

MAURITIUS

Fourth National Assembly

First Session

Debate No. 6 of 2009

Sitting of Tuesday 28 April 2009

PAPERS LAID

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

A. Prime Minister's Office -

- (a) Certificate of Urgency in respect of The Community Service Order (Amendment) Bill (No.VII of 2009).
- (b) The Annual Report and Audited Accounts of the Mauritius Oceanography Institute for the year 2006-2007.
- (c) The Report of the Director of Audit on the Financial Statements of the National Human Rights Commission for the year ended 30 June 2008 (In original).

B. Ministry of Finance and Economic Empowerment -

The Digest of Energy and Water Statistics 2007.

C. Ministry of of Public Infrastructure, Land Transport & Shipping -

The Annual Report of the National Transport Corporation for the Financial Years 2003/2004 and 2004/2005.

D. Ministry of Local Government, Rodrigues and Outer Islands -

The Municipal Council of Port Louis (Returns and Tenant's Tax Amendments) Regulations 2008 (Government Notice No. 42 of 2009).

ORAL ANSWERS TO QUESTIONS

SALE BY LEVY SOLIDARITY FUND – COMMITTEE, ASSISTANCE, ETC

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the Sale by Levy, he will state –

- (a) The composition of the Committee that considers disbursements from the Sale by Levy Solidarity Fund, indicating the –
 - (i) criteria used for the granting of assistance therefrom and the determination of the quantum thereof, and
 - (ii) number of requests for assistance received, considered, turned down or granted, indicating the amount disbursed as at to date; and
- (b) If Government proposes to bring amendments to The Borrower Protection Act.

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen): Mr Speaker, Sir, with your permission, I will reply to PQ No. B/384 together with the PNQ, since it relates to the same subject matter of sale by levy.

Mr Speaker, Sir, the House may find it useful to recall the brief history of this subject to better understand the actions of Government.

In May 2001, following representations from victims of Sale by Levy, the then Government set up a Task Force, including representatives of “*l’Association pour la Protection des Emprunteurs Abusés*” (APE). In parallel, a press communiqué was issued to inform the public about illegal practices relating to money lending.

As a result, the Registration Duty Act was amended to provide for licensed money lenders, while the Money Lenders Act was amended to render null and void a loan where a money lender lends without a license. Additionally, a committee was set up to review the overall legislative and regulatory framework relating to insolvency and creditor in Mauritius including sale by levy system and procedures.

In view of the lack of progress on the main issues, on 07 July 2004, the then Government appointed Sir Victor Glover, former Chief Justice, as Chairman of a Commission of Inquiry with Messrs Yuvraj Thakoor and Denis Vellien as assessors.

The report was circulated to the public in December 2004, and work begun on a Credit Facilities Bill. However, due to the complexities of the issue, progress was very slow. The main obstacle to dealing directly with the problem of sale by levy victims arises from constitutional provisions protecting property rights including those secured by valid contracts. At the same time, a balance Mr Speaker, Sir, needs to be struck between protecting victims of abuse and provisions that would result in credit being withheld from those who need it most.

When we came to power in July 2005, we had to face the challenges of the sale by levy issues, as the real and substantive problems remained unattended.

Notwithstanding these challenges, this Government requested the Attorney General to find a way of navigating the constraints to allow action on behalf of deserving victims.

In August 2006, the hon. Prime Minister met with representatives of the victims of sale by levy to assess the magnitude of the social, economic, moral and humanitarian dimensions of the issue. Following this meeting, the hon. Prime Minister requested the Commissioner of Police to open a special desk for victims to report, and we also asked MHC & NHDC to stay action on sale by levy procedures until a solution could be found.

Mr Speaker, Sir, the constitutional issues imply that legal action is only possible for preventing future cases of abuse. To deal with this issue, in January 2007, Government called a special session of the National Assembly to adopt the Borrower Protection legislation. This Act has eight major provisions -

First, setting up the office of a Commissioner who can intervene on behalf of borrowers and prevent abuse;

Second, obliging lenders to undertake due diligence in verifying that borrowers have the capacity to pay;

Third, requiring borrowers to disclose full information on their indebtedness to avoid lenders offering loans that cannot be repaid;

Fourth, barring credit agreements from having abusive clauses by way of payment to law practitioners' fees;

Fifth, preventing lending institutions from charging extortionate interest and compound interests, that is, interests on interests;

Sixth, safeguarding the rights on a matrimonial home by requiring the consent of both spouses, irrespective of the matrimonial regime, for giving the home as security;

Seventh, to alert the borrower if he has not fully paid for three months and work with him to reschedule, and

Eighth, an immovable property given as security cannot henceforth be sold by way of sale by levy, but instead to allow the borrower, in the first instance, opportunity to sell the property by way of private contract.

The Act, therefore, prevents future cases of victims of sale by levy in respect of loans not exceeding Rs2 m.

At the same time, Mr Speaker, Sir, due to constitutional provisions, the Act could not address the cases of victims of sale by levy prior to its proclamation on 07 March 2007.

This is why, in a humanitarian endeavour, Government also took special action to assist deserving cases. In the Budget Speech 2007/2008, Government announced the setting up of a Sale by Levy Solidarity Fund to financially assist deserving families who have lost their only residence through sale by levy, to acquire a house, by making a grant on a case to case basis, through a closed end fund with a maximum of Rs100 m.

Mr Speaker, Sir, in view of the complexity of the cases and to ensure transparency and fairness in processing applications, in July 2007, Government set up three structures to examine and make recommendations on eligible victims. The information, with respect to all cases, are compiled by a Technical Sub-Committee for submission to the National Solidarity Fund Committee that examines and assesses the merits of each case according to set criteria, and makes recommendations for assistance from the Sale by Levy Solidarity Fund. The recommendations are subject to financial clearance by a Committee, chaired by the Financial Secretary, and including representatives of the Ministry of Social Security, the Attorney General's Office and the Prime Minister's Office.

Mr Speaker, Sir, the National Solidarity Fund Committee that evaluates cases and recommends assistance comprises representatives from Government and Civil Society, including NGOs and Trade Unions. Its members are as follows -

Mrs F. Ng Cheng Hin, MSK	- Chairperson
Mr N. Soobratty	- Representative, Ministry of Social Security
Ms M. Madhub	- Representative of Ministry of Finance
Dr N. Jaypaul	- Representative of Ministry of Health
Mr A. Sandrazie or Mr Rungasami	- Representative of Mauritius Tax Payer's Association
Mr Y. Chotoye	- Representative of Mauritius Labour Congress
Mr V. Seeboo, MSK	- Representative of Mauritius Council for Social Services
Mrs N. D. Kinnoo	- Representative of Prime Minister's Office
Ms Isabelle Kong Tin Kin	- Representative of Mauritius Employers' Federation

The criteria used for the granting of assistance are -

- house seized on or before 31 December 2006;
- loss of only residence belonging to the applicant;
- unexpected change in circumstances leading to non repayment of loan – viz sickness, loss of job, death of income earner etc, and
- victims should not be owner of another residential property of more than 60-70 *toises* or agricultural land of more than 1 A in addition to property seized.

The grant for financial assistance aims at ensuring that deserving victims have a home. The quantum reflects their specific circumstances, including their ability to

contribute and their level of indebtedness. The grant does not exceed Rs500,000 per household, and is meant to assist in repurchasing/recuperating house, acquiring a new house, constructing a house, withdrawing seizure case in court or payment of rent allowance of Rs1,250, exceptionally to beneficiaries aged 80 and above who are dependent on their children or relatives.

Mr Speaker, Sir, beneficiaries with household income of less than Rs5,000 per month are exempted from making a contribution towards the costs of the house.

When an application for assistance is approved, the contribution from the Sale by Levy Solidarity Fund is made only when the beneficiary has identified a house to be purchased or has made all necessary arrangement for the construction of a house. In the latter case, the construction is made through MHC, to ensure that the beneficiary completes construction.

A first exercise was carried out from September 2007 to January 2009. Initially, 107 cases came forward based on responses to a press communiqué inviting victims to come forward in addition to the cases reported to the Police, following the intervention of the hon. Prime Minister. In addition, Mr Speaker, Sir, the Associations of Sale by Levy Victims requested that an additional 46 cases also be considered. We agreed. Out of the 153 applicants, 13 could not be traced. The remaining 140 cases have been examined, and 37 cases have been found to be eligible.

Mr Speaker, Sir, cases of victims of sale by levy are highly sensitive and very emotional, and it would not be appropriate to release the names of the beneficiaries as well as those who have been found not to be eligible for financial assistance under the Fund, in order to preserve their privacy, their confidentiality and not to stigmatize these families who have had to endure a lot hardship and suffering in their lives.

However, Mr Speaker, Sir, I am submitting the number of cases where funds have been disbursed and the amount relating thereto.

Disbursement is made only when the beneficiary has identified a house to be purchased and the deed of sale is finalised at the notary, process which take time.

Payments have already been made in respect of 16 out of the 37 cases. Eight families have been provided with financial assistance to the tune of Rs2.86 m. to recuperate/repurchase their houses. Four families have been provided with a sum amounting to Rs1.3 m. to repay their debts, so that their cases of seizure of property can be struck out in Court, and four families have been financially assisted to the tune of Rs1.91 m. to purchase a new house. This makes approximately Rs6 m. for the 16 cases.

Of the remaining 21 cases -

- (i) one beneficiary is in the process of constructing his house;
- (ii) seven beneficiaries are negotiating for the repurchase of their residential property;
- (iii) nine beneficiaries are looking for houses to purchase;

- (iv) one case has been kept in abeyance until applicant clears his outstanding debts with MCB Finlease;
- (v) one case is related to finalisation of divorce, and
- (vi) in two cases, the beneficiaries who are above 80 years will benefit from a monthly rent allowance of Rs1,250.

Mr Speaker, Sir, an additional sum of Rs10 m. has been earmarked for those cases which will be disbursed as and when all procedures for acquisition/construction have been finalised.

The 103 cases accounting for 73% of the 140 cases processed are not recommended for the following reasons, and I give the details, Mr Speaker, Sir -

- Heir applying in lieu of deceased parents – not sale by levy - sale by licitation, prescription, levy by distress	14 (10%)
Applicant not even owner of sold property	9 (7%)
- Applicant passed away while case under consideration, no loss of residence, but only loss of bare land, which we don't reimburse	2 (1%) 12 (9%)
- No seizure effected, sale stopped and property sold before sale by levy	 13 (9%)
- Property purchased by children/close relatives before sale by levy	 5 (4%)
- No unexpected change in circumstances, no hardship	28 (20%)
- Failure in business	13 (9%)
- Criminal offence	2 (1%)
- Applicant has many other assets	2 (1%)
- Reserved cases – Divorce cases	3 (2%)
TOTAL	<u>103 (73%)</u>

I am supplying all these information for the benefit of the House, Mr Speaker, Sir.

A second exercise has been launched in February 2009 at the request of the Associations representing Sale by Levy Victims. The new submissions were unable to meet the earlier deadlines, due to a variety of reasons including ill health. 80 additional requests have been received, and are being processed using the same criteria. Moreover, to ensure transparency and fairness, a communiqué was issued inviting other victims in the same situation to come forward. Calls for applications were issued with the time limit for submission of applications being 31 March 2009. 217 requests have been received within the time limit and are being currently processed. Mr Speaker, Sir, in addition, another 38 persons have applied after the time limit and, in a spirit of compassion and solidarity, I have requested that their cases also be examined.

Concerning part (b) of the PNQ, Government does not propose to amend the Borrower Protection Act because the Act already provides adequate protection to borrowers.

Mr Speaker, Sir, we feel deeply sorry for the plight that the victims of sale by levy have endured, the undue hardship caused, the prejudice suffered and, above all, for the property they have lost. We unequivocally condemn those who have used the complexity of the legal system and the complexity of the financial system, resorted to malpractices and taken advantage of the ignorance and the carelessness of, at times, defenceless people.

Our actions, Mr Speaker, Sir, have struck a balance between being compassionate and choking off credit to those who need it; between being humane and assisting deserving victims, and opening the floodgates to unjustified calls for assistance.

Mr Speaker, Sir, we need a soft heart to deal with such cases. But, we also require a hard head to make sure that the cure is not worse than the disease, that the statutory responses do not have unintended consequences that are far worse than the problems they seek to resolve in the first place.

Mr Bérenger: Mr Speaker, Sir, the hon. Vice-Prime Minister and Minister of Finance has given us the composition of the National Committee that finally decides on cases that will be assisted. Can I know from him how many times this National Committee has met and whether they interview applicants?

Dr. Sithanen: Yes, they have met on several occasions, Mr Speaker, Sir. In fact, there are three processes. People submit their applications to a Technical Sub-Committee of the National Solidarity Fund. And the reason for this is to compile all the information and also to seek for additional information. Because, very often, they have to consult banks, notaries, the Registrar-General in order to make sure that all the information is accurate, so that the Committee, that is the National Solidarity Fund, can make a considered decision on the merit or otherwise of each case. So, they meet often, Mr Speaker, Sir. In fact, it is a very difficult process because, at times, they have to carry out site visits - to go and actually visit these houses - and this is where they found that, in some cases, Mr Speaker, Sir, the person who has made the application does not even own the property seized. It is a very long process, they have a technical sub-committee that does a lot of groundwork and then they present the file to the National Solidarity Fund - I have given the composition - and then they submit it for financial clearance. In all cases, whatever recommendations have been made by the National Solidarity Fund have been accepted by the Committee chaired by the Financial Secretary.

Mr Bérenger: Mr Speaker, Sir, can I know from the hon. Vice-Prime Minister and Minister of Finance whether that National Committee has received representations from Ministers, Members of the National Assembly or socio-cultural organisations and, if yes, whether they have considered same?

Dr. Sithanen: Mr Speaker, Sir, let me give the undertaking to this House. This is a highly emotional issue. This is a deeply passionate issue. There has been no intervention by any politician - I mean, on all sides of the House, Mr Speaker, Sir. Very

often, even when our friends from the Opposition, have a problem they do ask us whether we can help. In this particular case, there has been no intervention by any politician or any socio-cultural organisation. In fact, if you look at the composition of these three committees, especially the committee that actually analyses, assesses, evaluates and makes recommendations; you can see that there is protection there. There are representatives of *syndicats*, of MACOSS and also people who are independent on this Committee. So, I can reassure the House and the hon. Leader of the Opposition that there has been no intervention at all. The reason, Mr Speaker, why we don't want to publish the list is because we need to protect the privacy and the confidentiality of these people and we don't want to stigmatise them.

Mr Bérenger: The Vice-Prime Minister and Minister of Finance has provided us with information on the detailed criteria used before decisions are reached and we'll have to study that carefully. But, one criteria disturbs me. From what I heard and from what I know, the applicant has to prove that he already has a house to purchase or that he is repurchasing his own house that is lost. Can I know exactly how this criteria is applied, how does it work?

Dr. Sithanen: In fact, Mr Speaker, Sir, there is flexibility in the system as I indicated in my reply. First, if we think that it is very close to seizure we can help the person to negotiate in order to remove it from sale by levy. There are cases where it has already been seized and we help them to negotiate and to retrieve that property. In some cases, it is possible to reach an agreement while, in other cases, it is not possible, Mr Speaker, Sir. There are cases where it is possible to reach an agreement to recuperate or to retrieve the House and this is where we give the Rs500,000 as a maximum amount so that they can either find a house or they can construct a house. So, there is flexibility. For instance, in the case of the person who is above 80 years old, under the normal circumstances she would not have been eligible, Mr Speaker, Sir. But, I commend the flexible attitude of the Committee and because they can't give her money for a house, because she is 80 years old, she won't be able to refund; but, she has been granted a rent allowance and I did indicate the amount Mr Speaker, Sir.

(Interruptions)

Rs1,250! You can see that there is a lot of compassion by members of the Committee in order to help people who are deserving. But, as I said, we need to strike a balance between being compassionate, respecting the rights of lenders and also not opening the floodgate.

Mr Bérenger: Among the number of cases that have applied for assistance, can I know from the Vice-Prime Minister and Minister of Finance how many concerned cases arose after 2007, after the proclamation of the Borrower Protection Act, and how these requests were treated?

Dr. Sithanen: In fact, there are three types of cases, Mr Speaker, Sir. There are cases that have occurred after the proclamation of the law that falls within the ambit of that law. There is no such case here, because in all of these cases, the Commissioner is doing his job. Because of the provisions of the law, and if someone does not pay after three months, the lender sends the information to the Commissioner, and the Commissioner calls the borrower and the lender and tries to reach a solution. It is easier

to reach a solution when you have not paid for three months than to reach one when you have not paid for ten years. In all cases that are governed by the provisions of the new legislation, there is no such case here. The cases that have arisen, Mr Speaker, Sir, are the old ones, under the old legislation, prior to 2006. I was reading the intervention of the hon. Leader of the Opposition this morning and he mentioned these cases and this is unfortunate. Those cases have arisen after the proclamation, but were not governed by the present law, but by the former laws. I have not asked the specific question, but I did ask the officers. The majority of cases, Mr Speaker, Sir, relate to cases where the house was seized before December 2006. And the hon. Leader of the Opposition did mention in his intervention that, maybe, we need some flexibility, because some people were not able to report their case between August 2006 and December 2006; and that is precisely what we have done by the communiqué that we issued in February 2009. And as a result of this communiqué, we got approximately 250 new cases that are being assessed by the National Solidarity Fund Committee.

