorities to be on the Board. We have all these people. It is fine that everyone is represented on it: Fire, Emergency Management Office. These people will not be able to go and challenge in court and whenever we have to apply, for example, for demolition, we need people with knowhow and from the Planning department to represent the Minister of Local Government. We don't have any planners in the Ministry as such.

The Building Control Advisory Council provides for a developer, for certain types of buildings to be prescribed, to hire a design team comprising of an architect and engineer for the preparation of the plans and drawings. The duties are clearly spelt out.

Energy efficiency requirements, as prescribed by regulations, would be applicable for certain types of buildings so as not to create undue hardship or undue cost to small income earners of modest means. These rules would not be applicable to them in the first instance.

The Building Control Advisory Council provides for buildings erected after permits having been issued, to obtain a compliance certificate from the Local Authority before its occupation. This concurs with section 120(2) of the Local Government Act.

Mr Speaker, Sir, in 1919, when the original legislation was passed, Mauritius had only one Municipal Council, that is, of Port Louis. Three other urban areas were governed by nominated Boards, namely Beau Bassin/Rose Hill, Quatre Bornes and Curepipe. Vacoas was not even a town then. There were neither Village Councils nor District Councils.

It is not surprising then that the Building Act still refers only to the Municipal Council of Port Louis and its Mayor in quite a few sections, namely sections 22 to 30 in Part III dealing with dangerous buildings. There are even references in this part to the Town Architect instead of the Chief Planning Officer and the Magistrates of Port Louis. Only section 31 extends all the provisions to the rest of Mauritius.

Clauses relating to dangerous buildings have been updated so as to allow such cases to be notified either to the Local Authorities, as defined in the Local Government Act of 2011, or the Supervising Officer of the Ministry of Public Infrastructure or the Commissioner of Police.

A severe fine of Rs20,000 or imprisonment for a term not exceeding four years, has been established to in case of non-compliance with a notice served for remedial measures and provision for the safety and security of passers-by in such cases.

The responsibility of the engineer certifying the building as being dangerous has been defined. The present Act refers to the architect or the building surveyor, which is not appropriate and has been amended.

Due provision has been made for the restriction of construction of buildings storing, processing or handling hazardous materials, for example, explosive dust or materials subject to spontaneous ignition or substances that may produce flammable gases on contact with water and a specific permit for hazardous buildings will now be required.

The definition of “building” has been clearly spelt out as well as that of “building works”.

Exemption, from requirement of a permit for some types of structures, has been provided for, namely pergolas, gazebos, trellis, side and rear compound boundary walls of premises.

The demolition of buildings will now require a permit to be obtained, which is not the case in the present Building Act.



Mr Speaker, Sir, several sections of the Building Act have been amended or repealed, especially during the last 20 years, following the introduction of various pieces of legislation dealing with specific matters such as permits, health and safety, fire precautions and other hazards, accessibility of handicapped citizens and legal penalties. Quite a few of these sections have been replaced by corresponding ones in past and present Local Government Act, especially with regard to the delivery and enforcement of buildings permits, entertainment or otherwise.

Mr Speaker, Sir, the new Act also gives a greater role to play to another department of my Ministry, namely the Fire Services. In 1919, there was no Fire Services Act either, so there are only two or three references to fire safety requirements in the Building Act. The new legislation extends the legal requirements to guidelines and regulations that may be issued by the fire services as well as including those issues by the sanitary authority, the Energy Efficiency Management Office, the National Heritage Fund or those of any Ministry.

*En passant*, I will be coming very soon to the House with a completely new Fire and Service Rescue Act which will replace the Fire Services Act of 1954.

Mr Speaker, Sir, I welcome this legislation, the objectives of which are laudable and necessary to enable us to cope with the emerging challenge ahead, particularly with regard to sustainable land use, protection of our environment and energy consumption.

I thank you for your attention.

(10.31 p.m.)

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Mr Speaker, Sir, I'll be brief, very brief. First, I would like to congratulate my colleague the vice-Prime Minister and Minister of Public Infrastructure for coming up with what is really - and I feel - a very important piece of legislation which has the merits of not only addressing safety and comfort in existing buildings requiring modifications and in new buildings to be constructed. It will also address comprehensively other important issues such as energy efficiency and water management in these buildings and the aims at making buildings functional, safe and sustainable are clearly spelt out.

Mr Speaker, Sir, this new legislation is all the more welcome as the existing one dates back to nearly a century ago and cannot meet the requirements and expectations of modern Mauritius. I have been privileged to be closely associated with the crafting of this new legislation which includes a strong focus on energy management and water conservation issues of direct

relevance to my Ministry and I can assure hon. Lesjongard who happens to be temporarily absent, I hope, that there has been extensive consultation with stakeholders and numerous workshops. We have to thank the Global Environmental Facilitation and the UNDP for the help they have given us in drafting this legislation.

The Building Control Bill introduces a concept and this to me is probably the most important thing that is happening in the energy sector today. It is introducing the concept of energy conscious architecture which is slowly gaining ground in the world today.

To this extent, the legislature is *avant-gardiste*, innovative and will usher in major changes in our living and working environments and will contribute substantially to the comfort and well-being of our fellow citizens.

Mr Speaker, Sir, there is a large body of knowledge in energy architecture which is not widely used and this legislation will promote and facilitate the adoption and vulgarisation of energy conscious architecture.

The Bill provides a framework for promoting the use of eco-friendly and less energy intensive building materials; the incorporation of passive solar principles in building designs and operations, including lighting features; the integration of renewable energy technologies; the conservation of water, rain harvesting and the use of energy efficient appliances in buildings.

Mr Speaker, Sir, the design of buildings without due consideration to bio climatic conditions and the massive use of energy inefficient air-conditioning systems have contributed considerably to energy demand and the peak demand reaching 429 MW this year has shown that electricity demand is directly related to maximum ambient temperature more so than any other factors such as GDP or population growth.

Mr Speaker, Sir, the number of buildings in Mauritius has increased by more than 16% over the last decade. In the tourism sector, the increase has been threefold. In the residential sector, the number of storey buildings has increased by more than 50,000 units representing some 65% increase, but such development has occurred over a period where the average temperature increased by more than 2°C, but with no provision for climate changes in our building designs.

Mr Speaker, Sir, subsection 3 of the Bill puts emphasis on the energy savings and optimum energy consumption in buildings. The time will come when buildings will be rated according to energy efficiency, and incentive be given to achieve such ratings.

Reference is also made to the reduction of heat island effect in urban areas. This notion of heat island effect sort of comes up and I was quite surprised, I didn't realise what it meant till someone told me: 'you only have to be in Port Louis in certain spots where, during summer, due to climate change, the temperature can be as much – and I could not believe it - as 10°C above the average in these hot spots.'

There we are, Mr Speaker, Sir, climate change is here and we have to deal with that. The Building Control Bill is a vital instrument supporting the energy policy and strategy of Government as enshrined in the Energy Efficiency Act 2011. It will foster energy efficiency in all spheres of economic activities in the country and, in this particular case, in the building industry where there will be a real paradigm shift with regard to design, construction, operation and maintenance of buildings.

Following enactment of this Bill, it is Government's intention to promulgate energy efficiency building regulations and an energy efficiency building code. These will, among other things, impose a new requirement on owners, developers of non-residential buildings with a floor area of more than 500m<sup>2</sup> in that an energy efficiency certificate will be a prerequisite for obtaining a building permit from Local Authorities.

This certificate will have to be issued by a certified building auditor. Residential buildings will not be subject to the energy efficiency building code for the time being - I stress "for the time being" - but there will be guidelines on energy efficiency applicable to them. In this context, my Ministry has also provided initial training to some fifty building energy auditors. Further training will be provided to enable them to become certified auditors in due course.

Mr Speaker, Sir, the Energy Efficiency Act of 2011 complements this new legislation in that it provides for the Energy Efficiency Office of my Ministry to, *inter alia*, establish energy consumption standards, issue guidelines for energy efficiency in all sectors of the economy, devise minimum energy performance standards and also introduce product labelling for equipment and appliances.

Mr Speaker, Sir, it is a happy coincidence that we are launching tomorrow the *Observatoire de l'Energie*. This *Observatoire* will collect and maintain data on energy use in all sectors of the economy and will be an essential tool for the monitoring of energy efficiency, including in buildings.

Mr Speaker, Sir, this Bill is a challenge for all stakeholders in the building sector and my Ministry has already started the groundwork for the implementation of measures, in particular the energy efficiency related ones contained in this legislation. The task will not be an easy one, Mr Speaker, Sir, but I have no doubt we will all rise to the challenge because otherwise the energy security of this country could be seriously compromised.

I thank you, Mr Speaker, Sir.

(11.39 p.m.)

**Mr Bachoo:** Mr Speaker, Sir, first of all, I would like to thank Members on both sides of the House for their valuable contributions and suggestions.

I would like to start with a few issues that were raised by hon. Lesjongard and a few of them have already been dealt with by my friend, hon. Dr. Abu Kasenally, the Minister of Housing and Lands.

Hon. Lesjongard spoke about the delay in the preparation of this Bill, but everybody is aware in the House that the previous Act was almost one hundred years old and it took us a lot of time in order to prepare it and, at the same time, we had no expertise in matters of energy efficiency and we had to resort to the services of foreign consultants who had many consultations in Mauritius. Many workshops were held and in order to get those consultants, we were bound to pass through tender procedures. On two occasions, we had to launch tenders and that explained the slight delay that had taken place. In addition to this, from different sectors, all stakeholders were called on many occasions. Brainstorming campaigns were launched for many years and it is only after that, that we have been able to produce such a Bill.

The hon. Member has circulated certain amendments; I will take them a bit later. There are other issues that he raised, for example, on the question of functional requirements, under section 34 3(b) regulations will specify which building should respect the minimum building standards or otherwise. Regarding the buildings, there was the question of provisions which have to be made for people who cannot work, for *autrement capables*. But these things will be taken care of under section 34 3(b) that specifies which type of arrangement has to be made for those buildings.

Regarding the representation of local authorities on the Council, it is the Ministry of Local Government that is the apex body. But we cannot have all the Local Authorities on that Advisory Council. So, it would not be practical and that is the reason why we say that whenever

so required, if a representative, for example, of Rodrigues has to be co-opted for his input, this can also be done under section 6 2(a), and if anybody, let us say, from the Ministry of Local Government – we have to include anybody – then definitely the Ministry of Local Government as well as the Ministry of Housing and Lands also can make arrangements for the Ministry to be represented by officers having necessary technical profile. So, that explains why we cannot make provisions for more than 15 members. These are a few points which were raised.

Regarding the supervision of the building works, it has already been explained before me, even by my colleagues who spoke earlier, that the supervision will be undertaken properly. In addition to these, there was one more issue. Hon. Lesjongard put up a question regarding the members of the design team, whether they can act as principal agent or not. This is allowed, they can act as principal agent. It will also be the responsibility of the developer who appoints the design team or the principal agent. The clearance certificate is issued by the principal agent who can be an engineer or an architect appointed by the developer to supervise the building works.

The other issue that he has raised concerns the proposals for amendment and I have to thank him for that. But we have examined these proposals and it has been found that they won't materially and substantially alter the piece of legislation. When the hon. Member made use of the words 'plans' and 'drawings', their terminologies which are commonly used in architecture and engineering, an example would be the Professional Architects Council Act where these two words are used in combination. Drawings may also include plans, elevations, perspectives and so on, whereas plans mean only the layout of a building or of a site.

Another important issue that the hon. Member wanted to take up at amendment level concerns buildings of 150m<sup>2</sup> and 200m<sup>2</sup>. The general rule is that a plan of a building needs to be drawn up by an engineer or an architect. But there is a derogation to that rule in our Act, for instance, the plan of a building having a floor area of 150m<sup>2</sup>, has mandatorily to be drawn up by an architect, whereas the plan for a building of less than 150m<sup>2</sup> is not necessarily drawn up by an architect. We have to accept one thing that those people who are at the lowest rung of the ladder, for them to procure an architect or the services of an engineer, is not easy. So, planners can do the work and, at the same time, when these plans are submitted before the local authority, you have experts there, they will have to see to it that the plans are properly drawn, otherwise they won't be given the right to go ahead.

In addition to this, there is one more thing. We have decided that we have to give assistance to people undertaking the construction of a house. That is the reason why in the regulations, we are going to prescribe the type of designs which the Building Control Advisory Board is going to suggest and these will be made available to local authorities so as to facilitate the task of those people who are at the lowest rung of the ladder. Therefore, I do not feel any need to mandatorily impose engineers on buildings which are less than 150m<sup>2</sup>. I think that shows our state of mind why we do not want to go ahead with it whereas as far as engineers are concerned where structurally it is important, the regulations prescribe that you are bound to take the services of engineers, that is very much clearly spelt out in the regulations.

Mr Speaker, Sir, I would like to thank hon. Mrs Bholah also for the suggestions that she has given which have already been taken into consideration, that has already been roped in the regulations which are coming.

Mr Speaker, Sir, presentation of the Building Control Bill, today, constitutes a very important milestone in the history of the construction industry being given that it is already a century old that we had the previous Act of Parliament. Members would have noted that we are replacing a piece of legislation, which dates back to 1919, by a totally new, innovative and responsive legal framework which would govern construction of buildings in general. There is unanimity in recognising that the existing Act fails to respond to the emerging needs and exigencies of the construction industry. It is pleasant for me, Mr Speaker, Sir, to note that Members of the House have demonstrated - those who have taken part in the debate - at least, an interest in this Bill and that itself is a good sign. There have been propositions made. As I have just mentioned, many of them have already been included.