Mr Bérenger: I think the hon. Minister will agree with me that the fact that only Rs6 m. have been disbursed to date, and that only eleven requests have been satisfied is, in itself, not satisfactory. Can I know what is being done to expedite matters concerning the cases that have been under consideration for quite a while? Can I know also how many have benefited from the maximum of Rs500,000, and what is the lowest contribution received?

Dr. Sihanen: Mr Speaker, Sir, we have said that there are 37 cases that have been recommended and that have been found eligible. Sixteen of them have completed all the procedures and we have paid approximately Rs6 m. In the other cases which have already been approved and recommended - as I indicated in the details that I gave for the 21 cases - some are in the process of recuperating their houses. Some are in the process of negotiating, others are constructing their house; there are Rs10 m. In fact, it is Rs16 m. that will be spent. It is on a case by case basis. There are some cases, Mr Speaker, Sir, where the amount that they owe is about Rs230,000. Obviously, we give them Rs230,000 and they get their house. I am willing to give - without putting the names, for the benefit of Members, Mr Speaker, Sir, case 1, case 2, case 3 and case 4 - in a spirit of transparency by just omitting the names, how much money they have received and what are the conditions they have satisfied.

With respect to the other cases, Mr Speaker, Sir, there are 250 new ones and these have to be assessed and it will take some time before the assessment. I have requested the Committee to expedite matters. It is not an easy task, Mr Speaker, Sir. When Mr Muthy came to see me, I have also made a proposal that there are some marginal cases that can be reviewed. What I have also suggested, Mr Speaker, Sir, while keeping the criteria that have been set up by the Committee, we can interpret some of these criteria in a flexible manner without changing the integrity of these criteria.

Mr Bérenger: Mr Speaker, Sir, I am disappointed to have heard the Minister say that Government does not propose to amend the Borrower Protection Act. Will not the hon. Minister agree with me that in spite of the good work done by the Commissioner, the law as it is, there still is the need to improve the law, especially, I understand, as far as better protecting those who are not aware of what they are signing, the very complicated legal details in the documents which they are signing and, secondly,

amending that clause referring to call on demand? Will he agree with me that it has been established by people like Attorney Mungroo, who made a very positive contribution in terms of further amendments, that in those two cases and others, there is need to further amend the law to better protect victims?

Dr. Sithanen: Mr Speaker, Sir, this is a sensitive issue. I don't want to be controversial. I was reading the intervention of my hon. friend, Madan Dulloo on this particular issue about the constitutionality of this issue. We have to find a balance, Mr Speaker, Sir, between being compassionate, sending the right message to these lawyers, notaries, *arpenteurs* who were crooked, but, at the same time, respecting the rights of lenders, and making sure that we don't have unintended consequences in wanting to be good and the four people don't get credit. We all know what is happening in America today or in Europe because of the sub-prime crisis. The banks have shifted completely to the other side. Now, it is practically impossible - forget about the poor, even the rich, it's difficult for them to get loans. So, you always have to strike a balance. It seems to me, Mr Speaker, Sir, when we introduced the Borrower Protection Act, we struck a very fair balance.

To reply to the point made by the hon. Leader of the Opposition, there are specific provisions in the law that even if they don't understand the language which is very technical, there is a responsibility on the lender to explain in very simple terms the contents of the contract and to make sure that people are fully aware of their responsibilities, rights and obligations when they sign a loan agreement. I agree that we need to do more sensitisation, more education, but this is a job that is being done by the Commissioner, Mr Speaker, Sir. I think we'll have to let the National Solidarity Fund Committee evaluate the 250 cases and then we'll see how many people are eligible. As I said, where do you strike the balance between being compassionate and not opening the floodgate? Let me inform the House that if we open the floodgate, there is a risk of 5,000 people also coming in. We have checked what is happening at the MHC, the NHDC and also other institutions.

Mr Bérenger: Mr Speaker, can I put a last question before my final question, with your permission? I know that the hon. Minister of Finance is not responsible for the Police and that the Director of Public Prosecutions and the Judiciary are independent, but I am sure the hon. Minister will have been interested to find out whether any criminal proceeding has been instituted under the Money Lenders' (Amendment) Act 2002 or under the new Borrower Protection Act 2007, whether any criminal case has started?

Dr. Sithanen: Mr Speaker, Sir, I have discussed with the Chief Justice and I have told him what I think of the abuses made by some Notaries, by some Attorneys and lawyers. We know the names of these people. Unfortunately, in many cases, there is no deposition made. This is a country where there is a rule of law. People have to make a complaint. Mr Speaker, Sir, we all know what is the mafia that exists whenever there is a sale by levy. I have asked my officers to find a solution where this can take place without this mafia. We know when these poor people go there, they are not allowed to bid because on the eve, the mafia have met and they decide what will happen. One of the solutions that have been proposed by my officers - which I think is a fair solution - is whether the bidding can be done by the Internet so that people don't have to be physically present. And then you can put an end to the work of the mafia that meets on the evening

of the previous day and decide A will go to B, D will go to C. I have told the Chief Justice also, Mr Speaker, Sir, that we need to be seen to do something against these people who have abused of the ignorance of some of our compatriots.

Mr Dulloo: May I ask the hon. Minister of Finance, on the question of assistance to be granted and also on the one concerning the amendments to the law, whether he has received representations by a letter addressed to him and to the Prime Minister by representatives of those people, more particularly, from Mr Harish Boodhoo, that the assistance to be granted be reconsidered; instead of giving cash that Government should identify a piece of land, create a Fund and then enlist the support of private contractors at a reasonable price in order to build houses and hand over to those people. There have also been suggestions to amend Sections 13 and 16 of the Act, that is, to provide, first, interest capping *pro rata* the capital that has been given on loan to the person and, secondly, on the question of insurance to back up the loan, i.e instead of limiting the insurance cover to death and physical incapacity to extend it to such a situation, especially now, with the financial crisis, in order to provide for payment under the insurance in case of default of payment of a number of instalments due so that the insurance should cover that situation also.

Dr. Sithanen: Mr Speaker, Sir, with respect to the first question of the hon. Member, we have to ascertain the eligibility of the person who has made an application and once he or she satisfies this criteria, as I said, there is a flexible menu that is available. If he or she can retrieve his or her house, that would be done and there are many schemes under the NHDC and the MHC that are available and we can use that money as either a part payment or a total payment. So, these possibilities exist, there should not be any problem. I am in favour of having a flexible menu because there cannot be one size that fixes all.

With respect to the second one, in fact, Mr Speaker, Sir, one of the major changes incorporated in the Borrower Protection Act is that there cannot be compounded interest and the maximum interest per year is 5%. So, there is already a limit. In fact, the interest cannot be charged on the interest. It is limited to charging interest on capital only.

With respect to insurance, there is provision in the law and, in fact, increasingly most housing societies or financial institutions now are insisting that when you borrow money, you also take an insurance in case that there are unforeseen contingencies. What does that insurance provide for? It depends on what you have paid. We all know that, Mr Speaker, Sir. This is like cars - *tous risques* or comprehensive or third parties. Obviously it is left to the individual to decide on the set of menu, under what circumstances you want to be covered. The more coverage required, the higher the premium will be.

Mr Dayal: Can I ask the Vice-Prime Minister whether he can inform the House how many loan sharks – *casseurs* - have been arrested till to date?

Dr. Sithanen: I don't have this answer, Mr Speaker, Sir. I hope there are many.

Mr Ganoo: The hon. Vice-Prime Minister should know that however progressive this law is, it applies only to credit agreements not exceeding Rs2 m. The hon. Minister has said that he does not envisage any amendment to the law, but to a Parliamentary

Question asked by hon. Dayal last year, he said that there could be a case for raising the Rs2 m. threshold. Doesn't the hon. Minister think that this should be a reasonable amendment in view of the inflation and price of property?

Dr. Sithanen: Mr Speaker, Sir, I think I did indicate when I made my summing-up; I think this threshold of Rs2 m. covers about 85% of the cases. In fact, the hon. Prime Minister was just telling me that prices are coming down because of the impact of the global economic downturn. I think 85% of the cases are covered by the threshold, Mr Speaker, Sir.

Mr Von-Mally: Can I know from the hon. Vice Prime Minister and Minister of Finance whether the said Committee has been to Rodrigues to help victims of sale by levy. And if so, can I know the number of victims that have received assistance?

Dr. Sithanen: I have not looked at the cases on a Mauritius versus Rodrigues basis, but I will check with the committee and will inform the hon. Member. I don't know, but these facilities are available wherever you live in Mauritius, so Rodrigues is included.

Mr Bérenger: Clearly, we disagree on the speed at which cases have been treated. As I said only Rs6 m. have been spent. Secondly, I am uneasy concerning certain criteria that are being used and thirdly, we are in full disagreement whether further amendments should be brought to the Borrower Protection Act. Therefore to clear the air completely and move forward, would the hon. Minister be prepared to advise Government in favour of setting up a Select Committee where, of course, as Standing Orders provide, there would be a majority on Government side to consider the three things: firstly, how all this has been processed, the speed, whether it is satisfactory; secondly, whether there is need to review certain criteria and thirdly, whether there is need indeed to amend certain clauses of the Borrower Protection Act.

Dr. Sithanen: Mr Speaker, Sir, everything is relative in life. Compared to what existed before, this is a substantial improvement. Mr Speaker, Sir, as I indicated in my initial reply, when we came back to power the substantive issues were left unattended. We had to take the bull by the horns and to address these thorny issues, Mr Speaker, Sir. We have acted. We don't want any more committees, Mr Speaker, Sir. A committee has been set up and will evaluate the cases and those who are eligible will receive their money, Mr Speaker, Sir. As I have said, we have to act with compassion, but we have to act also with responsibility and, at the same time, we have to make sure that there are not unintended consequences of a good action so that poor people are deprived and denied of access to credit by commercial banks because they believe that the risk reward analysis is not worth making the credit to the poor.

Mr Speaker: Time is over! The Table has been advised that PQ No. B/340 addressed to the hon. Prime Minister will now be replied by the hon. Minister of Labour, time permitting. Questions addressed to the hon. Prime Minister! Hon. Bhagwan!

MBC – LOCAL PRODUCTION - CONTRACTS

(No. B/339) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the award of contracts to private firms for local production of television

programmes and films, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, a list thereof, since January 2006 to date, indicating -

- (a) the procedure followed for the award thereof, and
- (b) the contract value of each contract.

The Prime Minister: Mr Speaker, Sir, as the list is to be compiled from January 2006, the information is being compiled and will be laid on the Table of the Assembly.

Mr Bhagwan: Can I know from the hon. Prime Minister whether he has been aware that many contracts for the production of films are given to a company owned by the Chairperson - once he was the owner of the company and then afterwards his son - and whether he has been made aware or he has received representations to the effect that the staff of the MBC/TV are allowed by the Chairperson to go and work during office hours in that company for the production of films for the MBC/TV itself? There is a question of *conflits d'intérêts*, using public funds, we are paying Rs100. These people go to work with the company during office hours and the MBC pays the company for the production of films. Has the hon. Prime Minister been made aware of that? Will he insist on the MBC to stop this practice?

The Prime Minister: There is a question which should come up. In fact, we have checked, Mr Speaker, Sir, and it is not true. This is not happening at all.

Mr Barbier: May we know, at least, from the hon. Prime Minister what is the total contract value from 2006 up to now for all contracts which have been given to these private companies.

The Prime Minister: In fact, Mr Speaker, Sir, as a general rule, I understand the MBC does not actually pay a cash amount for the broadcast of privately produced programmes. I said, as a general rule. What they do, Mr Speaker, Sir, is that they make the airtime available, but they also compensate them by way of revenue from advertising generally.

MRS B. G. A. – HUMAN RIGHTS COMMISSION – COMPLAINT

(No. B/341) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to a complaint made by one Mrs B. G. A., on behalf of her minor son J. W. A., at the Human Rights Commission against the Police, he will, for the benefit of the House, obtain from the Commission, information as to if any action has been initiated and, if so, where matters stand.

The Prime Minister: Mr Speaker, Sir, I am informed by the National Human Rights Commission that a complaint of Police brutality on the person of minor J. W. A. aged 16, was lodged at the Commission by his mother, one Mrs B. G. A. on the 13 June 2007.

The Commission investigated the matter and came to the conclusion that there has been violation of the rights of the complainant. Thereafter, the matter was referred to the Director of Public Prosecutions.

Mr Ganoo: Does the hon. Prime Minister have information whether the Police officers are being interdicted or suspended from duty?

The Prime Minister: In fact, Police has started an inquiry which is continuing. So far they have recorded the statements of five Policemen who have denied the allegation that has been put to them.

Mr Varma: Sir, I have a supplementary. Could the hon. Prime Minister inform the House whether the complainant was injured and a P.F. 58 was issued?

The Prime Minister: They took a P.F. 58 and attended hospital for treatment, but that is all the details that I have.

Mr Ganoo: Can the hon. Prime Minister confirm that he has suffered injuries?

The Prime Minister: I cannot confirm that. I know that there are two versions. But as I said, the National Human Rights Commission has come to the conclusion that there has been violation of the rights of the complainant.

MBC – LICENCE FEES

(No. B/342) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the employees of the Mauritius Broadcasting Corporation, on contractual or casual basis, including freelance, he will, for the benefit of the House, obtain from the Corporation, information as to the number thereof –

- (a) presently employed, indicating the number thereof who are above 60 years of age, and
- (b) who were in employment in June 2005.

The Prime Minister: Mr Speaker, Sir, again this is a long list and the information requested is being compiled.

MCB/NPF CASE – PERSONS ARRESTED

(No. B/343) **Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the MCB/NPF case, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of persons arrested in relation thereto, indicating in each case –

- (a) the charges lodged against them, and
- (b) where matters stand.

The Prime Minister: Mr Speaker, Sir, as the House is aware, the MCB/NPF case was uncovered in February 2003 when a shortfall in the accounts of the National

Pensions Fund (NPF) at the Mauritius Commercial Bank was discovered by the then Principal Accountant of the NPF. The case was referred to the Independent Commission Against Corruption (ICAC) in February 2003 by the Financial Intelligence Unit.

The Commissioner of Police has informed that the MCB/NPF case has been handled by ICAC and, according to information received from ICAC, eleven persons were arrested in relation to this case.

Five of them were provisionally charged with money laundering, two with corruption of agent, one with conspiracy to commit money laundering, one with failing to report a suspicious transaction, one with failing to comply with an order of the ICAC and one with corruption of agent and money laundering. Seven cases were struck out by Court.

As regards part (b) of the question, I am informed that the DPP has sought further clarifications from ICAC and that a final decision will be taken by the DPP soon.

Mr Jhugroo: Can the hon. Prime Minister inform the House why ICAC has taken more than six years to carry out an inquiry in this scandal?

Mr Speaker: May I remind the hon. Member that if the inquiry is still being carried out by ICAC, he is not allowed, by the Act, to put questions. However, the hon. Member has to be very careful in asking questions. He might ask the Prime Minister as to whether the inquiry has been completed.

The Prime Minister: As I explained, this case was started in February 2003, but as the hon. Speaker has pointed out, the inquiry is still ongoing. The DPP is now seeking clarification from ICAC and then a final decision will be taken.

Mr Guimbeau: Mr Speaker, Sir, still concerning the MCB/NPF case, can the hon. Prime Minister inform the House where matters stand concerning the extradition of Mr Teeren Appasamy?

The Prime Minister: Yes, in fact, he is due to appear again for the case. He has claimed that he is not well like very often it happens in Mauritius. Everybody who is arrested says he is not well. But it is scheduled for continuation on 04 June of this year.

Mr Bodha: The hon. Prime Minister said that seven cases have been struck out. May I ask the hon. Prime Minister whether in the four other cases, the charge is still a provisional charge?

The Prime Minister: That is my understanding, Mr Speaker, Sir.

MBC - FINANCIAL YEARS 2006-2007, 2007-2008 & 2008-2009 – PROFITS/LOSSES, TV LICENCE FEES

(No. B/344) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the financial years 2006-2007, 2007-2008 and 2008-2009 as at to

date, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to –

- (a) the amount of profits or losses made, and
- (b) the amount of money collected as television licence fees, since January 2009 to date.

The Prime Minister: Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that, for the financial years 2006-2007, the Corporation has registered a surplus of Rs26.9 m. and that for the financial year 2007-2008, the Corporation has registered a surplus of Rs16.9 m.

As regards the period 2008-2009 to date, the Director-General of the Corporation has informed that it can only be estimated, but he believes the surplus will be in the region of Rs10 m.

I am further informed, Mr Speaker, Sir, by the Director-General that a total amount of Rs107.9 m. has been collected as television licence fees for the period 01 January 2009 to 20 April 2009.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Prime Minister confirm whether the MBC has contracted any loan recently and, if so, the amount thereof?

The Prime Minister: That does not relate directly to the question, Mr Speaker, Sir. I know a building is being built; we have had help from the Government of the Republic of China. But whether there are others, I am not aware of.

Mr Bhagwan: Can I ask the hon. Prime Minister whether his Ministry, which is responsible for the MBC/TV, has received any request by the Board for the increase of Rs100 in licence fees?

The Prime Minister: Yes, there has been that request, but it has not been entertained.

Mr Jhugroo: For the sake of transparency, can I ask the hon. Prime Minister to ask the MBC to table a copy of the recent audited accounts?

The Prime Minister: I thought this was being done, but I will ask them to do it.