Reckoning with the imperative need to completely overhaul and harmonise our legislation with changing circumstances resulting from the climate change, from the need to go green and fit in the '*Maurice Ile Durable*' perspective, and also to enhance the reliability of structures, while focusing on the security and safety of people, this piece of legislation comes at the opportune time.

Mr Speaker, Sir, I would like to point out that the different provisions made in this Bill demonstrate that parametres are being established so that Mauritius does not become a concrete jungle by incongruous and incongruent building norms and standards. Instead, the new

legislation purports at upholding new tendencies in the construction industry, which cannot, but be to the advantage of the different stakeholders, mainly the citizens.

As a matter of fact, Mr Speaker, Sir, the Bill contains important and meaningful provisions, which when aggregated, will ensure that –

- (i) there are basic requirements for buildings in terms of functional, safety and sustainability;
- (ii) building of a floor area of more than 150m<sup>2</sup> would call for the services of an architect, and an engineer, where applicable;
- (iii) there are specific conditions to be met for the obtention of a compliance certificate which would guarantee the reliability and security of the building for occupiers and persons putting relatively small residential units of less than 150m<sup>2</sup> would be exempted from such a requirement.
- (iv) there are mandatory guarantees in terms of property damage insurance policy cover for compensation in the event of non-structural and structural defects;
- (v) dangerous buildings, representing potential threat, are properly dealt with;
- (vi) special conditions are respected in respect of hazardous buildings, and
- (vii) non-compliance with statutory requirements are sanctioned to instill a sense of discipline and responsibility in the citizen.

Mr Speaker, Sir, for the effectiveness of the new legislative framework, there is a *sine qua non* requirement that enforcement should be undertaken in conjunction with other authorities concerned, namely the Ministry of Energy and Public Utilities, the Ministry of Housing and Lands, the Ministry of Environment and Sustainable Development and the Ministry of Local Government.

Mr Speaker, Sir, I am sure this Bill will win the full support of the House and I have no hesitation in recommending it.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

## **THE BUILDING CONTROL BILL**

(No. XI of 2012)

*Clause 1 ordered to stand part of the Bill.*

*Clause 2 (Interpretation)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Lesjongard:** Mr Chairperson, I move for the following amendment -

“In clause 2, by inserting in the appropriate alphabetical order, the following new definition –

“Plans” means drawings, detailed diagrams, structural details and calculations showing or relating to the building works and if prepared in electronic form, includes the medium in which the plans of the building works have been stored;”

*Amendment defeated.*

*Clause 2 ordered to stand part of the Bill.*

*Clauses 3 -14 ordered to stand part of the Bill.*

*Clause 15 (Requirements for permit)*

*Motion made and question proposed: “that the clause stand part of the Bill.”*

**Mr Lesjongard:** Mr Chairperson, I move for the following amendment –

“In clause 15, by deleting sub clause (2) and replacing it by the following sub clause –

- (2) where a building has a floor area of –
  - (a) more than 150 square metres, the plans for the proposed building works shall be drawn up and signed jointly by an architect and an engineer;
  - (b) 150 square metres or less, the plans for the proposed building works may be drawn up by a person other than an architect and where applicable by an engineer.”

Mr Chairperson, I wish to inform the House that the present Bill clearly defines responsibilities between the architect and the engineer, and it is for this reason that I have forwarded this amendment. At paragraph (a), it is clearly stated that it has to be signed jointly by an architect and an engineer in order to situate responsibilities.

**Mr Bachoo:** Mr Chairperson, I have mentioned earlier during my summing up that for buildings which are below 150m<sup>2</sup>, there is no need for an architect or engineer, except where the need is felt, for example, structurally when this is required. But, as far as 150m<sup>2</sup> are concerned,



we know the hardship and the difficulties that the common men undergo. In that case, a planner will do. At the same time, when the planning is properly made, I don't find any problem at the level of the Local Government; they would not have any problem. That is the reason why we don't want to go ahead with engineers.

*Amendment defeated.*

*Clause 15 ordered to stand part of the Bill.*

*Clauses 16 -19 ordered to stand part of the Bill.*

*Clause 20 (Duties of developer, design team and principal agent)*

*Motion made and question proposed: "that the clause stand part of the Bill."*

**Mr Lesjongard:** Mr Chairperson, I move for the following amendment –

“In clause 20 –

- (i) in sub clause (1) (b) by deleting the words “and drawings”;
- (ii) in sub clause (4) by deleting the words “and drawings”.

*Amendment defeated.*

*Clause 20 ordered to stand part of the Bill.*

*Clauses 21- 38 ordered to stand part of the Bill.*

*The title and enacting clause were agreed to.*

*The Bill was agreed to.*

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

#### *Third Reading*

*On motion made and seconded, the Building Control Bill (No. XI of 2012) was read the third time and passed.*

#### *Second Reading*

### **THE LICENSING OF RECRUITING AGENTS FOR OVERSEAS EDUCATIONAL AND TRAINING INSTITUTIONS (AMENDMENT) BILL**

**(No. XII of 2012)**

*The hon. Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah) gave notice of his intention not to move the second reading and the other stages of the Licensing of Recruiting Agents for Overseas Educational and Training Institutions (Amendment) Bill today.*

## **THE LEGAL AID (AMENDMENT) BILL**

**(NO. VII OF 2012)**

*The Attorney General (Mr Y. Varma) gave notice of his intention not to move the second reading and the other stages of the Legal Aid (Amendment) Bill (No. VII of 2012) today.*

### **ADJOURNMENT**

**The Deputy Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 19 June 2012, at 11.30 a.m.

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

*Question put and agreed to.*

**Mr Speaker:** The House stands adjourned.

*At 11.56 p.m. the Assembly was, on its rising, adjourned to Tuesday 19 June 2012 at 11.30 a.m.*

### **WRITTEN ANSWERS TO QUESTIONS**

#### **GOVERNMENT COMMUNIQUÉS & ADVERTISEMENT – PUBLICATION**

**(No. B/255) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the publication of Government communiqués and advertisement in the dailies, weeklies and on the private radios, he will give details of the amount of money paid thereto, in each case, since January 2010 to date.

**Reply:** In reply to Parliamentary Question No. A/97, the House was informed on 19 April 2011 that it would not be proper to give the information regarding expenditure incurred by Government on paid publicity in the dailies and the weeklies as the issue is presently the subject matter of litigation pending before the Supreme Court.

As a matter of fact, I am informed that the case is now scheduled to be mentioned before the Supreme Court on 14 June 2012.

#### **POLICE FORCE – MEMBERS – COMPLAINTS AGAINST**

**(No. B/256) 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 members of the Police Force, he will –

- (a) for the benefit of the House, obtain from the Complaints Investigation Bureau, information as to the number of complaints lodged against them, since the creation of the Bureau to date, indicating the number of complaints which have culminated into prosecution and eventually conviction, and
- (b) state if Government proposes to revisit the manner in which investigations into these complaints are carried out and if so, indicate –
  - (i) the reasons therefor, and
  - (ii) when.

*(Withdrawn)*

### **CYCLONES – LEGISLATION – AMENDMENT**

**(No. B/257) 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 cyclones, he will state if consideration will be given for amendments to be brought to the existing legislation with a view to providing that it is an offence for any person to venture outside during the weather conditions that prevail during the passage thereof and in so doing putting his own life and that of his rescuers at risk, and if so when, and if not, why not.

*(Withdrawn)*

### **CONSTITUTION – REFERENDUM - AMENDMENT**

**(No. B/258) Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Constitution, he will state if consideration will be given for amendments to be brought thereto to provide for the possibility of having recourse to a referendum when it comes to taking decisions on important social and constitutional right issues.

**Reply:** As announced at paragraph 4 of chapter 5 of the Government Programme 2012-2015, the Government is already committed to introduce new enabling legislations providing for the people to be consulted by way of referendum on major constitutional and other issues.

Government reckons with the fact that constitutional reform requires the endorsement of the people at large and should not be decided by the political class alone.

### **RODRIGUES – DETAINEES –TRANSFER**

(No. B/259) Mr J. F. François (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the detainees, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to if any incident recently occurred during the transfer thereof from Rodrigues to mainland Mauritius and, if so, indicate the –

- (a) nature thereof;
- (b) reasons therefor, and
- (c) remedial measures taken to prevent the recurrence of incidents of similar nature.

**Reply:** In regard to parts (a) and (b) of the question, I am informed by the Commissioner of Police and the Commissioner of Prisons that on 19 April 2012, convicted detainee D. C. was transferred from Beau Bassin Central Prison under Police escort to the Pointe la Gueule Prison, Rodrigues in order to stand trial in two cases of “Damaging Public Property” before the Rodrigues District Court.

After trial on 20 April 2012, the detainee was escorted back to Pointe la Gueule Prison pending his transfer to Mauritius on the next day.

On 21 April 2012, at about 19.00 hours the officer-in-charge of the Pointe la Gueule Prison requested Police assistance as the detainee refused to be transferred back to Mauritius. The door of the dormitory where the detainee was accommodated, was obstructed. The Police and the prison officers had to force open the door of the dormitory. When the door was opened, the detainee, voluntarily and without any resistance, came out from the dormitory. He was then escorted to Sir Gaëtan Duval Airport and back to the Grand River North West Remand Prison without any other incident.

On 23 April 2012, a case of “Damaging Public Property” has been reported against the detainee at the Port Mathurin Police Station.

In regard to part (c) of the question, I am informed that security measures at Pointe La Gueule have been strengthened. The construction of an extension of the prison block is also being envisaged.

**METAL/IRON – THEFT**

**(No. B/260) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the theft of metal/iron equipment and objects, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the measures taken to prevent the commission thereof, and
- (b) state if Government proposes to introduce legislation to provide that the companies buying same have an obligation to ascertain the source thereof from the sellers and to report any suspicious transactions thereof to the Police.

*(Withdrawn)*

#### **MOBILE PHONES, SMS & INTERNET – MISUSE – MEASURES**

**(No. B/261) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the misuse of mobile phones, Short Message Services and the internet platforms, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, in each case, since 2006 to date, indicating the preventive measures taken in relation thereto.

*(Withdrawn)*

#### **NATIONAL IDENTITY CARD – PORT LOUIS OFFICE – ACCESS**

**(No. B/262) Mr A. Gungah (First Member for Grand' Baie & Poudre d'Or)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the office issuing the National Identity Card, situated on the first floor of the TM Building, at the Pope Hennessy Street, in Port Louis, he will state if he has been informed of the daily long queues of applicants therefor that are formed thereat and that persons with disabilities encounter difficulties of access thereto and, if so, state if remedial measures will be taken.

**Reply:** I am informed by the Civil Status Division that, on average, 300 National Identity Cards are issued daily by the National Identity Card (NIC) Office located at the TM Building, Pope Hennessy Street, Port Louis. Around 200 of these applications concern replacement of lost or damaged cards, which are issued only at the Port Louis office.

There are four counters which are operational at the NIC office and the officers of the NIC Unit are providing satisfactory service, with an average processing time of 5 minutes per

new application. However, applications for re-issue of lost cards take an average time of 15 minutes in view of the fact that the procedures are longer involving counter verification of the application against previous records and payment.

The relatively larger number of applications for replacement of lost National Identity Cards and the longer delivery time for such cases result in the formation of queues, especially from 11.00 hours to 13.00 hours, after which the service delivery is normalised. An air-conditioned waiting area accommodating around 40 persons has also been provided since the transfer of the NIC Unit to the TM Building premises in November 2009 for the convenience of customers.

Persons with disabilities are issued with National Identity Cards at the ground floor of the Emmanuel Anquetil Building where appropriate facilities have been provided since May 2012 to this category of customers. This service is operating satisfactorily.

With a view to providing an enhanced working environment for the officers of the NIC Unit as well as optimum conditions for the public, the NIC Unit will be relocated to the ground floor of the Emmanuel Anquetil Building. Provisions will be made for additional counters and a modernised queue management system. The bidding documents for the refurbishment of the building are being finalised and tenders will soon be floated.

### **SUICIDE - MEASURES**

**(No. B/263) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to suicide, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since January 2012 to date, indicating the measures taken to address the issue.

**Reply:** I am informed by the Commissioner of Police that since January 2012 up to 06 June 2012, 48 cases of suicide have been reported to the Police.

Worldwide suicide has become a major societal problem. Its prevention has become a worldwide priority. The World Health Organisation has attributed the major risk factors for suicide to mental disorders such as depression, personality disorder, alcohol dependence, substance abuse and also some physical illnesses. Suicide is a complex phenomenon as it involves psychological, social, biological, cultural and environmental factors.

The recent suicide cases among school girls show that Mauritius is not spared from this phenomenon and the Mauritian public has been sensitised on this problem.

Government is very much alive to the extent of this phenomenon. In 2006, it elaborated an Action Plan for Suicide Prevention under the aegis of the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions. The overall plan aimed at

–

- (a) reducing the rate of suicide in Mauritius;
- (b) reducing the occurrence of other self-harmful acts;
- (c) reducing the suffering associated with suicidal behaviour and traumatic experience of the loved ones, and
- (d) providing opportunities and the right environment to enhance resilience, respect, non-violent conflict resolution and inter-connectedness for individuals, families and communities.

The plan provided, amongst others, for –

- (i) the monitoring of awareness campaigns through talks, seminars and conferences, posters, booklets and pamphlets;
- (ii) training to different stakeholders to identify people with suicidal tendencies with a view to providing them the required treatment and advice;
- (iii) limiting access to dangerous products;
- (iv) the provision of support services to assist families and close relatives of suicide victims and survivors of suicide attempt, and
- (v) the creation of a hot line.

It is clear that suicide problems call for an innovative multi-sectoral approach from various sectors, including education, health, labour, Police, religion, law, politics and media. Enhanced collaboration among the different agencies of Government, namely the Life Plus Unit under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions, the Ministry of Gender Equality, Child Development and Family Welfare, the Ministry of Education and Human Resources, the Ministry of Health and Quality of Life and the Family Protection Unit of the Police Force has paved the way to a new approach to the problems of suicide.