IRAKI REFUGEES - POLITICAL REFUGEE STATUS

(No. B/345) **Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the six Iraqi refugees, he will state if –

- (a) he is aware that the United Nations High Commissioner for Refugees has given to them the status of political refugee, and
- (b) Government has received any request from the Amnesty International (Mauritius) for any assistance to be extended to them.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that six foreigners arrived in Mauritius in November 2008 from France with

alleged Danish passports. They were permitted to stay for a period of two weeks on holidays, as they were holders of passports issued by a member of the European Union and, therefore, there was no reason not to allow them to stay on holidays.

Prior to their departure on 24 November 2008, they were intercepted by the Duty Manager of Air Mauritius, because he had received information that they might be travelling on fake Danish passports.

Consequently, they were refused permission to board the flight and were referred to the Immigration Authorities for enquiry. They confessed that they were, in fact, nationals of Iraq and that they had obtained their passports by fraudulent means. They were arrested and kept under Police custody. A provisional charge of “making use of a forged document” under section 114 of the Criminal Code Act was lodged against them.

In January 2009, the Senior Regional Protection Officer from the United Nations High Commissioner for Refugees (UNCHR) Regional Office in Pretoria came to Mauritius and interviewed the six Iraqis, in order to establish whether they deserved international protection. On 21 January 2009, this Regional Office in Pretoria concluded that the six Iraqis were likely to face persecution in Iraq because of their religious beliefs and were in need of international protection as refugees.

On 24 March 2009, the Regional Representation of the United Nations High Commissioner for Refugees for Southern Africa and the Indian Ocean Island States issued certificates of recognition for the six Iraqi nationals currently in Mauritius regarding their status as refugees.

UNHCR has confirmed that it would be responsible for the upkeep of the six Iraqis pending their departure to a third country. It also gave the assurance that all efforts were being made that their resettlement takes place as soon as possible.

As regards part (b) of the question, Amnesty International (Mauritius Section) on 25 March 2009 requested the immediate and unconditional release of the six Iraqis from Police custody following the issue of the refugee certificates by UNHCR.

On 26 March 2009, the Court was informed that the Director of Public Prosecutions would not appeal against the release of the six Iraqis. Court agreed to a request from the defence counsel for the quantum of the surety to be reduced from Rs50,000 to Rs10,000. The Iraqis were released on the same day and have been requested to appear before Court on 02 July 2009.

Mr Bérenger: Mr Speaker, Sir, from what I understand, they came into the country with fake Danish passports. Has an inquiry been carried out to find out how is it that they got through Police and Passport Authorities?

The Prime Minister: What is surprising, Mr Speaker, Sir, is that from Denmark, they went to another European country, and they managed to pass through that as well. It is here, as I said, when they were leaving, that information was received.

Mr Bérenger: From what I heard, I’m very surprised that somebody at Air Mauritius, God knows how, got to know that they were fake passports, get them stopped as they want to leave the country. Has an inquiry been carried out about who is this rare

bird – *cet oiseau rare* – at Air Mauritius that has been able to do all this and whether he has gone to Police once he had information to that effect, or whether he just waited for them to try and re-embark to have them stopped at the airport?

The Prime Minister: We should congratulate him in the first place. We do have some people who do their work in this country. In fact, it was at the last minute that he got the information and tried to double check, and then he stopped them.

Mr Guimbeau: I would like to table the certificate showing that the six refugees are recognised refugees by the United Nations High Commissioner.

(Interruptions)

I would just like to table it.

Mr Guimbeau: M. le président, le fait que le *United Nations High Commissioner for refugees* a accordé le statut de réfugié politique aux six réfugiés, n'est-il pas logique que les charges de possession de faux passeports contre les six réfugiés soient enlevées?

The Prime Minister: I understand there was this provisional charge. I mentioned earlier on that the DPP has made it known that he is not objecting for their release on bail. But, if you have done a criminal act, I think this is the law.

MOBILE PHONES – OBSCENE MATTERS

(No. B/346) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to reported cases of video clips of a sexual nature on mobile phones, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, since 2006 to date, indicating if inquiries have been carried out thereinto, and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, since 2006 to 23 April 2009, nine cases of obscene matters on mobile phone have been reported, and five cases have been established by the Police on their own initiative.

After Police inquiry, 16 persons were arrested and have been released on bail or parole.

I am also informed that, out of the 14 cases -

- 11 cases are pending enquiry;
- one case has been classified, since the accused has not been able to be traced, and
- two cases have been sent to the Director of Public Prosecutions for advice; and the latter has advised no further action in one case.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister in how many cases minors and students are involved?

The Prime Minister: I don't have the details. They have not given me the ages,

but they are mostly students.

(PQ No. B/347 – See written answers to questions)

SUBUTEX - CENTRAL PRISONS - JANUARY 2009

(No. B/348) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a stock of subutex was found at the Central Prisons in January 2009 and, if so, if an inquiry has been carried out thereinto and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Acting Commissioner of Prisons that, on 08 January 2009, following a search carried out by officers of the Prisons Security Squad at the Central Prison, Beau Bassin, 70 Subutex pills were found in a cell in Block A, occupied by four detainees undergoing sentence for drug cases. The case was reported to the Rose Hill Police Station on the same day.

I am informed by the Commissioner of Police that a provisional charge of “Unlawful Possession of Dangerous Drugs” was lodged against the four detainees before the Rose Hill District Court. They were remanded to prison. They have appeared before the Bail and Remand Court on several occasions, and the next appearance before the same Court is on 29 April 2009. Police inquiry has been completed and the case file is being forwarded to the Director of Public Prosecutions for advice.

Mrs Hanoomanjee: Mr Speaker, Sir, some time back the hon. Prime Minister said that there is an Intelligence Unit which has been set up at the Prisons Department. Can he say whether any case of introduction of drugs within the premises of the prisons has been detected since the establishment of that Intelligence Unit?

The Prime Minister: In fact, that Intelligence Unit works very closely with the Prisons Security Squad, and this is precisely how this case has taken place.

Mr Bérenger: Mr Speaker, Sir, it’s the second time I hear the hon. Prime Minister refer to the Ag. Commissioner of Prisons. Is the Commissioner of Prisons on leave or has his contract ended?

The Prime Minister: Mr Speaker, Sir, I believe he has gone abroad and I don’t know whether he is back. Probably, he is still abroad.

Mrs Hanoomanjee: Mr Speaker, Sir, some time back I think it was hon. Mungur who suggested that a random structured exit interview from prisoners coming out of the prison be carried out to reinforce the Intelligence Service and the hon. Prime Minister said that he is going to pass on this information to the Commissioner of Prisons. Can we know whether there has been any development in the matter since?

(Interruptions)

The Prime Minister: That's what I was going to say. It is not for the prisoners when they are leaving the prisons. It is for the others who are coming in. Once they leave the prisons we don't ...

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Prime Minister whether these persons are consumers or dealers? And regarding consumers of drugs who have been arrested, may I know whether treatment or medication is being proposed to these persons?

The Prime Minister: This is being done. In fact, since the last meeting I had, we have increased the number of persons who will get the treatment.

Mrs Jeewa-Daureeawoo: Mr Speaker, Sir, will the hon. Prime Minister state whether Government is envisaging to introduce what we call the harm reduction activities like is being done in the most conservative country of the Islamic Republic of Iran where you have measures ...

Mr Speaker: I am sorry. This question is specific about one specific case of stock of subutex found at the Prison and also if an inquiry has been carried out and the outcome thereof. I won't allow this question.

Mrs Jeewa-Daureeawoo: Mr Speaker, Sir, it is in relation to subutex and we are trying to bring to the ...

Mr Speaker: It is not a general question on subutex, it is a specific question. Hon. Bhagwan!

Mr Bhagwan: Mr Speaker, Sir, can I ask the hon. Prime Minister whether at the level of the Prison services and the Intelligence Unit, there is a follow-up regarding people coming to visit people who are on remand for the cases of subutex at the prison - I would say high profile convicts in these matters - and whether there is any inquiry on their *fréquentation* and how these things get in prisons?

The Prime Minister: Mr Speaker, Sir, we have to strike a balance again. We do a follow-up but, at the same time, there are the civil liberties of people who go and visit people. We don't want to spy on them day in day out, but, there is a follow-up.

Mr Speaker: Hon. Mrs Martin!

Mrs Martin: Mr Speaker, Sir, my question has already been asked by hon. Bhagwan.

Mr Dowarkasing: Mr Speaker, Sir, may I ask the hon. Prime Minister what has happened to the stock that has been seized? Has it been destroyed or has it been kept somewhere?

The Prime Minister: This is a case that is ongoing now. We are seeking the advice of the DPP. We don't destroy them until ...

Mr Ganoo: Mr Speaker, Sir, does the hon. Prime Minister think that there is a case of installing CCTV in the prisons?

The Prime Minister: I think this is something that we have also mentioned. I think we are making provision for this.

Mrs Hanoomanjee: Mr Speaker, Sir, I am referring again to the question I asked the hon. Prime Minister on the exit interview. I don't know whether the hon. Prime Minister got me right. But the question of exit interview is important, because then when the prisoners are being released they can, at least, say what happens within the premises of the prisons.

The Prime Minister: Very often, they don't want to speak to anyone who wants to interview them, but we do try to follow up wherever we can.

Mr Bodha: Mr Speaker, Sir, as regards the Intelligence Unit, may I ask the hon. Prime Minister whether since the setting-up of that Unit, we have had other cases where drugs have been found? And may I also ask him whether body searches are carried out on a regular basis in the prisons?

The Prime Minister: The answer is yes to both questions of the hon. Member.

Mr Varma: Mr Speaker, Sir, I have a supplementary question. Could the Prime Minister inform the House whether any of the convicts who has been charged in this particular case, has attended court prior to the seizure of these drugs?

The Prime Minister: Yes, they have, Mr Speaker, Sir.

INDIAN OCEAN – VESSELS - SOMALIA PIRATES

(No. B/349) **Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence and Home Affairs whether he is aware that vessels entering Mauritius are being attacked by Somalia pirates and, if so, will he state if the international authorities have been approached to address the issue.

The Prime Minister: Mr Speaker, Sir, with your permission, I shall reply to both PQ Nos. B/349 and B/354 together as they both relate to the same issue.

Mr Speaker, Sir, I am informed that as at to date, there is no report of any act of piracy on vessels calling at Port Louis Harbour or transiting in Mauritian waters.

Nevertheless, as a precautionary measure, the hon. Minister of Foreign Affairs, Regional Integration and International Trade has had bilateral discussions with both the US and French Ambassadors based in Mauritius to convey to their respective countries our concerns on the increasing acts of piracy in the South West Indian Ocean region which is actually moving even further. During the discussions, the hon. Minister urged for a common and unified approach to sea piracy by the international community in collaboration with coastal member States.

Furthermore, in view of the potentially negative impact of piracy on the economies of the South West Indian Ocean RIM countries, including Mauritius, the Government has already taken a number of measures which include the following -

- (i) The assistance of friendly countries like India, USA and France has been solicited in capacity building for a more stringent surveillance of the zone

from the Horn of Africa to the South Western part of the Indian Ocean where we have seen an upsurge in sea piracy.

- (ii) At the 25th session of the Council of Ministers of the Indian Ocean Commission held on 04 April 2009 in Comoros, which was attended by the hon. Dr. David, Minister of Local Government and Rodrigues and Outer Islands, the issue of sea piracy was again discussed from a regional viewpoint and the IOC adopted a resolution on piracy in the Indian Ocean region and the Gulf of Aden. In the resolution, Member States collectively called upon the international community to pursue and reinforce its actions against piracy, especially in the maritime zones of the Member States of the IOC.
- (iii) The IOC also called upon the United Nations and the African Union to collaborate with the Somali Government to restore internal peace and security which is an important first step in the fight against piracy.
- (iv) Mr Speaker, Sir, Mauritius is in the process of signing a Memorandum of Understanding, prepared by the International Maritime Organisation, concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean.
- (v) At the last Indian Ocean Tuna Commission Meeting held in Bali from 30 March to 03 April 2009, a statement on piracy in Western Indian Ocean was adopted and, on a proposal made by Mauritius, a specific provision was included in the statement calling on the international community to give all its support to ensure the safety of all fishing vessels in the region from acts of piracy.
- (vi) The position of all Mauritian fishing vessels are tracked through the Vessel Monitoring System based at the Albion Fisheries Research Centre and their position are received every two hours – they are also required to have a satellite phone and a radio on board for communication.
- (vii) The National Coast Guard (NCG) personnel based at St. Brandon and Agalega have been requested to be on alert regarding the piracy.
- (viii) I should add, Mr Speaker, Sir, that an NGC Commando Team has been set up to counteract any sea-ward attack, including piracy and terrorism. They will have the capability to undertake anti-piracy operations and tough rescue operations at sea or near the coast and counter other maritime security threats.
- (ix) I should also say, Mr Speaker, Sir, that I dispatched, again as a precautionary measure, a small contingent of the SMF to Agalega since 14 April 2009 because of what is happening.

There is now a consensus, Mr Speaker, Sir, among the international community that the long-term solution to the problem lies within Somalia itself, which is torn by rival warring factions. Tackling the problem on sea alone will not be enough. It is a fact that piracy has worsened recently despite the increasing presence of naval forces of the major

powers. Restoring security and stability in Somalia is, therefore, vital in combating the scourge of sea piracy.

The House may be aware, Mr Speaker, Sir, that on 23 April of this year, the United Nation, African Union and the European Union along with the newly-elected President of Somalia met in Brussels to discuss an Action Plan aimed both at stabilising Somalia and at combating pirate attacks on foreign vessels. We, therefore, welcome this initiative which we are confident will help address the piracy problem at sea in the region because this can only be done through multilateral collaborative efforts.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Prime Minister confirm to the House whether some insurance companies are asking for more money to some vessels coming to Mauritius through this region?

The Prime Minister: Not specifically to Mauritius, but I suppose if they are travelling in that region, that would be expected.

Mr Dowarkasing: Mr Speaker, Sir, as the hon. Prime Minister has rightly stated, that issue of Somalia pirates is well linked with the unstable situation in Somalia. The other issue that I would also like to draw the attention of the hon. Prime Minister to is that these pirates are getting training from Eritrea. This issue should be raised in International fora.

The Prime Minister: It is a question of training, I don't want to go into details, Mr Speaker, Sir, but I can tell the hon. Member that the United States are very well aware of who is training who.

MBC/VIDITECH AND DIGIPRO – CONTRACTS

(No. B/350) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to the number of contracts entered into between the Corporation and Viditech and DIGIPRO since July 2005 to date, indicating the -

- (a) total amount of money paid out, and
- (b) details of each contract.

The Prime Minister: In fact, this was referring to the previous question that the hon. Member asked.

I am informed by the Director-General of the Mauritius Broadcasting Corporation that the Corporation has not entered into any contract with Viditech and DIGIPRO since July 2005 to date.

Therefore parts (a) and (b) of the question do not arise.

Mr Gunness: Mr Speaker, Sir, can we know from the hon. Prime Minister whether the MBC hires equipment to DIGIPRO and whether the staff of the MBC works at the same time for DIGIPRO?

The Prime Minister: No, in fact, I did say it earlier, hon. Bhagwan asked me the question. That is not the case.

MBC – SALES AND ADVERTISING DEPARTMENT - INQUIRY

(No. B/351) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Sales and Advertising department of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if an inquiry is being carried out into its affairs by the Independent Commission Against Corruption and, if so, the reasons therefor.

The Prime Minister: Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that the reply is in the affirmative.

It would, therefore, neither be proper nor appropriate for me to reveal details of the said inquiry at this stage in view of the provisions of the Prevention of Corruption Act.

Mr Gunness: Mr Speaker, Sir, I don't want the hon. Prime Minister to disclose the inquiry, but he can, at least, tell us what are the reasons for which ICAC is....

Mr Speaker: I must inform the hon. Member that the law is clear. Once a matter has been reported to the ICAC, there is no question that can be answered.

(Interruptions)

I am sorry, the law is the law!

SALE BY LEVY – PERSONS - ARREST

(No. B/352) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether in regard to a group of persons who was observing a hunger strike in relation to the Sale by Levy, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if they were arrested on Monday 20 April 2009 and, if so, the reasons therefor.

The Prime Minister: Mr Speaker Sir, I am informed by the Commissioner of Police that on 20 April 2009, a group of 36 persons was arrested at Pope Hennessy Street for the offence of “Remaining in an Unlawful Assembly After Warning”. Out of these 36 persons, 16 were members of the “*Mouvement Victimes Sales by Levy*” who had been on hunger strike since 14 April 2009.

According to information obtained from the Police, on 15 April 2009, one Mr H.B., representative of the “*Mouvement Victimes Sales by Levy*” made an application to the Commissioner of Police for authorisation to hold a march on Monday 20 April from *Jardin de la Compagnie* to corner Sir Virgil Naz and Pope Hennessy Streets. The request from Mr H.B. was for the march to start at 15 00 hrs and to end with a public meeting at

corner Sir Virgil Naz and Pope Hennessy Streets at 16 00 hrs. The Commissioner of Police approved the holding of both the march and the public meeting, but imposed conditions on the itinerary and timing. The march was to start at 17 00 hrs and the public meeting at 17 30 hrs. Mr H. B. was informed of the decision of the Commissioner of Police in a letter dated 18 April 2009.

Nevertheless, on 20 April, he gathered some 100 persons, including the hunger strikers, at *Jardin de la Compagnie* at about 15 00 hours and proceeded towards corner Sir Virgil Naz/Pope Hennessy Streets along the route approved by the Commissioner of Police. The public meeting was held at 16 10 hrs in spite of the change that he was informed about.

I am further informed that at about 16 55 hrs, he incited the crowd through a public address system, to march towards a Police Barrier erected across Pope Hennessy Street in front of the Supreme Court premises. He then ordered the people gathered to lie down on the road surface and some 36 persons did so.