The implementation of the Action Plan on Suicide started in 2009 and it will span over five years. In line with the plan, the following specific measures have been taken to address the problem –

- (i) publication of a book mark on stress management and distribution among secondary school students;
- (ii) stress screening programmes carried out among students;
- (iii) Life Plus Unit, which is the operating arm of the Ministry of Social Security, National Solidarity and Reform Institutions is actively engaged in suicide prevention at three levels, namely promoting positive and healthy living, carrying out awareness campaign on stress and stress management, and explaining the mechanism of suicide and how to identify suicidal people and how to prevent them from committing the desperate act of suicide. During 2011, it had carried out 80 talks on suicide prevention and related topics in schools, Social Welfare Centres and non-governmental organisations;
- (iv) the Life Plus Unit is also operating the Hotline 188 on a 24-hour basis to provide psycho-social support to people in distress;
- (v) the National Education Counselling Service of the Ministry of Education and Human Resources has been reinforced with Educational Psychologists and Educational Social Workers. It has carried out several awareness and sensitisation campaigns, talks on positive living and stress management, and suicide prevention for the benefit of Rectors and Deputy Rectors to equip them with the necessary techniques to better identify students in distress. Pastoral Care Committees have been set up in all secondary schools to deal with students encountering problems, whether at school or at home, and
- (vi) the Ministry of Gender Equality, Child Development and Family Welfare also provides necessary psycho-social support by multi-disciplinary team at the Child Development Unit or the Family Support Bureaux to children and adults, victims of violence. In cases where it is identified that a victim is displaying suicidal tendencies, the Psychologist of the team makes an initial assessment and refers the person to the Suicide Prevention Unit of the Ministry of Social Security, National Solidarity and Reform Institutions for further intervention. The case of



attempt at suicide is referred for psychiatric treatment to the Ministry of Health and Quality of Life.

### **PORT LOUIS – FRUIT SELLERS/POLICE – INCIDENT**

**(No. B/264) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the incident which occurred at the Royal Road in Port Louis on Tuesday 17 April 2012 involving the fruit sellers and the Police, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a complaint for Police brutality was lodged at the Police Complaints Bureau and, if so, indicate if an inquiry has been carried out thereinto and the outcome thereof.

**Reply:** I am informed by the Commissioner of Police that on 17 April 2012 at about 13.00 hours during the course of an operation carried out by Police officers of Trou Fanfaron Police Station against illegal hawkers and obstruction on pavement, they came across one Mr O. J., who had placed four baskets of fruits for sale on the pavement at corner Joseph Rivière and Royal Streets, thereby causing obstruction to the free passage of pedestrians.

On being requested to remove the baskets of fruits from the pavement, Mr O. J. refused to do so and uttered filthy words to the Police officers. The Police warned him of the offence “Rogue and Vagabond” and whilst the Police was arresting him one Mr H. R. tried to interfere in the exercise of duty by the Police officers. Mr H. R. also used foul language towards the Police officers.

Both Mr O. J. and Mr H. R. were arrested and brought to Trou Fanfaron Police Station.

During the course of the arrest, Mr H. R. got injured at his mouth and the shirt of a Police Constable got torn.

On same day, both accused parties gave their statements to the Police and admitted their guilt. Thereafter, they were released on parole pending their appearance in court the following day.

The next day, on 18 April 2012, both accused parties appeared before the District Court Division II of Port Louis on a charge of “Rogue and Vagabond” and both of them pleaded guilty. They were each fined Rs3,000 and Rs100 as costs.

I am informed that since the time they were arrested and brought before court, none of them made any complaint.

However, on 27 April 2012, Mr H. R. made a complaint at the Complaints Investigation Bureau to the effect that on 17 April 2012, he was assaulted by the Police.

I am informed that enquiry into the complaint is being carried out by the Complaints Investigation Bureau. The National Human Rights Commission was also informed of this case.

**OLD PARLIAMENT HOUSE – RENOVATION – TENDER EXERCISE**

**(No. B/265) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the renovation of the Old Parliament House, he will state the –

- (a) reasons for the disqualification of the two other bidders during the tender exercise carried out therefor, and
- (b) number of years of experience possessed by the contractor therefor in wood and joinery works.

**Reply:** I am informed by the Clerk of the National Assembly that the tender exercise for the project of Renovation of the Old Parliament House was carried out by the Central Procurement Board in accordance with provisions of the Public Procurement Act during the period August 2009 to March 2010.

In regard to part (a) of the question, I am informed that following the call for tenders through Open Advertised Bidding on 07 August 2009, five bids were received by the closing date on 14 October 2009. The bids were subsequently evaluated by a Bid Evaluation Committee set up by the Central Procurement Board. Upon evaluation of all the bids, the Bid Evaluation Committee recommended the award of the contract to the third lowest bidder, Messrs. IREKO Construction Ltd which satisfied all the criteria specified in the bidding documents.

According to information obtained from the Central Procurement Board, the offers from the first two lowest bidders were not retained by the Bid Evaluation Committee because they did not satisfy certain specific requirements contained in the “Instruction to Bidders” in the bidding documents, namely, the minimum average annual turnover; the number of years of experience as a contractor, subcontractor or management contractor; and specific experience in works of similar nature.

In regard to part (b) of the question, I am informed that the successful bidder possessed the necessary experience in wood and joinery works, in line with the criteria contained in the

bidding documents which specifically stated that bidders should have successfully completed one project of similar nature of a value of at least Rs90 m. during the last ten years.

I wish to inform the House that on completion of the tender exercise on 29 December 2009, pursuant to section 40 (3) of the Public Procurement Act, the National Assembly notified all the bidders of the outcome of the exercise on 20 December 2009. The first two lowest bidders subsequently challenged the decision of the Central Procurement Board. On 11 and 15 January 2010, the unsuccessful bidders were informed respectively, by the Central Procurement Board, of the reasons why their bids had not been retained.

The aggrieved bidders had, in accordance with section 45 (1) of the Public Procurement Act, the right to appeal to the Independent Review Panel if they were still not satisfied. However, no application for review was received within fifteen days, as prescribed under section 48(5) of the Public Procurement Regulations 2008.

#### **CHAGOS ARCHIPELAGO – MAURITIUS SOVEREIGNTY**

**(No. B/266) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to his recent visit to the United Kingdom, he will state if our sovereignty claim over the Chagos Archipelago has been discussed and, if so, indicate the outcome thereof.

*(Withdrawn)*

#### **LAW PRACTITIONERS – COMPLAINTS AGAINST**

**(No. B/289) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Attorney General whether, in regard to the law practitioners, he will state the number of complaints received from members of the public or from the Judiciary against them, since 2005 to date, indicating the number thereof who have been subject of disciplinary actions and, if so, indicate in each case, the disciplinary actions taken against them.