The Police warned the demonstrators against the unlawful nature of their demonstration and ordered them to disperse peacefully failing which action would be taken against them. As the crowd ignored the warning of the Police, the latter ordered their arrest at 17 30 hrs. All the 36 persons were arrested and brought to Line Barracks Police Station for inquiry.

Out of the 36 persons arrested, one was admitted to Dr. Jeetoo Hospital for treatment on 20 April. As for the 35 others, a provisional charge of "Remaining in an Unlawful Assembly After Warning" was lodged against them on 21 April before the District Court of Port Louis. 34 of them were bailed out after furnishing a surety of Rs1,000 and a recognizance of Rs5,000.

The person who had been admitted to hospital on 20 April, appeared before the District Court of Port Louis on 22 April, and was bailed out on the same day.

As for Mr H.B., he was also granted bail on 21 April, but he refused to furnish the surety of Rs1,000 and the recognizance of Rs5,000. He was, therefore, remanded to jail up to 11 May 2009.

I am also informed that on 23 April, one Mr R. G. paid the bail of Mr H. B. A Court Order was issued for the latter's appearance in Court for his bail formalities. However, Mr H. B. refused to be bailed out as he was not agreeable to Mr R. G. providing the surety for him. Consequently, the Magistrate remanded Mr H. B. to jail again, and ordered him to appear in Court on 27 April for a ruling on the bail issue.

I am further informed, Mr Speaker, Sir, by the Commissioner of Police that on 27 April, the Magistrate asked Mr H. B. to reappear in Court on 12 May regarding the motion to strike out the provisional charge against him. He has in the meantime been unconditionally released on humanitarian grounds.

Mr Guinness: Mr Speaker, Sir, can I know from the hon. Prime Minister whether he asked the Commissioner of Police what reason was given to change the time from 15 00 hrs to 17 00 hrs?

The Prime Minister: It was office hours, the offices were closing. Already we have a congestion problem in Port Louis, we don't want to add on this.

Mr Speaker: Last question!

Mr Guimbeau: Mr Speaker, Sir, can the hon. Prime Minister tell the House on what ground was Mr H. B. released from jail?

(Interruptions)

Mr Speaker: No, I am sorry.

INDIAN OCEAN - PIRACY

(No.B/354) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to acts of piracy in the Indian Ocean, he will state if he has raised the issue with the neighbouring countries and, if so, indicate the measures taken by Government?

(Vide Reply to PQ No. B/349)

Mr Speaker: Time is over! Questions addressed to hon. Ministers! Hon. Mrs. Labelle!

DAY CARE CENTRES/SPECIALISED SCHOOLS – NUMBER

(No. B/355) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions whether in regard to the Day Care Centres/specialised schools for disabled children, she will state the number thereof, indicating the criteria laid down by Government for the opening and operation thereof.

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

In fact, Mr Speaker, Sir, a Day Care Centre or specialised school means an institution registered with the Ministry of Education, Culture and Human Resources for the purpose of providing special care and education to children who have severe learning difficulties due to their disabilities (physical, visual, hearing, mental, psychological, emotional, social essentially). On registration they benefit from a grant on the part of my Ministry for the purpose of providing specialised education to those children. Such institutions are normally Non-Government Organisations registered with the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions.

Mr Speaker, Sir, as at to date, I am informed that the number of Day Care Centres/specialised schools which are registered with the Ministry of Education, Culture and Human Resources is as follows -

Day Care Centre : 7

Specialised Schools : 38

Total : 45

Mr Speaker, Sir, as regards the criteria laid down for their opening and operation, registration should comply with the mandatory norms relating to -

- i. the building, yard and playground;
- ii. sanitary conditions of premises;
- iii. furniture, play equipment and educational toys/materials;
- iv. health and safety norms as defined by the Ministry of Health & Quality of Life;
- v. developmentally appropriate practice;
- vi. needs-based curriculum;
- vii. child-centered programme in line with the United National Convention on the Rights of the Child;
- viii. the qualifications of staff, experience in special education needs and eligibility of staff to work in SEN Schools/Day Care Centres;
- ix. teacher:pupil ratio 1:7;
- x. space/child ratio 1 mt sq per child, and
- xi. environment norms as defined by the Ministry of Environment

Mr Speaker, Sir, in reply to PQ No. B/132 on 07 April last, I did inform the House of this Government's commitment to give all the children of Mauritius equal opportunities for quality education - on the basis of their right to education, as well as the Government's moral and ethical obligation to protect our children who are more at risk of being excluded and marginalised.

Mr Speaker, Sir, the Policy and Strategy Document on the special educational needs of children with disabilities published by my Ministry in 2006 provides for several measures for the inclusion of these children in our educational system through appropriate services, in partnership with relevant Ministries and Non-Government Organisations. Several affirmative actions for this sector to bring children with disabilities at par with their peers in mainstream are accordingly being taken. These, *inter-alia*, include a regulatory framework under the Education Act as well as a manual detailing the general conditions and the norms and standards to be fulfilled before the registration of Day Care Centres and Specialized Schools.

Mr Speaker, Sir, the issue of special needs school is a complex one and I am of opinion that we need appropriate-expertise in the domain. My Ministry is, however, leaving no stone unturned to seek assistance from friend countries or overseas organisations to build up the required capacity for Mauritius so that all special education needs children in Mauritius enjoy access to relevant high quality education.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Minister whether there is a particular mechanism to ensure the standard of these schools and what is being implemented right now for them?

Dr. Bunwaree: We have a mechanism and if the hon. Member had tried to get the gist of my reply, I am not fully satisfied. There is a mechanism which is working satisfactorily, well in a certain measure, but we need expert advice. I am of opinion that we lack expertise and we have to look seriously at it. There is a unit at the level of the Ministry which takes care of it.

Mrs Labelle: Mr Speaker, Sir, may I know from the hon. Minister whether visits are being effected to these centres, and on what frequency these visits are being effected and by whom?

Dr. Bunwaree: Yes, there are visits. There is an inspectorate. The inspector goes to visit all these schools and centres. Well, on what regularity - I need notice of this question, but it is quite often I must say, and I am paying a very special attention to that.

Mrs Martin: Thank you, Mr Speaker, Sir. May I ask the hon. Minister - I don't know if he has the figures - what is the average capacity of accommodation of these Day Care Centres and specialised schools and how this compares to the number of children who are not enrolled in these schools?

Dr. Bunwaree: It varies according to the schools. If the hon. Member is interested I can give her a list of schools and centres in the country the number of which I have already given, but for each school the number of children who are admitted.

Mr Guinness: Can I know from the Minister whether friendly countries or the UNESCO, international organisations, have been approached by his Ministry in order to get the services of such experts to come and help in this field?

Dr. Bunwaree: Yes, Mr Speaker, Sir, I mentioned it in my main reply; in fact, this is in line with what we want to do.

Mr Barbier: Thank you, Mr Speaker. Since the Minister stated himself that this is a very complex issue and there are various types of disabilities that children have, may I know from the hon. Minister whether it is the policy of his Ministry to see to it that these specialised schools and care centres have the appropriate trained personnel to attend to these disabilities and if not, is the Minister envisaging to have appropriate training for the personnel?

Dr. Bunwaree: Yes, Mr Speaker, Sir, I mentioned that. Before registration, the qualifications of the staff, experience in special education needs, eligibility of staff to work in these schools are seriously considered. And, of course, there is the inspectorate which goes there to see that these conditions are adhered to. There is also the possibility for teachers who have got experience at the level of the Ministry who sometimes are delegated to help there.

Mr Speaker: Hon. Dowarkasing!

Mr Dowarkasing: Thank you Mr Speaker, Sir. May I know from the hon. Minister - I mean having Day Care Centres and specialised schools is a very good thing - what efforts are being done for the handicapped and disabled children to enter the mainstream?

Dr. Bunwaree: There is a whole strategy, as I have mentioned. I did not go into details, but we are working actively on that and we are going to publish very shortly the

implementation path to allow for the strategy. It had already been defined in 2006 by my predecessor. We are trying to fine tune, to polish and to work with experts from abroad to be able to give the best we can.

Mrs Martin: Can the Minister say how many children are actually not going to those Day Care Centres and specialised schools? Has the hon. Minister got the number at his Ministry?

Dr. Bunwaree: Well, we are, in fact, conducting a survey, I must say, at this present point in time. The survey is not over, but we have to liaise with the Ministry of Social Security and the Ministry of Women Affairs also to be able to give the right figures.

Mr Speaker: Hon. Mrs Labelle!

Mrs Labelle: Thank you, Mr Speaker, Sir. In fact, it is a very complex question. Very often there is so much confusion between the motor impairment and the different levels of impairment. With regard to motor impairment, do we have particular Day Care Centres actually registered with his Ministry?

Dr. Bunwaree: Of course we don't have all that we would have wished. But I wish to take this opportunity to congratulate all those people who are involved in that type of special education needs. They are doing their utmost best and we are trying to help as much as we can at the level of the Ministry. I expect that, in the months to come, with the work that is being done at the level of the Ministry, with all other stakeholders, we will find a better way out for these children.

Mr Gunness: Mr Speaker, Sir, I agree with the Minister that, in fact, these people working with these disabled children are doing a marvellous work. Can I know from the hon. Minister whether any organisation or the MIE actually provides any sort of ongoing training in Mauritius for the personnel working in these disabled schools and, if not, whether the Minister can approach, at least, the MIE to work out a training programme for these teachers?

Dr. Bunwaree: This has already been taken care of. In fact, there is a specialised curriculum for these children which is taken over at the level of my Ministry.

Mr Speaker: Hon. Leopold!

Mr Leopold: Thank you, Mr Speaker, Sir. Can I know from the hon. Minister what is the qualification or, at least, the minimum experience that is required for someone to teach in these institutions?

Dr Bunwaree: It depends on the type of invalidity, Mr Speaker, Sir, but I can give the assurance to the hon. Member and to the House that we do whatever best we can at the level of the country.

At 12.57 p.m. the sitting was suspended.

On resuming at 2.33 p.m. with Mr Speaker in the Chair

COMPANIES - BAILING OUT – PUBLIC FUNDS

(No. B/356) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to the companies for which public funds will be committed for their bailing out, especially in the textile sector, he will state if audit trails thereof will be carried out over a minimum period of ten years, with a view to ascertaining if there has been any siphoning off, and/or mismanagement, of funds by the directors thereof.

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. Sithanen): Mr Speaker, Sir, Government has put in place the MTSP to help firms facing financial difficulty in the context of the world's economic crisis; the main aim behind Government intervention being to protect jobs.

As at date, 20 firms have submitted formal applications for assistance under the scheme, representing employment for over 6,700 persons. Term sheets have already been signed with three firms. Two more firms will be signing their term sheets shortly. Altogether, these five firms represent an amount of Rs137m. as Government contribution in terms of equity, debentures, working capital, guarantee and acquisition of building. More than 2,700 jobs have already been salvaged. Nine other applications are under consideration, potentially involving some further 1,000 jobs that could be saved.

The MTSP, Mr Speaker, Sir, operates according to clear guidelines and procedures, which have in-built adequate controls to ensure that only genuine cases are supported.

First, financial support is only provided to an enterprise, which is considered to have had a viable past track record and will have a viable future once the difficulties of the moment are over. In this connection, financial analysts prepare a high level report covering the previous three years and indicating why the enterprise should be supported.

Second, all financial support is guided by the principles of 'risk sharing' as well as 'burden sharing' on the part of the companies, financial institutions and Government. In the event of a bail out, shareholders contribute between 20-33% of additional funding required. The balance is equally shared by banks and Government, often through the SIC. This ensures that due diligence is done at the level of the financial institutions, which have their money also at stake. Moreover, a contribution from the companies themselves also confirms their commitment to the rescue programme.

Third, each case is assessed on its own merits and based on the submission of a credible restructuring plan by the relevant enterprise, including independent scrutiny of the enterprise by a firm of accountants, approved by the banks, and scope of work defined by the banks. The cost of the firm of accountants is to be borne by the enterprise itself.

In addition, funds would be provided through the SIC to the enterprises needing financial support. The engagement of SIC is guided on the basis of the following -

- (i) an effort is required by the shareholders and management in the form of any combination of equity injection, asset sales and cuts in operating costs, particularly management pay, benefits and perks;
- (ii) there must also be a commitment to preserve employment either within the firm or by redeployment;
- (iii) there can be no dividend payments until all preference shares held by SIC are redeemed;
- (iv) the preference shares still held by SIC after five years will be automatically converted into ordinary shares, based on an independent valuation with an agreed time frame for exit, and the methodology for valuing the exit must be determined upfront;
- (v) SIC may appoint a representative to the Board where it deems this helpful to ensure that the restructuring funds are well spent, and
- (vi) there will also be an obligation for regular reporting of the Committee overseeing the system.

Mr Dayal: Mr Speaker, Sir, will the Vice-Prime Minister ascertain to the House that the money obtained from the Stimulus Package be not used to pay existing debts, which will defeat the purpose fixed by Government to protect employment?

Dr. Sithanen: That's basically the objective, Mr Speaker, Sir. In fact, one of the reasons why we didn't agree to support an ailing enterprise is that one of the participating financial institutions wanted Government to buy back some of the debts of that particular company. Obviously, we did not agree.

Mr Dayal: Will the Vice-Prime Minister inform the House what are the mechanisms that have been set up at the level of his Ministry to ensure that the conditionalities on which public funds have been given to bail out companies are strictly observed?

Dr. Sithanen: Mr Speaker, Sir, we are very early in the implementation of this scheme. In fact, the evaluation is carried out by independent consultants, and we have put conditions. There will be a reporting mechanism. They are going to report, on a quarterly basis, on progress being made, and to make sure also that the conditions which have been proposed are strictly adhered to.

Mr Dayal: Mr Speaker, Sir, will the Vice-Prime Minister agree that it is an absolute necessity that a Government official be appointed in each and every company or organisation, so as to exercise strict control in order to ensure that public funds provided in bailing out companies be used judiciously and for the purpose it has been given?

Dr. Sithanen: Mr Speaker, Sir, there is no obligation to do it. In cases where we believe that there is an absolute necessity to have a Board representative, I think Government will do it. In many cases, the work has already been done; we have laid conditions, and the banks also are very concerned about the use of their money. The shareholders are also very concerned. But, if there are cases where we believe that there is an absolute necessity to appoint someone on the Board, obviously, this will be done.

Ms Deerpalsing: May I ask the hon. Vice-Prime Minister & Minister of Finance - I don't know whether he has answered this question already – whether, when we are talking about funds that are being earmarked for these enterprises, we will follow the example of the UK and USA, where complete audit is done, for example, in terms of cars that are purchased on the name of company by the directors and other fat cats of the company? I would like to know whether strict audit is performed before these funds are allocated.

(Interruptions)

Dr. Sithanen: We will certainly look at these fat cats, Mr Speaker, Sir. But, again, let me be very fair. Very often, we have the tendency to exaggerate. There are some firms that are really in difficulties, and there are two areas where we asked them to do an effort. One is to review all their excessive expenditure and, as for the other one, we asked them to make a contribution to the rescue. That's why Mr Speaker, Sir, the menu is quite flexible; there is no set menu; it's *à la carte*. I gave the five possibilities where intervention is possible in terms of equity, debenture, guarantee, working capital, and also in terms of an asset swap. So, obviously, it is in the interest of everybody that we make sure that this happens. Let me also tell my hon. friend that the prime objective is not to save the enterprise, but to preserve jobs, Mr Speaker, Sir.

Mr Jugnauth: Mr Speaker, Sir, will the hon. Vice-Prime Minister say how he is going to ascertain that jobs are not lost, when funds have already been committed to the company and, thereafter, the company wishes to lay off employees?

Dr. Sithanen: Mr Speaker, Sir, I heard my hon. friend say that we have to legislate to prevent companies from laying off people. It is impossible to do that, Mr Speaker, Sir. Let me explain very clearly. Assuming we are giving them Rs20 m. and, after three months, the recession *est plus profonde et plus longue* and they believe they are going to lose Rs200 m. So, even, the Rs20 m. that we have given them will not be enough. What we have told them, Mr Speaker, Sir, is that if they have obtained public funds, before they make a decision, they need to consult, to engage in a dialogue with Government, so that we collectively decide what is the best course of action. We have told other companies that don't even obtain public funds that, as part of their corporate social responsibility, they should do everything possible to keep jobs and that job losses should be used only as a measure of last resort as they will need these people when the economy picks up again.

Ms Deerpalsing: Mr Speaker, Sir, in his answer, the hon. Minister said that Government has requested the companies to review their lifestyle or expenditure. My question would be with respect to that. Once we have requested them that, what mechanism has been put in place or will be put in place to monitor that they actually do what they are being requested to do or being requested to review in terms of their lifestyle or expenditure in the company, as is the best practice for the stimulus packages adopted in the US and in the UK? I'm sure that the hon. Minister will know that, in the US and in the UK, best practices and monitoring mechanisms have been put into place for big companies that have obtained public funds.

Dr. Sithanen: Mr Speaker, Sir, as I have said, there are no big companies. In fact, some of them came to complain to me and asked why I mentioned their names. I said no!