**Reply:** The information is being compiled and will be placed in the Library.

#### **BIDDERS - INDEPENDENT REVIEW PANEL**

**(No. B/290) Mr A. Ganoo (First Member for Savanne & Black River)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the challenges and requests for reviews submitted to the Independent Review Panel by unsatisfied bidders, he will consider the advisability of laying before the House, copy of the findings thereof.

*(Withdrawn)*

### **ROCHE BOIS, PLAINE VERTE & VALLÉE PITOT - SOCIAL HOUSING UNITS**

**(No. B/291) Mr C. Fakeemeeah (Third Member for Port Louis Maritime and Port Louis East)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to Roche Bois, Plaine Verte and Vallée Pitot, he will, in each case, state the number of social housing units constructed thereat, since August 2011 to date.

**Reply:** I am informed by NEF that in regard to Roche Bois, Plaine Verte and Vallée Pitot, 26 social housing units have been constructed since August 2011 to date, out of which 13 (CIS) houses have been constructed in Roche Bois, 6 in Plaine Verte and 3 in Vallée Pitot and 4 Concrete-cum-CIS, that is, 2 in Roche Bois and 2 in Vallée Pitot.

### **ATHLETES - INTERNATIONAL COMPETITIONS - CASH PRIZE SCHEME**

**(No. B/292) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Youth and Sports whether, in regard to the athletes who win medals at international competitions, he will state if consideration will be given for a review of the cash prize scheme in favour thereof and, if so, indicate if retroactive effect will be given to apply to Mr F. B.

**Reply:** I have to inform the House that my Ministry is not envisaging to review the cash prize for the time being as this exercise was conducted in May last year.

Regarding Mr F. B., he has already been rewarded.

### **HOTEL NATIONAL, PORT LOUIS - NATIONAL HERITAGE**

**(No. B/293) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Arts and Culture whether, in regard to the *Hôtel National*, at the Pope Hennessy Street, in Port Louis, he will state if consideration will be given for the declaration thereof as part of the national heritage and preserved as such.

*(Withdrawn)*

### **SCHOOL BUSES – REGULATIONS**

**(No. B/294) 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 the school buses, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the –

- (a) measures taken to ensure that the regulations in relation thereto are complied with;
- (b) number of contractor permits therefor issued over the past five years, and
- (c) number of owners thereof who have been booked for non compliance with the regulations, indicating the measures/sanctions taken against them, in each case.

*(Withdrawn)*

### **CSR FUNDS - GOVERNMENT-OWNED COMPANIES – DISBURSEMENT**

**(No. B/295) Mr A. Ganoo (First Member for Savanne & Black River)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Government-owned companies, he will, for the benefit of the House, obtain information as to the amount of Corporate Social Responsibility funds disbursed in 2010, 2011 and since January to May 2012, indicating the –

- (a) unspent amount thereof remitted to the Mauritius Revenue Authority, and
- (b) amount thereof disbursed for –
  - (i) social housing;
  - (ii) welfare of the vulnerable children, and
  - (iii) eradication of absolute poverty, respectively, in each case.

*(Withdrawn)*

### **SECONDARY SCHOOLS - BOOK LOAN SCHEME**

**(No. B/296) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Book Loan Scheme, she will state if she has been informed that some students eligible thereunder have not yet obtained their school books, and, if so, indicate –

- (a) the number of students concerned therewith, indicating the secondary institution which they attend, and
- (b) if urgent remedial measures will be taken.

**Reply:** I wish to inform the House that the involvement of my Ministry regarding the provision of books to needy students of the secondary schools is limited to the assessment of eligibility of beneficiaries.

These beneficiaries are –

- (i) recipients of Social Aid and Unemployment Hardship Relief (UHR) and,
- (ii) needy recipients of basic pensions who would have qualified for Social Aid in the absence of the basic pension, namely Basic Widow's Pension, Basic Invalidity Pension, Guardian's Allowance, Basic Orphan's Pension and Basic Retirement Pension.

Applications from parents whose children attend secondary schools are received at the Social Security Offices of my Ministry as early as September each year, in order not to penalise students when they resume classes at the beginning of the year. These applications are made on a specific form provided by the Heads of schools.

Once the eligibility of applicants is established, the application is approved and issued by my Ministry normally on the same day depending on the production of the relevant documents, for example, salary/pension slip, pension cards, civil status documents, etc.

Those who are not eligible are informed accordingly.

For the period September 2011 to date, 5,916 applications were received by my Ministry, out of which 5,566 were found eligible and 350 applications were turned down. There are no outstanding applications at the level of my Ministry. It is to be noted that the exercise is ongoing throughout the year as there are always late applications from beneficiaries.

As regards parts (a) and (b) of the question, and also the matter relating to availability of school books, these issues do not really fall within the mandate of my Ministry. They relate to the Ministry of Education and Human Resources.

### **CEB - EMPLOYEES - TRANSFER**

(No. B/297) Mrs P. Bholah (First Member for Piton & Rivière du Rempart) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain from the Board,

information as to the number of employees thereof who have been transferred, since January 2012 to date, indicating the reasons therefor, in each case.

**Reply:** I am informed by the Central Electricity Board that as per the Collective Agreement signed on 1 July 2009 between the Unions and the CEB Board of Directors, for an effective period of 4 years ending on 30 June 2013, transfer, i.e. movement from one post to another of the same hierarchical level, may be effected for the following reasons -

- (a) for an optimum utilisation of resources, staff rotation may be effected -
  - (i) for planning and organising the main functions of the Board in departments, services, work groups or otherwise;
  - (ii) for assigning employees to any department, service, work groups as per their profile and skills in relation to the nature of work of the relevant department, service, work groups, and
  - (iii) as and when the need arises.
- (b) On administrative grounds (to ensure the smooth running of operations) and on disciplinary grounds.

I am further informed by the Central Electricity Board that thirty-nine employees have been transferred from their respective postings since January 2012 to date and, apart from a few which are in response to requests from the employees themselves, the rest of the transfers are on the above grounds.

### **M1 MOTORWAY - BUS STAND - SHELTERS**

**(No. A/141) 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 bus stand on the M1 Motorway, near the Victoria Bus Square, where buses of route number 197 ply to the Rivière des Galets/Chamouny stand, he will state if he has been informed of the absence of bus shelters, of presence of overgrown trees impairing visibility, especially at night and of lack of street lighting thereat and, if so, indicate if remedial measures will be taken.

**Reply:** There is no space for providing shelters for buses of route No. 197 Rivière des Galets/Chamouny bus stands at Victoria Square.

With regard to “overgrown trees”, the following can be pointed out -

- (i) there are a number of trees (Bois Noir) with relatively dense foliage at the Rivière des Galets/Chamouny bus stand at Victoria Square;
- (ii) the trees are of medium height, with branches of 3-4 m from ground level. Being located alongside the slip road adjacent to the Motorway, they are outside the range of vision of drivers of vehicles along the Motorway. As such they do not obstruct their visibility;
- (iii) the slip road is used mainly by buses to link with the Motorway and conditions where visibility of bus drivers are obstructed by any part of the trees have not been observed, and
- (iv) there are street lamp posts only at the position of the first bus on the stand. As the bus stand accommodates 3-4 buses, the other buses fall outside the lit zone.