These are facts of life! Rogers, IBL or Beachcomber, the big ones, have not applied for the ASP. We are talking about small and medium enterprises. 1,000 people is a medium company hon. Deerpalsing! We have put conditions, Mr Speaker, Sir, and we are going to monitor them. Again, Mr Speaker, Sir, we should not give the impression that all of them are out there to cheat. Many of these people are honest entrepreneurs who are trying their best to save jobs. We should not give the impression that all of them are likely to cheat. Obviously, we need to monitor, to review, and there is a reporting mechanism. As I said, I will come to this House on a six monthly basis, to make sure that public funds are being well utilised.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I ask the hon. Minister whether he can confirm if any of these companies, which have applied for the Stimulus Package, are not sub-companies of the large groups he has mentioned?

Dr. Sithanen: With regard to the one that we have up to now, no, Mr Speaker, Sir. As I said, there are four or five that have benefited, and there are about 36 in all, but at different stages of consideration. If they are in difficulty, they can also apply. We are not going to discriminate on the basis of A, B, C, D. The basis for providing assistance is you are in a difficulty and that you accept some conditions laid down by Government.

Mr Bodha: Mr Speaker, Sir, may I ask the Vice-Prime Minister whether there are any companies in the tourism sector, which have applied for the support.

Dr. Sithanen: Yes, one application has been submitted. But, again, as I said, there are different levels of negotiations. Some concluded; some almost concluded; some processed and agreed; some under consideration; some applications submitted. As I can see here, Mr Speaker, Sir, there is, at least one, in the tourism sector. There is another one in what I would call the para-tourism sector.

Mr Dayal: Mr Speaker, Sir, can I ask hon. Vice-Prime Minister to lay on the Table of the Assembly a comprehensive list of all the conditionalities that are required for a firm or a company to qualify to obtain public funds under the Stimulus Package? And, also, in case any audit has been carried out, I would like to ask him whether this can be laid on the Table of the Assembly.

Dr. Sithanen: Mr Speaker, Sir, I have already laid a copy of the conditions. With regard to giving the audit of each company, Mr Speaker, Sir, we need to preserve their confidentiality too. There are competition forces at play. We cannot divulge the ins and outs, every detail of what the company has done. The job is being done by independent consultant. Then, there is a committee that reviews it, and it has to make a judgment as to whether it gives money or not.

Ms Deerpalsing: Mr Speaker, Sir, may I ask the hon. Vice-Prime Minister & Minister Finance whether, in the one case he has talked about, which he has qualified as not a big company, he will verify if two of the directors of that company have recently, after having obtained public funds, purchased cars of double digit million rupees?

(Interruptions)

Mr Guimbeau: In view of the fact that it is public money that is used, and in the name of transparency, can the hon. Minister give the names of all the companies that have applied and all those that have received help from the Stimulus Package?

Dr. Sithanen: Mr Speaker, Sir, I have said that I will come to the House on a regular basis, and will say exactly which are the firms that have received, what is the amount, what conditions have been accepted, and what progress has been made. We have just started it.

Ms Deerpalsing: I'm sorry Mr Speaker, Sir, I don't know if I missed it, but I didn't hear the hon. Minister answer my question as to whether he will verify if two directors of one of the companies which have received funds have purchased very expensive cars while they have been receiving public funds.

Dr. Sithanen: I don't know! If the hon. Member has any information, she can give it to me.

Mrs Dookun-Luchoomun: Mr Speaker Sir, in this very Assembly, the hon. Minister had mentioned that, wherever public funds have been put in use, we need to be transparent and accountable to the National Assembly. I would think that, even in the case of the Stimulus Package, we should follow the same logic. Following the same logic, I would ask the Minister whether he doesn't think that such information should be tabled, at least, in the National Assembly.

Dr. Sithanen: I said that it would be tabled.

Mrs Dookun-Luchoomun: I am talking about the audit trail.

Dr Sithanen: We cannot divulge strictly confidential information, Mr Speaker, Sir. On the one hand, they are saying that the situation is deteriorating, and when we are helping, they are trying to put conditions that will kill these companies.

Mr Gunness: Mr Speaker, Sir, the Minister said that every three months he would give us the names. But, now, there is a specific question. We would like to have information about the number of companies, their names, and the amount that has been given to them up to now.

Dr. Sithanen: I said it last week. The hon. Member should listen. Everybody knows which companies have benefited, Mr Speaker, Sir. I have said it. The one that has received most money is World Knits.

(Interruptions)

I have said that I will come to the House and give all the details. But, before we have started to help, Members are trying to put conditions. Members know that this will kill these enterprises. Then, they will go and say we should have listened to them!

Mr Dowarkasing: Mr Speaker, Sir, I have just listened to the hon. Minister of Finance who stated that he cannot table the audit trail in Parliament. Then, how will this House ascertain that this Stimulus Package is being used judiciously?

Dr. Sithanen: The Director of Audit will submit a report, Mr Speaker, Sir. This is the use of public funds. The hon. Member cannot apply the policy of: head you win, and tail I lose. I have told the hon. Member that last week - we are not that stupid.

Mr Jhugroo: Mr Speaker, Sir, very often, the hon. Vice-Prime Minister talks of transparency. For the sake of transparency, even if the hon. Vice-Prime Minister has only one name, he can give it.

Dr. Sithanen: I have given the most important one. I thought I was speaking a very simple, plain English. How many times should I say it?

Mr Bodha: May I ask the Vice-Prime Minister whether, among the companies which have applied for a package, some have already laid off workers before applying?

Dr. Sithanen: I don't think so.

Mr Speaker: The hon. Member is asking about 'laid off workers before applying'.

Dr. Sithanen: I don't know. But again, it is only when they receive money!

(Interruptions)

Members can't complain. Basically, Members are saying that we are not helping and, at the same time, when we help you want to put conditions that will not help them. They have to be logical.

PRB REPORT 2008 - ERRORS AND OMISSIONS COMMITTEE

(No. B/357) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Civil Service and Administrative Reforms whether, in regard to the Errors and Omissions arising out of the Pay Research Bureau Report 2008, he will state if the Committee set up to look thereinto has completed the exercise and if so, when will the report be published.

Dr. Hookoom: Mr Speaker Sir, I am informed by the Pay Research Bureau, which is an independent body, that it is in the process of finalising its Report on Errors and Omissions arising out of the 2008 PRB Report.

The Report is expected to be published by the end of May 2009.

Mr Dayal: Mr Speaker, Sir, can I know from the hon. Minister the number of representations received at his Ministry following the publication of the 2008 PRB Report, and the number of requests dealt with at the level of his Ministry?

Dr. Hookoom: Mr Speaker, Sir, 368 representations were received at my Ministry following the publication of the 2008 PRB Report. The number of requests that have been dealt with at my Ministry is 64.

Mr Dayal: Mr Speaker, Sir, following the circulation of an option form quite recently regarding general services, can I ask the hon. Minister whether he will consider the advisability of keeping it in abeyance until the Errors and Omissions Committee Report is published? In fact, I raised this question a week ago with the hon. Minister.

Dr. Hookoom: Mr Speaker, Sir, the request made by the hon. Member has already been dealt with.

Mr Varma: Could the hon. Minister inform the House whether the 64 requests dealt with at his Ministry have been transmitted to the PRB?

Dr. Hookoom: It is after obtaining clarifications from the PRB that the 64 requests were dealt with at my Ministry.

MAURITIUS - MEDICAL HUB

(No. B/358) Mr D. Rucktooa (Second Member for Grand’Baie & Poudre d’Or) asked the Minister of Health & Quality of Life whether, in regard to making Mauritius become a medical hub, he will state the –

- (a) measures Government proposes to take to encourage doctors, especially those who have benefited from Government scholarships, to come back and serve the country;
- (b) measures taken to palliate the shortage of specialists in scarcity fields, and
- (c) number of applications for work permit in different fields of specialisation received by Government from private clinics, since 2005 to date, and table copy thereof.

Dr. Jeetah: Mr Speaker, Sir, I wish to inform the House that, in line with the policy of the Government to transform Mauritius into a medical hub for the region, all efforts are being made to attain this objective. We need, amongst others, to have a pool of highly qualified and dedicated medical and paramedical staff, including doctors and specialists.

Mr Speaker, Sir, with regard to part (a) of the question, I am advised that there are two categories of scholarships –

- (i) nomination under Open Scholarship, offered through the Ministry of Education, Arts & Culture and Human Resources, wherein all the nominees, including public officers, are bonded and are required to come back and serve the country after a certain period of time;
 - (ii) nominees under an approved Training Scheme of my Ministry, whereby selected candidates are sent for postgraduate studies to University of Bordeaux II, University of Montpellier and Banaras Hindu University. These officers are also bonded, and are required to come back and serve the Ministry.
- Furthermore, the conditions of the offer of scholarships by the donor countries require that the recipients should return back to their country;
 - on successful completion of their postgraduate studies, doctors are absorbed in the public service at specialist level, and
 - specialists are also granted the privilege of private practice.

As regards part (b) of the question, I wish to inform the House that the following measures have been taken to palliate the shortage of specialists in scarcity fields –

- (i) the PRB Report 2008 has significantly improved the salary and conditions of service of specialists;

- (ii) Consultants/Specialists who retire are allowed to continue working within our service on sessional or contract basis;
- (iii) the services of a number of specialists from abroad who express interest to serve in Mauritius are retained on a contract basis, and
- (iv) action has been initiated for the recruitment of specialists in scarcity fields from abroad.

Mr Speaker, Sir, concerning part (c) of the question, I am informed that 23 applications for work permit in the different fields of specialisation have been received from private clinics since 2005 to date. Work permits were granted to only 14 specialists.

Dr. Ramloll: I thank the hon. Minister for the answer. I would like to get confirmation from the hon. Minister whether there is a specific monetary amount, as a bond, which these potential doctors sign before they leave for abroad?

Dr. Jeetah: I have replied, Mr Speaker, Sir. There is a bond that the successful candidates have to agree upon with the Ministry.

Dr. Ramloll: Mr Speaker, Sir, has the Ministry surveyed for the next five to ten years, which are the scarcity areas in the different specialities?

Dr. Jeetah: Yes, Mr Speaker, Sir, we do have a list of areas where we have scarcities. In fact, I can give some more information, if the hon. Member will bear with me. Out of a total of 222 posts, there are 40 which have not been recruited as yet. These would be fields such as general medicine, general surgery, obstetrics and gynaecology, and so on.

Dr. Ramloll: Mr Speaker, Sir, as regards the work permits, will the hon. Minister inform the House about the number issued in the different private clinics and hospitals?

Dr. Jeetah: I thought I had replied, Mr Speaker, Sir. I did mention that there were 23 applications for work permits in different fields since 2005, and that 14 work permits have been granted.

Dr. Ramloll: Can the hon. Minister confirm how many work permits were awarded to each clinic?

Dr. Jeetah: First of all, Mr Speaker, Sir, I don't know whether it would be ethical to come and display which clinics have applied for which specialisation. But, in any case, the hon. Member would have to refer to the substantive Ministry.

Dr. Ramloll: Mr Speaker, Sir, one last question on this issue. Will the hon. Minister reassure the House that no work permit is issued in areas where the competence is already available in Mauritius?

Dr. Jeetah: I have answered, Mr Speaker, Sir. I don't see any problem with regard to having excess capacity. The hon. Member might wish to know that 20% of the adult population of this country suffer from diabetes, 30% suffer from hypertension and 45% suffer from high cholesterol. So, the more skills we get in this country, the better it would be.

Mr Jhugroo: Mr Speaker, Sir, can I ask the hon. Minister if he can give the conditions found in the bond which the doctors sign before leaving the country?

Dr. Jeetah: Mr Speaker, Sir, I can certainly table the document.

Mrs Martin: Mr Speaker, Sir, with regard to part (a) of the question, I would like to ask the hon. Minister whether we can have an idea of the amount that those who have obtained the scholarships have to sign in the bond and how many of them have actually been paid and not come back to Mauritius.

Dr. Jeetah: With regard to the first part of the question, that is the question raised by hon. Jhugroo asked for, I shall table the document. With regard to the number of specialists who have not returned, as far as my Ministry is concerned, everybody has come back.

PPP PROJECTS - MEDICAL CARE

(No. B/359) Dr. P. Ramlooll (Third Member for Quartier Militaire & Moka) asked the Minister of Health and Quality of Life whether, in regard to medical care, he will state if Government proposes to enter into Public Private Partnership projects with a view to offering quality medical care.

Dr. Jeetah: Mr Speaker, Sir, the public sector provides free health care services to around 90% of the Mauritian population, whereas the private sector caters for the remaining 10%.

I wish to inform the House that, to date, there are no major Public Private Partnership (PPP) projects in the health sector in line with the philosophy of the PPP concept, which calls for contractual agreements between the public and private sectors to deliver public infrastructure based services.

In line with the policy of Government to promote a knowledge and medical hub, Government is encouraging the setting-up of private medical and nursing schools with a view to enhancing the quality of health care through the provision of nursing and medical education at both undergraduate and post graduate levels. So far, four applications for medical schools and three for nursing schools for the provision of clinical training facilities in our hospitals have been approved. The Clinical Training Framework, *inter alia*, provides for investment by the promoters in health infrastructure and also a transfer of technical expertise which would be beneficial to our service delivery.

Moreover, with a view to providing quality medical care in the field of ophthalmic services and also promoting the transfer of technology in this specialised area, my Ministry has signed a Memorandum of Understanding with Sankara Nethralaya Medical Research Foundation of Chennai, India, for the setting-up of an eye hospital at Souillac Hospital.

Mrs Martin: Mr Speaker, Sir, I believe that such a project as a Nurses School was supposed to be put in place in Dubreuil, an area of my constituency. Can the hon. Minister say where matters stand with regard to the school?

Dr. Jeetah: I do not have the information with me, Mr Speaker, Sir, but should the hon. Member put a substantive question, I shall answer.

MALINGA, ST PIERRE – LANDSCAPING WORKS

(No. B/360) Dr. P. Ramloll (Third Member for Quartier Militaire & Moka) asked the Minister of Environment & National Development Unit whether he will state if Government will consider carrying out landscaping works at Malinga, St Pierre, and putting up a view point thereat.

Mr Bundhoo: Mr Speaker, Sir, my Ministry will consider the request and a site visit will soon be effected by our consultant and, subsequently, we shall decide on the course of action.

Dr. Ramloll: Mr Speaker, Sir, we all know that the Verdun-Terre Rouge route will soon be a reality in that area. I don't know whether many of us have visited this particular area. Probably, it is the most beautiful view that we have for the north area. Can I press upon the Minister to start working on this project as soon as possible, and make this area become a tourist viewpoint?

Mr Bundhoo: Mr Speaker, Sir, may I assure the hon. Member that I once had the opportunity to serve this constituency. I am fully aware of the beauty of this viewpoint of La Laura/Malinga. If I am not mistaken, hon. Dayal, at a point in time, asked me to look at this specific area, which I had, at this time. But, quite unfortunately, we did not have a consultant then. Now that the hon. Member has reminded me that the Verdun Trunk Road will be going through Malinga, I will kindly pass on the request to hon. Minister Bachoo to look at the Trunk Road with the viewpoint altogether.

ST PIERRE/QUARTIER MILITAIRE – DISTRICT HOSPITAL

(No. B/361) Dr. P. Ramloll (Third Member for Quartier Militaire & Moka) asked the Minister of Health & Quality of Life whether he will state if Government will consider putting up a district hospital in the region of St Pierre and Quartier Militaire to provide for a 24-hour health care service.

Dr. Jeetah: Mr Speaker, Sir, the policy of my Ministry is to strengthen the primary health care system, and to consolidate and upgrade the existing hospitals. The aim is to bring about a more equitable distribution of health resources with greater accessibility to primary health care and its supporting services to the community. Equity of access is ensured by a comprehensive package of primary health care programmes and provision of promotive, preventive, curative and rehabilitative services to the community at the peripheral level.

There are five Health Regions in Mauritius and services are delivered through, *inter alia*, a network of five regional hospitals, 23 Area Health Centres, and 116 Community Health Centres.

The region of St. Pierre and Quartier Militaire, which falls under the Health Region No. 1, that is, Dr. A. G. Jeetoo Hospital, is served by two Area Health Centres and nine Community Health Centres, covering a population of 40,842 for St. Pierre and 17,139 for Quartier Militaire. The opening hours of the Health Centres are from 0800 a.m to 0600 p.m on weekdays, 0800 a.m to 1200 a.m on Saturdays, and 0800 a.m to 1100 a.m on Sundays and public holidays.

Moreover, the S. Bharati Eye Hospital also provides a casualty service for general purposes during the night. Cases requiring admission/referral are sent to Dr. A. G. Jeetoo Hospital or to other specialised hospitals, and transport facilities are provided to such patients.

Dr. Ramloll: Mr Speaker, Sir, I have the impression that I got the same answer from the previous Minister of Health regarding the same question.

(Interruptions)

Mr Speaker: Silence, please!

Dr. Ramloll: My point is the following: one particular area of the constituency namely, Providence patients go to Flacq; adjacent to it, at one kilometre, Quartier Militaire have to go to Dr. Jeetoo Hospital and, as for the rest, some have to go to Candos. So, it's time consuming in cases of dire emergency. Sometimes, when they go to Flacq, very often, they are referred to SSRN Hospital. Being given that Constituency No. 08 and No. 10 are presently having a larger population, will the hon. Minister now consider to have a district hospital? A project has been underway, but probably this could be speeded up, so that there is a hospital between these two constituencies.

Dr. Jeetah: Mr Speaker, Sir, I am glad that the hon. Member testifies that there is continuity in this Government, and that the reply he obtained is the same. Mr Speaker, Sir, we have limited resources, as everybody knows. At the moment, Government is investing massively in infrastructure. There is about Rs2 billion for the region of my hon. friend, and we have already started the first phase of construction. We are also creating a lot of specialised units in our existing hospitals. We are also putting a lot of emphasis on preventive aspects of health care. The hon. Member will have to bear with the current policy.

Mr Jhugroo: Mr Speaker, Sir, this is the second time that the hon. Member is asking the same question. Does not the hon. Minister think that he should conduct a study before the implementation of a district hospital in this region? He should not come with a project, and then...

(Interruptions)

Mr Speaker: Is the hon. Member asking whether a study has been carried out?

Mr Jhugroo: Exactly!

Dr. Jeetah: Mr Speaker, Sir, we have technicians in our Ministry who do have data. I can give a whole range of areas. For example, in the service point at Dr. Bouloux Area Health Centre, there are 19,522 potential patients and so on.

BEAU BASSIN/PETITE RIVIERE – FLOOD PRONE AREAS

(No. B/362) **Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Environment and National Development Unit whether, in regard to the flood prone areas in Constituency No. 20, Beau Bassin and Petite Rivière, he will state if Government proposes to take remedial measures, indicating the time frame therefor.

Mr Bundhoo: Mr Speaker, Sir, I am hereby submitting a list of flood-prone areas visited by the Consultant of the National Development Unit in Constituency No. 20 on 17 March 2009. Also is being tabled a list of other drain projects, some of which have already been completed, some are ongoing and some are to be awarded soon. However, the list of flood-prone areas is not complete and we are presently compiling a comprehensive one which will be tabled in due course.

AIR MAURITIUS LTD. – AIRBUS A319 - BREAKDOWN

(No. B/363) **Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he will, for the benefit of the House, obtain from Air Mauritius Ltd., information as to -

- (a) if the airbus 319, flight MK 0535, broke down on 11 April 2009 and, if so, indicate -
 - (i) the reasons therefor;
 - (ii) the measures taken in respect of the passengers, and
- (b) the number of times the airbus has broken down since being in operation and which resulted in the cancellation of the flights.

Mr Duval: Mr Speaker Sir, with regard to part (a) of the question, I am informed by Air Mauritius that the airbus A319 flight MK 535 from Nairobi to Mauritius of 11 April 2009 experienced a technical problem caused by a malfunction of a valve in the aircraft's fuel system. The aircraft was grounded at Nairobi and the flight was cancelled. Thereupon, all passengers were provided with hotel accommodation and rerouted via Johannesburg on Sunday 12 April 2009.

As regards part (b) of the question, I am informed by Air Mauritius that, according to records available as from the year 2003, the aircraft has encountered five technical problems resulting in cancellation of flights.

I am also given to understand that the Airbus A319 is considered as a reliable aircraft and that the overall performance of this particular aircraft over the past six years of operation is rated at above average level.

Mr Naidu: I was on that flight, Mr Speaker, Sir, and I heard some very nasty comments concerning my beloved country and my beloved airline and unfortunately there was not any *préposé* from Air Mauritius available there at that time, which caused much inconvenience to all the passengers. This is where all the nervousness came round.

Mr Duval: Mr Speaker, Sir the question is on the reliability of the aircraft, not on the treatment of the passengers thereon, but I will pass on the comments of the hon. Member as to how the passengers were treated.

Mr Guimbeau: The hon. Minister just stated that the aircraft has had five breakdowns. Can the Minister give us some details as to what kind of breakdowns, just to make sure if we can take Air Mauritius again?

Mr Duval: I don't have any clue Mr Speaker, but what is very clear is that there had been five breakdowns over six years and this is considered above average for that type of aircraft.

APPOLO/BRAMMER HOSPITAL – VAT EXEMPTION

(No. B/364) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Appolo/Brammer Hospital, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the amount of Value Added Tax exemption granted thereto, giving details thereof.

Dr. Sithanen: Mr Speaker, Sir, in our drive to encourage private investment in the vital sectors of the economy namely Health and Education, amendments were brought to the 9th Schedule of the VAT Act to enable companies investing in such sectors to recover the VAT paid on construction of a purpose built building.

As such, I am informed by the Mauritius Revenue Authority that the British American Hospital Enterprises Co Ltd., operating under the trade name Apollo-Bramwell Hospital is exempted from payment of VAT on the building constructed for the provision of Health Services under section 66 of the VAT Act and item 13 of the 9th schedule of the VAT Act.

I am informed that Apollo-Bramwell Hospital had up to February 2009 benefited from VAT exemption totalling Rs136 m. out of which Rs121m. was for the construction of the building and Rs14 m. for the imported materials used for the construction of the building and on medical equipment.

Mr Bérenger: Can I ask the hon. Minister of Finance whether there is any other company that has benefited from same?

Dr. Sithanen: Mr Speaker, Sir, I asked this question at 11.30 hours when I was rushing to come to answer the PNQ. I will try to get the answer - I don't have the answer with me, I will check. This is available to all companies, let me cite column 1-

" Any company registered with the Board of Investment established under the Investment Promotion Act, as a company engaged in the provision of health services and construction of a purposely building for the provision of health services"

Mr Soodhun: Mr Speaker, Sir, can the hon. Minister inform the House whether it is a standard practice?

Dr. Sithanen: As I said, it is in line with the provision of VAT. Mr Speaker, Sir, we want to encourage Mauritius to become a knowledge and medical centre. Obviously, we have to do it and this is one of the best hospitals that has been constructed in this part of the world. It is going to provide excellent services not only to Mauritians, but also to the entire region. If other medical facilities would ask such treatment they will get it.

Mr Guimbeau: Mr Speaker, Sir, I would like to know from the hon. Minister whether the Apollo-Bramwell Hospital is located on State land, and if so, give the area and the rental per year?

Mr Speaker: The question does not arise from the main question!

Mrs Labelle: May I ask the hon. Vice-Prime Minister the date on which this amendment was brought to the regulation he just mentioned to include the medical services?

Dr. Sithanen: I have to check. But again Mr Speaker, Sir, the hon. Members are trying to impute motives...

(Interruptions)

Mr Bérenger: On a point of order, the hon. Vice-Prime Minister cannot say that. I ask for your ruling, Mr Speaker. He should withdraw what he has just said.

Dr. Sithanen: Yes, I withdraw. Mr Speaker, Sir, we want Mauritius to become a knowledge and medical centre

Mr Speaker: The question is simple as to when was the regulation amended. Either the hon. Vice-Prime Minister has the information or he does not have it! If he does not have it, he can ask the hon. Member to put a substantive question, and he will give the information.

PRIMARY & SECONDARY SCHOOLS - VIOLENCE

(No. B/365) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Education, Culture and Human Resources whether, in regard to acts of violence in primary and secondary schools, he will state the number of reported cases thereof, since January 2007 to date, indicating the remedial measures he proposes to take to avert same.

Dr. Bunwaree: Mr Speaker, Sir, I am informed that from January 2007 to date, my Ministry has registered 200 cases of acts of violence at schools, 19 at primary level and 181 at secondary level. Cases of acts of violence in schools can be categorised mainly as follows –

- (1) those among students which can be of daily occurrence mostly in boys schools, but which are minor in nature;
- (2) those between students on the one hand and teaching or non-teaching staff on the other which can occur from time to time, but which remain isolated and rarely serious;

- (3) aggressions involving PTA members, members of the staff and students which may or may not be serious, and finally,
- (4) aggressions on either students or members of the staff by members of the public.

The hon. Member would agree that violence in schools is a world-wide phenomenon and our country is no exception. Such acts vary from verbal violence to physical violence and are, in the first instance, addressed by the Head of school concerned who carries out an investigation and imposes sanctions, as appropriate, which vary from a mere warning to rustication. Further, a special report on the student is kept at the level of the school and his/her behaviour is monitored regularly to ensure that there is no recurrence of a similar unacceptable behaviour. The parents of the students concerned are informed in writing of the misbehaviour of their wards and action being taken.

The support of the Pastoral Care Committee of the school and the Educational Psychologists/Social Workers of my Ministry are also enlisted in such cases. Furthermore, the Police Family Protection Unit and “*Brigade pour la protection de Mineurs*” also provide support in dealing with students involved in cases of violence. These units also carry out, as a preventive measure, sensitisation campaigns with children and parents on a regular basis.

Mr Speaker, Sir, with a view to stepping up measures to address violence and indiscipline, in schools, a Committee has been set up at the level of my Ministry and has had consultations with various stakeholders and made recommendations which are presently being finalised for implementation. These concern mainly -

- (1) the drawing up of a Code of Conduct and Rules and Regulations for student behaviour;
- (2) setting up Disciplinary Committees to be mandatory in all schools;
- (3) greater emphasis to be put on co- and extra-curricular activities for the overall development of the child;
- (4) empowering students to assume greater responsibilities for the development of positive behaviour;
- (5) greater involvement of parents, PTAs and NGOs;
- (6) formulation of a School Charter of “Do’s” and “Don’ts” in collaboration with the students, and
- (7) the setting up of Anti-Violence (Civic) clubs in schools.

My Ministry is committed, Mr Speaker, Sir, to implement the recommendations of the Report and to continue to explore new ways to achieve a zero-tolerance with regard to violence and indiscipline in schools. In this respect, problem schools have already been identified and the profiling of difficult students is being carried out. Such students are being provided with necessary psychological support.

Furthermore, a 30-minute daily activity period has been introduced since the beginning of this year, in the secondary school time-table during which students engage themselves in a series of co- and extra-curricular activities for their overall development.

Schools have been encouraged to set up students clubs on various areas of interest so as to create a platform for students to interact among themselves and therefore promote and inculcate a self-development and self-enrichment culture among the student population. With a view to providing support to the schools towards this end, my Ministry is in the process of recruiting Project Coordinators for coordinating and organising such activities in secondary schools.

I have recently, Mr Speaker, Sir, personally chaired two meetings with relevant stakeholders, including the Police Department, the Child Development Unit of the Ministry of Women's Rights, Child Development and Family Welfare and the Probation and After Care Service to discuss the problems of indiscipline and violence in schools and come up with measures to deal with the problems. Discussions are on-going between officials of my Ministry and the various stakeholders with a view to coming up with appropriate mechanisms firstly to address these issues and with an action plan for early implementation with priority given to schools where, according to a profiling exercise, acts of violence are frequent and secondly to strengthen preventive measures in view of moving towards achieving zero tolerance towards violence and indiscipline at school.

We rely, Mr Speaker, Sir, on the collaboration of educators, parents, students and the society at large to raise the standard of behaviour and learning in our schools.

Mrs Labelle: Mr Speaker, Sir, the hon. Minister has mentioned a lot of measures, but I don't know whether they are actually implemented in schools or he intends to implement them. My question, Mr Speaker, Sir, is whether some students have been diagnosed with some particular disorders following the intervention of psychologists?

Dr. Bunwaree: Yes, Mr Speaker, Sir.

Mrs Labelle: May I know from the hon. Minister what has been done with these students and the number of students who have been diagnosed with such disorders?

Dr. Bunwaree: Concerning the number, I may not give offhand, but if the hon. Member reads the answer properly- maybe she was being astray for some time - she will get all the reply in what I have mentioned.

Mrs Labelle: I am sorry, Mr Speaker, Sir. But I have not heard the hon. Minister mention one single disorder in his answer and if it is the case maybe he can repeat which disorder has been diagnosed?

Dr. Bunwaree: I have said there are cases which are being seen and good care is being taken of them. What care - I have already mentioned.

Mr Varma: Yes, Mr Speaker, Sir, could the hon. Minister inform the House, out of the acts of violence which he just mentioned, how many have resulted in Police action and subsequent prosecution?

Dr. Bunwaree: Well, as far as possible Police action is avoided, Mr Speaker, Sir.

Mr Jhugroo: Can the hon. Minister confirm to the House whether any student has been found in possession of a cutter or knife within the school premises?

Dr. Bunwaree: There are exceptional cases, Mr Speaker, Sir.

Mr Lauthan: Mr Speaker, Sir, je voudrais retourner à la question concernant les cas de dépression. J'avais posé une question similaire il y a quinze jours et ce matin le Premier ministre a déposé les réponses. On a vu que pour le *teenage violence* il y a eu, en l'espace de ces dernières années, 1618 cas et parmi 1399 cas commis individuellement par un enfant et 219 cas en groupe – *gang violence* – ce qui a résulté en neuf cas de mort d'homme. Le ministre a raison de dire que c'est un *world wide phenomenon and it is on the increase*.

(Interruptions)

La question est très souvent liée à la question de dépression chez l'enfant. Alors si on ne fait pas attention, on risque de référer l'enfant au système judiciaire alors qu'il a besoin d'un bon encadrement.

Dr. Bunwaree: We are talking here of violence at schools, that is, in school premises and just immediately in the vicinity of schools. But what the hon. Prime Minister was replying to was in the country at large. But this question of depression is, of course, something which is important, but I have said, there are some measures - and, in fact, to the reply to hon. Mrs Labelle at the same time - there are certain actions which have already been taken. There is lot of actions that are going to come and, as I have said, we are meeting the stakeholders and working on an implementation plan.

Mrs Martin: Thank you, Mr Speaker, Sir. The Minister just mentioned that there is a report and there have been recommendations, I believe, which have been made in order to help improving the situation. Can we know from the hon. Minister what is the time frame which has been set up or if there is any time frame which has been set up in order to put in place those recommendations so that in the shortest period possible this situation improves?

Dr. Bunwaree: Of course! I will not be able to put a date, but I can say in the days to come. Mr Speaker Sir, because, in fact, as I mentioned, I have myself personally chaired two meetings. After having obtained the report - I have my own input to put in it; in fact, one or two actions have already been taken. But we are going to see to it, because this is important and it is of paramount importance and I rely on all stakeholders including Members of the Assembly to help so that we can put order in this matter.

Mr Bodha: Thank you, Mr Speaker, Sir, may I ask the hon. Minister whether he will agree that one of the major reasons is peer pressure from other students. May I ask the hon. Minister what are the specific measures taken to adjust this issue?

Dr. Bunwaree: There are many measures that are taken. I can't mention all of them but, in fact, we are looking into it in that angle also and disciplinary committees are taking this into consideration at the level of all schools.

Mrs Perrier: The Minister informs the House that these students are having psychological assistance. Can we know the number of psychologists working in these specific schools, and is he satisfied that there are sufficient psychologists working there?

Dr. Bunwaree: I am sure I am not satisfied of the number of psychologists working there; there are about a dozen and some other social workers, NGOs also are asked to bring their competence wherever possible. But the main issue concerning psychologists is that, at the level of the Ministry of Education, all our psychologists are

educational psychologists, but I believe we need also clinical psychologist and for the time being we have these psychologists, but they are attached to the Ministry of Women's Affairs. We are trying to use their competence for the time being, but we are on the process of getting clinical psychologists to join the team of educational psychologists at the level of the Ministry itself to be able to do a better job.

Mr Dowarkasing: Mr Speaker, Sir, the hon. Minister in his reply stated that the problem at the schools have already been identified. Can we have a breakdown in terms of primary and secondary schools and regionwise?

Dr. Bunwaree: I can, in fact, inform the hon. Member that these schools have been identified, but I would not like to go and mention the name of the schools for obvious reasons. But I can give him the information that he requires whenever we meet.

Mrs Labelle: Mr Speaker, Sir, the hon. Minister just mentioned that they avoid police case. May I ask the hon. Minister whether he is aware that not later than yesterday there was a case of violence in one school and the case was referred to the Police?

Dr. Bunwaree: Is it the case of a little girl that the hon. Member is mentioning? I don't know whether it is the same case, but there are cases which are referred and we look into them; in fact, in some cases even the Ombudsperson for children takes the matter and we worked together in close collaboration to see the best way of settling the problem.

Mrs Labelle: It was a case in a Secondary State School not later than yesterday. Last week it was a case of a boy being aggressed maybe sexually in a class of a school in the East, and yesterday there was another case of aggression in a school in the Plaines Wilhems region. I was talking about this case, Mr Speaker, Sir.

Dr Bunwaree: All cases are reported to the Ministry.

Mr Leopold: Mr Speaker, Sir, can I ask the hon. Minister, in these cases of violence, how far are parents involved in order to help solve same?

Dr Bunwaree: This is a very difficult question to reply to, Mr Speaker, Sir. In many cases parents come to help, but in some cases tension exists. The Police Department, the Child Development Unit of the Ministry of Women Affairs and the Ministry of Education are working hand in hand to use preventive measures and to educate wherever necessary, even the parents, so that they can understand the situation properly and help us to solve the problem.

Mrs Perrier: Mr Speaker, Sir, the Minister said that he will use the service of the psychologists at the Ministry of Women Affairs. He should know that they are already in insufficient number at the Ministry of Women Affairs. Can I suggest the Minister instead of using these psychologists to recruit new ones as it is a very important issue?

Dr. Bunwaree: As we know, it is a time-consuming procedure. In the meantime, they are trying to help us the best they can.

Mr Speaker: Next question hon. Sayed-Hossen!

SSR MEDICAL COLLEGE - NATIONAL PENSION FUND –CONTRIBUTIONS

(No. B/366) Mr C. Sayed-Hossen (Fourth Member for Montagne Blanche & GRSE) asked the Minister of Social Security, National Solidarity and Senior Citizens

Welfare & Reform Institutions whether, in regard to the Sir Seewoosagar Ramgoolam Medical College, she will, for the benefit of the House, obtain from the National Pension Fund, information as to if it is regularly settling its contributions on behalf of its employees and, if not, the actions that will be taken.

Mrs Bappoo: Mr Speaker, Sir, I am informed that the SSR Medical College is not regularly settling its contributions to the National Pension Fund in respect of its employees.