Moreover, it cannot be said that the trees are “overgrown” as their branches do not extend to abnormal length. Should the trees become a source of hazard, the Road Development Authority which is the highway authority responsible for the Motorways, will take necessary action to remedy the situation.

### **SORÈZE BYPASS - CONSTRUCTION**

(No. A/142) **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 design and construction of the Sorèze bypass on the M1 Motorway, he will lay copy of the design and the contract therefor, indicating the -

- (a) contract cost thereof, and
- (b) if any variations works have been carried out and, if so, the cost thereof, indicating the cost of re-instatement thereof following the fatal accident that occurred thereat on 31 March 2012, indicating the name of the contractor therefor.

**Reply:** There is no Sorèze bypass. There is only a temporary diversion, the cost is Rs540,000.00. It forms part of the main contract.

Copy of relevant contract specifications, drawing and approval from TMRSU is being placed in the Library.



No variation works have been carried out; only adjustment to the diversion scheme has been made at no additional cost. The contract is a joint venture between Rehm Grinaker Construction Co. Ltd and COLAS (Mtius) Ltée.

### **EBENE CYBERCITY - BUS SERVICE**

**(No. A/143) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Ebène Cybercity, he will state if he will cause a survey to be carried out of the state of the pavements, roads and drains near the bus shelters thereat and of the inadequacy of bus services thereat and, if so, when and, if not, why not.

**Reply:** Surveys have been carried out. It has been observed that within the compound of Ebène Cybercity, there exist three bus stops when proceeding from the direction of Trianon towards Réduit. Two of the bus stops are provided with shelters and there exists no pavement near these bus stops.

When proceeding in the opposite direction, there are two bus stops and only one is provided with shelter, but no pavement is available near the bus stop whereas at the other shelter found near Ebène Heights, a pavement of about 3 metres wide is available.

Moreover, checks carried out by the National Transport Authority recently have revealed that the buses along Route 198 in the direction of Mahebourg in the late afternoon had their full capacity when they arrived at Ebène Cybercity and, as such, commuters in that direction had to travel in excess. The National Transport Authority is looking into the possibility of introducing a short service along the route to alleviate the problem encountered by the passengers. No other complaints have been received so far.

It is noteworthy that when the Ebène Cybercity was being developed, the BPML made it clear that no bus services will be required within the Cybercity, hence, no provision for lay-by, pavements and bus stops were made. However, when the different operators settled in the Cybercity and started their operations, requests were made for bus services to operate therein. Bus services were accordingly diverted inside and bus stops sited along the roads inside the city.

### **NEF – UNEMPLOYMENT PROGRAMME**

**(No. A/144) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Minister of Social Integration and Economic Empowerment whether, in

regard to the Training and Placement for the Unemployed Programme, he will, for the benefit of the House, obtain from the National Empowerment Foundation, since 2009 to date, a list of the enterprises which have benefitted therefrom, indicating in each case -

- (a) the criteria used for the selection thereof;
- (b) the sector involved;
- (c) the number of trainees who;
  - (i) completed training, and
  - (ii) were retained after training;
- (d) the contribution made by the Foundation, and
- (e) if any fraud and abuse have been detected in the implementation thereof.

**Reply:** The information is being compiled and will be placed in the Library of the National Assembly.

### **INSURANCE COMPANIES – COMPLAINTS – INQUIRY**

(No. A/145) **Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the insurance companies, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to, since 2005 to date, the number of complaints received from members of the public, indicating if inquiries have been carried out in relation thereto and if so, indicate the -

- (a) outcome thereof, and
- (b) measures and sanctions, if any, taken against them.

**Reply:** Pursuant to Section 32(2) of the Financial Services Act 2007 (FSA 2007), any consumer of a financial product or of financial services who is aggrieved by any act or omission of a licensee of the Financial Services Commission (FSC) may make a complaint in writing to the Commission. In accordance with Section 32(3) of the Act, the Chief Executive is required to examine any such complaint and take such action as the Chief Executive sees fit.

Complaints, in relation to insurance companies, are dealt with by the FSC, in accordance with provisions of the FSA 2007 and the Guidelines for Complaints Handling issued by the FSC. In accordance with provisions of FSA 2007,

- On receipt of an insurance related complaint, information is sought from the Insurance Company under Section 42 of FSA 2007.
- Information received is reviewed and appropriate actions are taken by the FSC.
- Where in the course of the examination of a complaint it is suspected that there is a breach of a relevant Act (FSA 2007 and/or Insurance Act 2005) the FSC conducts a formal investigation under the FSA 2007.

To date, no formal investigation has been deemed necessary by the FSC in relation to an insurance complaint.

FSC received 2,304 complaints relating to insurance companies from year 2005 to end of May 2012 and -

- The majority of insurance complaints received relate to General Insurance Business (i.e. Motor Insurance).
- All complaints were examined, as required by FSA 2007.
- 45% of the complaints received have been successfully resolved by FSC.
- The complaints the FSC is unable to resolve relate to matters where the complainant is invited *either* to redirect his/her complaint to other competent relevant authorities *or* to initiate independent legal action because the ground of the complaint is outside the legal purview of the FSC.

In order to reduce the number of complaints in relation to insurance companies, FSC issued Guidelines for Complaints Handling in 2006 to encourage insurers to adopt enhanced procedures in relation to consumer complaints.

Additionally, FSC carried out a full thematic “on-site inspection” exercise on complaints handling in all insurance companies in 2009. Following these measures, FSC witnessed a significant drop in the number of insurance complaints received from members of the public at the FSC from 837 in the year 2006 to 120 in 2011.

## **PETIT VERGER BISSEMBAR, MONT ROCHES & EX-PRISONS ROAD – WATER SUPPLY**

(No. A/146) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the water problem at Petit Verger Bissembar, Mont Roches and the ex-Prisons Road, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if any project for the replacement of the water pipes has been initiated and, if so, indicate the implementation schedule therefor.

**Reply:** I am informed by the Central Water Authority (CWA) that the regions of Petit Verger Bissembar and the ex-prisons Road in Mont Roches are supplied from Stanley service reservoir of a capacity of 7,000 m<sup>3</sup>.

The normal hours of supply are as follows -

4.00 a.m. to 8.00 a.m.

4.00 p.m. to 8.00 p.m.

However, owing to the corroded state of the cast iron pipes and the small diameter galvanised pipes, water losses result in low pressure.

Out of a total of 2.5 kilometres of old and defective galvanised iron/cast iron pipes, CWA has already renewed some 400 metres of the most affected parts and is in the process of awarding a contract to replace the remaining 2.1 kilometres of the network.