Several visits were effected by the officers of my Ministry to ascertain that the employer was complying with the National Pension Scheme legislation and paying the correct contributions in respect of the employees. As the employer was reluctant to produce wage records, a summon was served upon him and that was on 30 July 2004 to obtain the relevant documents.

It was only then, that he started producing wage records on a very piecemeal basis following which the officers carried out several assessments of contributions payable. Claims and reminders were regularly issued, but he still failed to settle the amount due for the periods under assessment.

In June 2007, legal action was initiated to recover the amount due. On 26 June 2007, when the case was to be heard in court, the employer settled the outstanding contributions and the surcharges, amounting to Rs1,857,172. He also promised to produce wage records for the missing periods and to pay current contributions on time.

My officers effected, thereafter, several visits at the employer's place on 12 November 2007, 17 January 2008, 25 February 2008 and 11 March 2008, to verify the wage records for period July 2007 onwards. As he failed to produce same again, fresh summons were again served upon him on 08 September 2008 and 25 September 2008. Subsequently, the wage records were produced, and my officers are presently carrying out an assessment of contributions due for period July 2007 to date. During that exercise, they have to examine, Mr Speaker, Sir, the monthly wage records of each and every employee, assess the contributions payable to the National Pensions Fund, the National Savings Fund and the levy payable to the Human Resource Development Council.

This exercise is very time consuming and officers from other sections have been involved in order to speed up matters.

As soon as these assessments of contributions due are over, the relevant claims will be issued to the employer. We are expecting that he will settle all outstanding amounts once the claims are forwarded.

Mr Guinness: Mr Speaker, Sir, can we know from the Minister why in the future we have to wait for a one-year period? We know that the employer whom we are dealing with has not been regular in the payment. Can we, at least, see in the future that we monitor such employer on a quarterly basis?

Mrs Bappoo: I have already given the dates, monthly, about the close monitoring that the officers of the Ministry are carrying out. But because he has promised that he is going to settle the amount due and once this is settled, again, it will be close monitoring, or if action is to be taken, it will be done.

Mr Dowarkasing: Mr Speaker, Sir, the hon. Minister just stated that regularly the officers of her Ministry check the way it is recorded. Is the hon. Minister aware that many of the employees of the SSR Medical School are not on that wage records? They are being employed unofficially. Could she look into the matter also?

Mrs Bappoo: I need to check it exactly so that I can give the exact answer. But I know that for several months, among different years, there are records that have not yet been submitted.

Mr Varma: Thank you Mr Speaker, Sir. Could the hon. Minister inform the House how many employees are concerned?

Mrs Bappoo: I am informed that the total number of employees as at to date is 77, out of which 39 are non-teaching staff and 38 are lecturers. But among the 38, there are 34 who are expatriates.

DEBARCADERE , TROU D'EAU DOUCE - UPGRADING

(No. B/367) Mr C. Sayed-Hossen (Fourth Member for Montagne Blanche & GRSE) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he is aware of the bad state of the place called Débarcadère through which the visitors pass by on their way to Ile aux Cerfs and, if so, will he state if Government will consider carrying out upgrading and embellishment works thereat and in the vicinity thereof, in view of the high tourist potential value of the Trou d'Eau Douce region and, if so, indicate when.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Speaker Sir, my Ministry has a programme of tourism product improvement, which comprises, *inter-alia*, projects relating to the construction and upgrading of touristic infrastructure and embellishment works in touristic zones and sites.

For Trou D' Eau Douce region, the programme provides for the implementation of infrastructure projects which comprises various components including upgrading and embellishment works at the *Débarcadère*.

The objective of the project is to embellish the physical setting of the region and to make it more attractive, distinctive, enjoyable and safe for the benefit of both tourists and the local community.

It is planned to implement the project in two phases as follows -

Phase I

- a) Coastal trail;
- b) Construction of a new jetty at Le Maho;
- c) Rehabilitation of the jetty at the Fish Landing Station;
- d) Upgrading of the Public beach;
- e) New parking facilities along the main road, and

- f) Townscape and landscape improvement.

Phase II

- a) Environmental improvements to Bassin Belle Isle area, and
 b) The creation of a protected harbour for fishing boats and pleasure crafts.

Mr Speaker Sir, my Ministry has already launched a tender for the recruitment of a Consultant and is expected to award the contract shortly.

Under the first phase of the project, the works are expected to start by July 2009 and will take around two years to be completed.

**HIGHLANDS – SMALL AND MEDIUM ENTERPRISE VILLAGE –
 SETTING UP**

(No. B/368) Dr. R. Hawoldar (Second Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the project for the setting up of a Small and Medium Enterprise village at Highlands, he will, for the benefit of the House, obtain from the Development Bank of Mauritius Ltd., information as to where matters stand.

The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen): Mr Speaker, Sir, this has been a long saga. I thank my hon. friend for this question.

I am now informed by the DBM that -

- The site reconnaissance and topographical survey carried out by the DBM Consultant indicated that the basic industrial infrastructure such as 3-phase electricity, sewerage disposal system was not available and that it would take several months to provide these facilities on the site identified for the Village, before construction could be started.
- In the meantime, 25,000ft² of factory space leased from the Bank by two companies at Vacoas Phoenix Industrial Estate, not far from the previous site earmarked, have become available. This is the unintended consequences of the downturn, Mr Speaker, Sir.
- DBM Ltd has started procedures to partition the space surrendered into 15 units of 1,500ft² each to accommodate SMEs. I am informed all infrastructural services including roadworks, large parking space, water supply, 3-phase electrical supply and sewer network are already available and dedicated to the surrendered building.
- I am further informed that the converted units are expected to be ready within two months to accommodate SMEs.

Dr. Hawoldar: Mr Speaker, Sir, may I first of all thank the hon. Vice-Prime Minister for his answer. *C'est un accouchement difficile, M. le président, mais, si c'est*

nécessaire, on va procéder avec une césarienne. Mr Speaker, Sir, I would like to refer to the answer given by the Vice-Prime Minister on 16 December 2008, where he said that a total of 7,800 sq metres have been purchased, and that consultants have been appointed to work on the details, topography and all the rest of it. Do I understand that, at the time DBM purchased the land, nobody visited the site to find out whether there were roads, electricity and water supply on a plot of land, which was supposed to be developed for commercial purposes?

Dr. Sithanen: There are two ways of answering this question. One is that they have done a bad job, and that is why both the Chairman and the Managing Director have gone. The second one is that they have not said it is not possible. What is stated in the reply sent to me is that it will take a long time to provide such facilities.

Dr. Hawoldar: Mr Speaker, Sir, I am happy about the first answer of the Vice-Prime Minister. May I ask him how much was paid to the consultant by the DBM before he came out with a bright idea, with the genius finding that there was no 3-phase electricity in that region?

Dr. Sithanen: I have absolutely no clue, Mr Speaker, Sir, but I will ask the DBM to provide the figures with regard to the question that the hon. Member has asked.

Mr Barbier: May I know from the hon. Vice-Prime Minister whether he is already aware of the rental value of the building? He talked about 1,500 sq ft for the SMEs. What is going to be the rental value of each unit?

Dr. Sithanen: I don't have the figures Mr Speaker, Sir. I am sure it will be on a concessionary rental, in order to give a helping hand to SMEs that are starting business in a new physical environment.

HEALTH CARE ASSISTANTS – RECRUITMENT – JANUARY 2009- APRIL 2009

(No. B/369) Mrs D. Perrier (Fourth Member for Savanne & Black River) asked the Minister of Health & Quality of Life whether, in regard to the Health Care Assistants, he will table a list thereof who have been recruited, since January 2009 to date, indicating their respective addresses.

Dr. Jeetah: Mr Speaker, Sir, with your permission, I shall reply to PQs Nos. B/369, B/402, B/403 and B/404 together, as they relate to the same subject.

Mr Speaker, Sir, I wish to point out that, in accordance with established practice, a staff list is published officially on a regular basis, providing information to the general public on senior officers in the public service.

I do not wish to depart from this standing practice in relation to information concerning lower grade officers.

Mr Guinness: Mr Speaker, Sir, can I know from the hon. Minister whether, in the past, such lists have not been laid on the Table of the Assembly?

Dr. Jeetah: Mr Speaker, Sir, I have just replied that there is an established practice. The last time there was a publication was in 2002 and 2006. There was a staff list published, which is available on the website of the Ministry of Civil Service & Administrative Reforms.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Minister, for the sake of transparency - *nous savons tous qu'une élection a été annulée à cause des recrutements au niveau des Health Care Assistants, et je pense que le peuple a le droit de savoir* - whether he will table the list of those who have been recruited as Health Care Assistants and Hospital Servants?

Mr Guinness: Mr Speaker, Sir, can we, at least, know from the hon. Minister the total number of Health Care Assistants and Hospital Servants that have been recruited?

Dr. Jeetah: This is extra information, which is being sought, Mr Speaker, Sir. From memory, I recall there were 310 posts of Health Care Assistant, and I don't have the exact figures with regard to the recruitment.

Mr Guimbeau: Mr Speaker, Sir, I don't think it's fair. We have been using public money, tax payers' money...

Mr Speaker: Let me say one thing. If the Minister has given an answer, which is not to the hon. Member's satisfaction, I'm sorry, I can't do anything. This is the rule.

Mr Guimbeau: What about equal opportunities, good governance, and transparency?

Dr. Jeetah: I shall not change the current practice, Mr Speaker, Sir.

(Interruptions)

Mr Guimbeau: I think it is the duty of the Minister to inform the House and the public at large who has been appointed as Health Care Assistant in the Ministry! I think it is the duty of the Minister.

Dr. Jeetah: I can understand the hon. Member's frustration, but there has not been any change in the policy. The hon. Member was then in Government, and this is what actually happened.

Mr Lesjongard: Can the hon. Minister confirm to the House whether, among the Health Care Assistants recruited, some 52 come from Constituency No. 5, and that there are two members of the same family?

Dr. Jeetah: I don't have this information Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Order! Order!

Mr Ganoo: Can the Minister give us, at least, a breakdown of the number that has been recruited constituency wise?

Dr. Jeetah: I have replied to that, Mr Speaker, Sir. He is wasting the time of the House.

(Interruptions)

Mr Speaker: Order! Hon. Guimbeau, next question, please!

ILE AUX BENITIERS – RENTAL VALUE

(No. B/370) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Housing & Lands whether, in regard to Ile aux Bénitiers, he will state if the actual rental value thereof reflects the actual market value and, if not, why not, indicating –

- (a) the actual rental yearly per *arpent*;
- (b) the number of *arpent* leased, and
- (c) the value of the project that will be implemented thereat.

Dr. Kasenally: Mr Speaker, Sir, the annual rental value of Ile aux Bénitiers for plantation of coconuts and any other agricultural production has been assessed by the Valuation Department at the time of the grant of the lease in 1990. As indicated by my colleague, the former Minister of Housing & Lands, in reply to PQ B/996 of 2007, the annual rental payable was Rs10,000 for the 1st year, Rs20,000 for the 2nd year, Rs30,000 for the 3rd year and Rs40,000 for the 4th and remaining years. Therefore, as at date, the annual rental payable is Rs40,000.

In regard to part (b) of the question, the site leased is of an extent of 155A00.

In regard to part (c) of the question, according to figures provided by the promoter, the proposed hotel development project would cost around Rs3.4 billion.

Mr Speaker, Sir, in case an industrial site lease for hotel development is granted to Soolaman Nubheebucus Company Limited over Ile aux Bénitiers, the rental will be as per the provision of the Finance Act 2008.

Mr Guimbeau: Mr Speaker, Sir, can we know what is the provision of the Finance Act?

Dr. Kasenally: Mr Speaker, Sir, I answered that question last time.

Mr Speaker: It is an official document. The hon. Member can go and consult.

Mr Guimbeau: Mr Speaker Sir, in reply to PQ B/996, the Minister said it is Rs40,000 for the remaining years, which brings you up to the year 2052. Actually, he is paying Rs258 per *arpent* per year, which is Rs21 per *arpent* per month. Mr Speaker, Sir, it is a private investment of Rs3.4 billion on State land. As a matter of urgency, the Minister should review the lease granted to Ile aux Bénitiers.

Dr. Kasenally: Mr Speaker, Sir, if the hon. Member had listened to me carefully, he would have known that, if you are going to build a hotel, it is going to be an industrial

lease, and the rental will be as per provision of the Finance Act 2008. It may run into millions of rupees, but I don't know the exact figures. We have to compute it.

Mr Guimbeau: Can the hon. Minister tell the House when it is going to be transferred to an industrial lease?

Dr. Kasenally: Once the project is approved and all the conditions are met, and if the project is approved by Cabinet, then construction can start. Once the hotel is built, the industrial rate will come into force.

Mrs Perrier: Can the hon. Minister inform the House whether he is aware that in the same region, at La Gaulette to Côteau Raffin, for a small lease of 6 to 7 *perches*, people are paying up to Rs10,000 per year? Doesn't the hon. Minister think that there is a *politique of deux poids, deux mesures*? Can he review this?

Dr. Kasenally: Absolutely not, Mr Speaker, Sir! This was a coconut lease and I have explained over and over again that ...

(Interruptions)

Mr Speaker: Order! Order!

Dr. Kasenally: ...when an industrial lease is issued, then the rate is totally different.

Mr Speaker: Last Question!

Mr Guimbeau: Can the hon. Minister state if a proposed project would concentrate on the State land of the island or will it impede on the public domain, such as the lagoon and the beach?

Dr. Kasenally: I have answered that question last time, Mr Speaker, Sir. I don't intend to come back over it again.

Mr Bérenger: Can I ask the hon. Minister whether we have reached EIA stage with that project?

Dr. Kasenally: As I answered in my last question, an EIA will be issued with certain conditions I understand.

Mr Guimbeau: Did the hon. Minister say that an EIA has been issued?

Mr Speaker: The hon. Minister has said yes. Next Question, hon. Guimbeau!

LA BRASSERIE TRANSFER STATION – TENDER EXERCISE

(No. B/371) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Local Government, Rodrigues & Outer Islands whether, in regard to the La Brasserie Transfer Station, he will state if works are being carried out thereat and, if so, indicate if a tender exercise was carried out and, if so –

- (a) when;
- (b) the name of the different bidders;

- (c) the value of each bid received;
- (d) the name of the successful bidder, and
- (e) the contract value.

Dr. David: Mr Speaker, Sir, I am advised that a contract for the upgrading of La Brasserie Transfer Station, operation and maintenance of the station and transportation of wastes to Mare Chicose landfill was awarded on 04 April 2008.

As regards parts (a) to (e), I am informed that –

- (i) tenders were launched on 15 October 2007;
- (ii) by the closing date on 05 December 2007, three bids were received at the Central Tender Board from Joint Venture CRSE/Sotravic, Maxi Clean Co. Ltd. and Securiclean (Mtius) Ltd.;
- (iii) only two bidders, namely Maxi Clean Co. Ltd. and Securiclean (Mtius) Ltd. passed the technical evaluation and the value of their bids were as follows –
 - (a) Maxi Clean Co. Ltd. - Rs206,663,050
 - (b) Securiclean (Mtius) Ltd. - Rs200,722,955
- (iv) the successful bidder was Securiclean (Mtius) Ltd., the lowest best evaluated bid, and
- (v) the contract value was Rs200,722,955, out of which Rs72,458,855 was for upgrading works.

Mr Guimbeau: Mr Speaker, Sir, can the hon. Minister tell the House if he has received any petition from the inhabitants of Cité La Brasserie to have the said station removed?

Dr. David: No, Mr Speaker, Sir.

Mr Speaker: Hon. Guimbeau, the question is strictly based on the contract. Now, you are asking a question that does relate to the main question. You should have incorporated the question on the main question.

Mr Guimbeau: It has something to do with La Brasserie station. I would like to table a petition sent to the Ministry by the inhabitants.

Mr Speaker: This is the second time, exceptionally, I am allowing the hon. Member to put a question which does not relate to the main question. Whenever you draft your question, put that bit also in it so that the Minister can come with the information.

Mr Guimbeau: I appreciate, Mr Speaker, Sir. But what I want to tell the Minister is that we are living the same situation as that of Mare Chicose.

(Interruptions)

Mr Speaker: The hon. Member cannot tell the Minister! He said that he is going to lay the petition on the Table of the Assembly, please lay it! Next Question, hon. Mrs Dookun-Luchoomun!

NTC – ADDITIONAL STIMULUS PACKAGE

(No. B/372) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether he will state if Government proposes to grant financial support to the National Transport Corporation under the Additional Stimulus Package

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen): Mr Speaker, Sir, in April 2008, Government decided to have recourse to a firm of consultants to have a full and comprehensive picture of the financial situation of the NTC and also its organisational structure. Deloitte & Touche was selected after tender process and the firm submitted its final report this month.

The report concluded that the NTC is indeed in a very powerless financial situation. It made a loss of Rs78 m. in Financial Year 2007/2008 and this loss is projected to increase to Rs205 m. in Financial Year 2008/2009.

Moreover, Mr Speaker, Sir, the NTC has outstanding debts to Government totalling Rs346 m. that they are not repaying. It is clear that the present financial situation at the NTC is the result of the structural factors and is not linked to the international financial crisis.

I am informed that a Committee has been set up at the Ministry of Public Infrastructure, Land Transport & Shipping to come up with a turn-around plan based on the findings and recommendations of the Deloitte's Report. I understand that a set of cost cutting and revenue raising measures aimed at immediate remedial actions is already being implemented.