The works are expected to start in July 2012, subject to obtaining wayleave from the Municipality of Beau Bassin/Rose Hill, and will last for a period of 4 months.

## **PETITE RIVIERE – HOUSING PROJECT**

(No. A/147) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the new Housing Project at Petite Rivière, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to the -

- (a) number of housing units under construction, indicating the size of each unit and the extent of land on which same stands;
- (b) contractual completion date thereof;
- (c) contractual cost thereof, and
- (d) names of the beneficiaries thereof.

**Reply:** The National Empowerment Foundation has informed that -

As regards part (a), 59 houses are under construction at Petite Rivière in the context of an integrated housing project to accommodate vulnerable families. The area of each housing unit is 30.3 m<sup>2</sup>. The extent of each plot of land on which the house stands varies from 140 to 290m<sup>2</sup> depending on the location of the plot.

As regards part (b), the contractual completion date of the housing units is August 2012.

With regard to part (c), the contractual cost of the project is Rs20,650,000 (VAT inclusive) for the houses and Rs325,000 (excluding VAT) for site and services.

As far as Part (d) is concerned, 73 households from the regions of Petite Rivière, Richelieu, Grande Rivière, Albion, Bambous, Camp La Paille and Cité La Ferme have been found eligible for the housing units at Gros Cailloux according to the criteria laid down by NEF. The selection of the 59 beneficiaries will be made through drawing of lots.

#### **BEL OMBRE – ROADS RESURFACING**

**(No. A/148) Mrs J. Radegonde (Fourth Member for Savanne and Black River)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Bel Ombre, he will state if he has been informed of the bad conditions of the roads thereat and, if so, indicate if remedial measures will be taken.

**Reply:** The Black River-Savanne Coast Road (B9) was resurfaced by the Road Development Authority from Macondé to Bel Ombre, over a length of approximately 4.1 km, in 2010. The road surface is reported to be in good running condition.

Another segment of the road, extending from Sainte Marie to Movenpick Hotel, will be resurfaced in the course of this financial year.

#### **BAIE DU CAP - BUS SHELTERS**

**(No. A/149) 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, he will state if he has been informed of the absence of bus shelters in the vicinity of the Primary RCA School and of the church located thereat and, if so, indicate if urgent remedial measures will be taken.

**Reply:** There is one bus stop on each side of the Black River Savanne Coast Road within the vicinity of the Primary RCA School and the Church located thereat.

The Northbound bus stop opposite the RCA School in the direction of Macondé is already provided with a bus shelter. My Ministry will look into the possibility of constructing a bus shelter in the southbound direction near the Social Welfare Centre.

#### **OLD MOKA ROAD - STREET LIGHTING**

**(No. A/150) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government and Outer Islands whether, in regard to the street lighting system found on the Old Moka Road, in Bell Village, Port Louis, at the level of its junction between the Brabant Street running up to the Motorway, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for -

- (a) a review thereof and the installation of additional street lanterns, in view of the fact that the lighting points thereat are either of low capacity or are far apart, thus constituting serious risks of accidents, and
- (b) trimming of the overgrown trees depriving visibility at night.

**Reply:** I am informed by the City Council of Port Louis that –

- (i) there are 27 lighting poles equipped with 150 watts sodium vapour lamps along old Moka Road from its junction with Brabant Street up to the Motorway and which are not of low capacity;
- (ii) since these poles are at regular intervals providing adequate lighting along the whole stretch of the road, it is not proposed to review the situation, and
- (iii) although there are several trees along the road, there is no overgrown branch depriving visibility and a regular trimming/lopping of branches is carried out by it.

#### **MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE - SECRETARY FOR FOREIGN AFFAIRS - OVERSEAS MISSIONS**

**(No. A/151) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Secretary for Foreign Affairs, he will state the total number of overseas missions he has undertaken, since July 2005 to date, indicating in each case the –

- (a) countries visited;

- (b) duration thereof;
- (c) composition of the delegation, and
- (d) total amount of money spent in terms of air tickets, *per diem* and/or other allowances.

*(Withdrawn)*

### **EMMANUEL ANQUETIL BUILDING - POST OFFICE**

**(No. A/152) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Information and Communication Technology whether, in regard to the Post Office located at the Emmanuel Anquetil Building, Port Louis, he will state if he has been informed of the long queues thereat during daytime and, if so, will he, for the benefit of the House, obtain from the Mauritius Postal Services, information as to if remedial measures will be taken, including the introduction of a Queue Management System thereat.

**Reply:** Port Louis Central Post Office, located in the busy city centre, provides postal and non-postal services for all Government Ministries and Departments and the major companies and businesses as well as the public in general within that area.

The flux of customers during peak business hours, especially during lunch time is quite considerable. In order to meet customer expectation and address the “queue problem”, the Mauritius Post has taken the following remedial measures -

- (i) introduction of a non-stop service from 08.15 to 16.00 hours;
- (ii) conversion of part of the back office into an additional counter to serve customers bringing the total number of counters to 8, and
- (iii) appointment of a ‘Queuing Attendant’ to guide customers.

In view of the exiguity of the office space, no further improvement could be envisaged. However, Mauritius Post Limited is in search of office space to provide a retail facility and thereby enabling decongestion of the existing post office. Moreover, consideration is being given to the installation of kiosks for automatic payment of utility bills and dispensing of stamp labels.

### **POUDRIÈRE STREET, PORT LOUIS - TREES - TRIMMING**

**(No. A/153) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the Poudrière Street, Port Louis, he will state if he has been informed that the overgrown trees deprives visibility from the street lanterns at night and vehicles parked thereat during the day have been damaged by falling branches and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if consideration will be given for the trimming thereof.

**Reply:** I am informed by the City Council of Port Louis that -

- (i) regular lopping of the trees along Poudrière Street is undertaken by it with a view to ensuring that the street lighting thereat is not obstructed, and
- (ii) there has been no report of any damage caused to parked vehicles by falling branches along this road.

I am, however, informed that in January this year, a “*baba calebasse*” did fall on a car damaging its windscreen. Subsequently, the Council has enlisted the services of a contractor for picking of “*baba calebasse*” in order to prevent such incidents in the future.

#### **MAGON STREET, PORT LOUIS - CHILDREN’S PLAYGROUND**

**(No. A/154) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the children’s playground situated at the Magon Street, next to the Mauritius Telecom Customer Service Centre, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if it is in a bad state and, if so, indicate the remedial measures that will be taken, including if consideration will be given for the installation of -

- (a) additional games, and
- (b) lighting points thereat.

**Reply:** I am informed by the City Council of Port Louis that the children’s playground situated at Magon Street next to the Mauritius Telecom Customer Service Centre is in bad state due to renovation works underway and necessary reinstatement will be done after completion of the civil works and installation of all equipment.

With regard to part (a) of the question, I am informed that the following equipment have already been fixed -

- 1 play centre



- 2 swings
- 1 climbing frame

As far as Part (b) of the question is concerned, I am informed that the following will be fixed shortly -

- 4 swing riders
- Lighting points