A financial assistance of Rs40 m. was requested by the Ministry of Public Infrastructure, Land Transport & Shipping to meet NTC's immediate and urgent financial obligations. In view of the critical situation of the NTC, my Ministry has agreed to advance these funds pending the implementation of the turn-around plan and in the context of ongoing efforts to reform public enterprises.

This financial support is not part of the Additional Stimulus Package, but will follow the same principles underlying support, namely, presentation of a credible Re-engineering Plan on burden sharing. Thus, the NTC will have to come up with a credible Re-engineering Plan with implementable measures which should be measurable, properly costed and time bound. This will be undertaken in close consultation with the parent Ministry.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether such financial support or support package has been given to the NTC in the past or whether it was proposed to be given by the NTC in the past?

Dr. Sithanen: As I said, they are being given so much money - Rs346 m. and they are not even servicing their debt. In fact, very often, this is what happens, this is the trick: they ask for an advance and then they don't pay, this is capitalised, and when it is capitalised, they don't pay the principal, they don't even pay the interest.

Mrs Dookun-Luchoomun: Since the hon. Minister is stating that the NTC owed the Ministry, may I know on which items the NTC was owing the Ministry and can he give us a break-up of these different items and amounts?

Dr. Sithanen: It is essentially for purchases of buses. It is a line of credit from India and a line of credit from China. Basically, what happens they don't pay, but we have to pay, because we have given the guarantee. We have to honour the contractual obligations with the Government of China and the Government of India.

Mr Bérenger: I have two questions if you will allow me. Can we have the quantum, what volume of financial assistance is being offered by Government, by the Ministry of Finance to the CNT?

Dr. Sithanen: They have just requested Rs40 m. My own feeling is that this is not going to be sufficient.

Mr Bérenger: The hon. Minister has made - comparison might not be the word - but has referred to the private firms receiving assistance under the Stimulus Package and said that the same conditions would be imposed and so on. Is the hon. Minister and Government keeping in mind that, unlike these companies that are registered under the Companies Act, we are dealing here with an entity that has been set up by a legislation passed by this House, with social responsibilities well spelt out? Is this being kept in mind?

Dr. Sithanen: Of course! This is the reason why they owe us Rs346 m. and we are still giving them Rs40 m., hon. Leader of the Opposition! If they were a private firm, we would already have taken action a long time ago. But there is a limit to what we can do, Mr Speaker, Sir.

Mrs Dookun-Luchoomun: The hon. Minister is stating that the money was advanced to the NTC for the purchase of buses. May I ask the hon. Minister whether the purchase of buses was approved by the Ministry?

Dr. Sithanen: The hon. Minister should come with a substantive question. I presume it is approved by the Board subsequent to a tender.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I also ask the hon. Minister whether such support package has been previously provided to other companies which are not para-statal companies ?

Dr. Sithanen: I am not sure about that, but one thing is very clear. I don't see any case where we have advanced money to a private company and they have not paid for over such a long time and we continue *à alimenter leur caisse*.

Mr Bhagwan: Mr Speaker, Sir, at a time when the financial situation of the NTC, is *plus qu'au rouge*, does the hon. Minister of Finance, who is responsible for the good management of the finance of the country, finds it normal that while overtime of

workers are being reduced and the night service will be reduced, the chairperson of that public organisation is given a Jaguar car worth million of rupees?

(Interruptions)

This is relevant, Sir! We are talking about the finance of this company which is nearly going bankrupt because of bad management.

Dr. Sithanen: I agree with the hon. Member that they should avoid such over expenditures and excesses. I will pass the information to make sure that this does not happen.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Vice-Prime Minister confirm whether the NTA ...

(Interruptions)

Mr Speaker: Order, please! Order, order!

Mr Jhugroo: Can the hon. Vice-Prime Minister confirm whether the NTA owes money to NTC as subsidies for travelling grants?

Dr. Sithanen: Mr Speaker, Sir, look at this question! I volunteer to answer many questions that are outside the scope of this question. This one, even in my ...

Mr Speaker: The hon. Vice-Prime Minister opened the Pandora's box?

Dr. Sithanen: I did not! I do not know this answer. You will have to ask the hon. Minister of Public Infrastructure.

Mr Naidu: Mr Speaker, Sir, can the hon. Minister confirm rumours that the newly constructed quarters at Ebène are being sold?

Dr. Sithanen: I have no idea.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I ask the hon. Minister whether he is aware that a sum of Rs193 m. was dedicated to support bus companies and that this amount was given to Triolet Bus Service and to United Bus Service, but denied to the NTC?

Dr. Sithanen: I did not get the question, Mr Speaker, Sir.

Mrs Dookun-Luchoomun: May I repeat the question, Mr Speaker, Sir?

Dr. Sithanen: I am sorry, I was listening to...

Mr Speaker: The question is that Triolet Bus Service and UBS have been given the same package.

Mrs Dookun-Luchoomun: I'll repeat the question, Mr Speaker, Sir. What I was trying to say is that support package was previously proposed to the three companies: the NTC, the UBS and the Triolet Bus Service. The amount that had been allocated to UBS and to Triolet Bus Service had been given, but the amount that was supposed to be given to the NTC was not given.

Dr. Sithanen: I don't know, but my good friend on my right is telling me that the NTC also got it.

Mrs Dookun-Luchoomun: Since the hon. Minister mentioned that the NTC owes the Ministry a large amount of money, may I ask him whether he would confirm the fact that the amount paid to NTC for school buses and the amount of subsidy given on diesel and other petroleum products is less for NTC as compared to other private companies?

Dr. Sithanen: I am told, again, by my good friend on my right, that the MAB is conducting an inquiry into this. But let me tell the hon. Member that these are different issues. We should not mix apple with banana, Mr Speaker, Sir. The apple is basically that they owe debt that they have not paid and the Ministry of Finance has to refund. The banana is basically whether they are being underpaid from the bus recovery account.

(Interruptions)

Does the hon. Member want coconut also?

(Interruptions)

Mr Speaker: I am sorry. Question time is a very important time in our Parliament.

(Interruptions)

There are so many Members of Parliament who have put questions and their questions will not be reached because of time constraint. It is most unfair to the Members of Parliament.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Vice-Prime Minister confirm whether there is a perception in the public that some people with a hidden agenda want to close NTC?

(Interruptions)

Mr Speaker: This question is not allowed.

UNIVERSITY OF MAURITIUS TRUST – COURSES & FEES

(No. B/373) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Education, Culture and Human Resources whether he will, for the benefit of the House, obtain from the University of Mauritius Trust, information as to –

- (a) the courses being presently dispensed by the Trust, indicating those run in collaboration with the Mauritius Employees Federation, and
- (b) the amount of fees payable for each course annually.

Dr. Bunwaree: Mr Speaker, Sir, with regard to part (a), the following three programmes at undergraduate level and four programmes at postgraduate level are currently being run by the Trust -

- (i) Bachelor in Business Management;

- (ii) BSc (Hons) International Financial Services & Compliance;
- (iii) BSc (Hons) Banking & Investment;
- (iv) MBA International Business;
- (v) MSc International Tourism Management;
- (vi) MA Global Financial Services, and
- (vii) Post Graduate Diploma in Software Engineering.

With the exception of the MA Global Financial Services and the Post Graduate Diploma in Software Engineering, all the other programmes are run in collaboration with the Mauritius Employers' Federation in accordance with a Memorandum of Agreement signed by the UoM Trust and the MEF in September 2007.

With regard to part (b), I am arranging for circulating details about fees charged for the various courses.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I ask the hon. Minister what is the investment that the MEF has made in view of the dispensing of these courses?

Dr. Bunwaree: If a proper question is put, we will give further details, but it depends on the courses and for each one of them it may not be the same.

Mrs Dookun-Luchoomun: Is the hon. Minister aware, Mr Speaker, Sir, that the MEF has not invested a single rupee in that project and they are going to benefit from the fees payable for each one of these courses?

Dr. Bunwaree: I will look into what is being raised by the hon. Member; then I will come with a statement to the House.

TERTIARY ACADEMIC AND TERTIARY VOCATIONAL – STUDENTS - FORM IV LEVEL

(No. B/374) **Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked the Minister of Education, Culture and Human Resources whether, in regard to the budgetary decision to set up a pathway to tertiary academic and tertiary vocational for students leaving schools at Form IV level, he will state where matters stand.

Dr. Bunwaree: Mr Speaker, Sir, in line with the Government Programme 2005-2010 and the Budget Speech 2008/09, my Ministry is committed to implement technical and vocational education and training (TVET) reforms including the provision of pathways for students who have reached Form IV level.

As such, the Industrial and Vocational Training Board (IVTB) already enrolls students as from Form IV level to follow courses with appropriate pathways as detailed hereunder –

- (i) The National Trade Certificate (NTC) level 3 and competency based short courses. After successfully completing any one of these, they may opt to join the world of work. Those completing the NTC 3 may also choose to follow the IVTB's National Trade Certificate Level 2

(NTC 2) courses which are also open to those with School Certificate (with a pass in Mathematics);

- (ii) After completing the NTC2, they can either join the world of work or still continue their training by joining the Applied Diploma Courses at the IVTB. These Applied Diploma Courses are also open to students having completed their Higher School Certificate, and also to those having completed the School Certificate with pass in Mathematics after they have completed a one-year Foundation Course;
- (iii) Students completing their Diplomas and/or Higher National Diploma can continue their studies for a degree either overseas, or at the University of Mauritius or the University of Technology (Mauritius).

I wish to point out that access to vocational courses has been increased through -

- (i) the setting up of the Knowledge Based Training Centre in Port Louis;
- (ii) increase in the number of trades under the Apprenticeship Scheme;
- (iii) Increased intake at Diploma and Higher National Diploma;
- (iv) New Diploma Courses;
- (v) Courses in emerging fields, and
- (vi) Top up Degree in Hospitality, Leisure and Recreational Activities.

In parallel, my Ministry is working on a rationalisation of the TVET sector with the new Mauritius Institute of Training and Development (MITD) which will take over the functions of the IVTB and the Technical School Management Trust Fund (TSMTF). This new set up will take leverage from the expanded base in the TVET sector to come up with more programmes from NTC level 2, then to HND and consequently pathways to degree programmes both in the academic system and in the TVET system.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, I just heard the hon. Minister stating that the NTC 2 is opened to both students having completed NTC 1 and students who have completed their SC and HSC. Wouldn't the hon. Minister agree with me that it is going to be hard for students who have dropped out at level of Form IV to compete with students who have completed SC and HSC to get a seat in these institutions?

Dr. Bunwaree: No, Mr Speaker, Sir, I don't agree with the hon. Member but, in fact, these students are doing very well indeed. I can consider the point that is being raised, but we will see to it that there is no injustice.

QUARTIER MILITAIRE ROAD (B6) – UPGRADING

(No. B/375) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the road linking the Wooton roundabout to Curepipe, commonly known as the Convent Street, he will, for the benefit of the House, obtain from the Road Development Authority, information as to if there is any project for the upgrading thereof.

Mr Bachoo: Sir, the Road Development Authority has already included upgrading of the Quartier Militaire Road (B6) from Wooton roundabout up to Curepipe in its programme of works for the next financial year.

The works will consist of the resurfacing of the road and upgrading of the existing footpath and drains over a length of about 1 km.

Mr Dowarkasing: Mr Speaker, Sir, could the hon. Minister convey to the RDA to look also into the matter of constructing the drains properly along that road? The major problem is the drains.

Mr Bachoo: The programme includes the construction of drains as well. I will see to it that it is properly done.

CHAGOS ARCHIPELAGO – EUROPEAN PARLIAMENT - STAND

(No. B/376) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether he is aware of the recent stand taken by the European Parliament in regard to the issue of the Chagos Archipelago and, if so, will he state if Government proposes to follow up the matter.

Dr. Boolell: Mr Speaker, Sir, yes, the European Parliament has, on 25 March 2009, adopted a Resolution in the context of establishing a framework for an Economic Partnership Agreement between Eastern and Southern Africa States on the one part and the European Community and its member states, on the other part.

The specific paragraph (41) of the Resolution relating to the plight of the people of the Chagos Archipelago, in particular their resettlement, was included by British Member of European Parliament, Mr Glyn Ford. It is to be noted that Lady Kinnock, in 2005, was in contact with Mr Richard Gifford, a UK Lawyer, who was working on the case of the Chagos Island and who was looking into the possibility of accessing European Development Fund resources for the benefit of the Chagos people.

The paragraph, Mr Speaker, Sir, recognises the plight of the people of the Chagos Archipelago, who have been forcibly removed from their homelands by the United Kingdom and brought to Mauritius without any plan for their resettlement.

Mr Speaker, Sir, in principle, we welcome paragraph (41) of the Resolution. As the House is aware, Government is committed to pursue discussion with the UK to find a satisfactory solution through dialogue at bilateral level.

Mr Speaker, Sir, in the near future, I propose to meet with the relevant Chairperson of the European Parliament Committees to discuss this issue. Government also proposes to take up the matter with Mr Glyn Ford, through our High Commission in London, in order to apprise him on the position of Mauritius on the Chagos Archipelago.

As the House may be aware, the European Parliament will hold elections on 07 June 2009 and, as such, the current Parliament term will end in May 2009. It will take some time to put in place its Committees. As soon as this is done, I shall explore the possibility for meetings with the relevant bodies.

Mr Bhoda: Mr Speaker, Sir, may I ask the hon. Minister whether he can inform the House how this can impact on the ongoing discussions between the United Kingdom and Mauritius on the issue?

Dr. Boolell: If my hon. friend had paid heed to what I have said, in fact, we are pursuing discussion through dialogue at bilateral level. In principle, we welcome this paragraph of the Resolution but, under no circumstances, we do put into question our legitimate claim.

Mr Bhoda: Mr Speaker, Sir, in line with this paragraph, may I ask hon. Minister whether the Government can consider the possibility of the issue being raised at the European Court of Justice?

Dr. Boolell: We will consider it.

Mr Bérenger: I listened to the hon. Minister carefully. It is clear that the initiative came from a UK Member of the European Parliament. Although I am sure all of us want everything to be done to help the Chagossians, clearly the innuendo is that we are dealing with the UK territory. This is clearly the innuendo behind that. Can I put it to the Minister that, instead of waiting for elections to come and then asking for an appointment with the relevant people who will be elected, there should have already been a written communication from Mauritius to the people concerned in the European Parliament - whatever committee, Head or Chairperson of the European Parliament - making it clear that we approve everything that is done for the Chagossians, but stating clearly, firmly our sovereignty claim?

Dr. Boolell: Mr Speaker Sir, this was done. But, let me remind the hon. Leader of the Opposition that this is not the first time that this issue has been raised. Under the 10th EDF, there is provision for financing of projects in OCT countries. But, with the revision of the Cotonou Agreement, which is due to come into force by next year, we can take certain action because there is no provision for reservation. So, we can come with a unilateral declaration. I have stated that this is not the first time but, nevertheless, every time, we make it a point to state very firmly as to our legitimate claim to what belongs to Mauritius.

CERVICAL CANCER - VACCINE

(No. B/377) **Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Minister of Health & Quality of Life whether, in regard to cervical cancer, he will state if he is aware of the availability of a vaccine therefor and, if so, indicate if Government proposes to introduce same in the public health service.

Dr. Jeetah: Mr Speaker, Sir, I wish to refer the hon. Member to the reply made to PQ. No. B/724 of 2006 by my predecessor on the treatment and prevention of cervical cancer. In fact, a vaccine, which protects against Human Papilloma viruses (HPV), known to cause cervical cancer, is now available.

My Ministry is finalising the preparation of a National Cancer Control Programme, which is aimed at reducing the incidence and mortality due to cancer. In this

context, it is examining the technical and financial implications for the introduction of the vaccine against cervical cancer in our public hospitals.

I wish to reassure the House that, at present, the control of cervical cancer rests on the standard accepted protocol of effective screening, cytological diagnosis and surgery plus adjuvant radiotherapy.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Minister the number of cervical cancer cases over the years? In view of the fact that the treatment costs enormously, I would like to know whether it would not be a very good thing, in fact, to introduce the vaccine in Mauritius at an early stage.

Dr. Jeetah: With regard to the first part of the question, Mr Speaker, Sir, between 2005 and 2007, just as an indicative figure, we have had 261 cases diagnosed and reported to the National Cancer Registry, out of which 12 cases were from Rodrigues. Mr Speaker, Sir, a simple calculation shows that, if one was to invest in a vaccine, for the age group of 10 to 35, that is, about nearly 250,000 patients or clients, it would have cost us Rs2.2 billion, which is about half the size of the Ministry of Health's project. That is why I said we are looking into the matter to see what best course of action to take.

CONSTRUCTION SECTOR – GROWTH RATE

(No. B/378) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the construction industry, he will state

- (a) the estimated rate of growth in the sector for the year 2009;
- (b) if foreign construction companies need to have a local partner to be able to bid, and
- (c) the measures Government proposes to take to help the small construction contractors.

Mr Bachoo: Mr Speaker, Sir, the estimated growth in the construction sector for the year 2009 is estimated at 2%, as indicated in the National Accounts Estimates, March 2009 issue of the Central Statistics Office. However, with measures taken in the Additional Stimulus Package, the rate of growth in the sector is expected to be much higher.

As regards part (b) of the question, I am informed that, with a view to encourage competition and input of foreign technology and know-how in the sector, a foreign building company does not need to have a local partner to be able to bid for the procurement of construction projects. Foreign companies may bid on a stand-alone basis or in joint venture with local companies.

As regards part (c) of the question, the reply is as follows -

- (i) Small and medium contractors are given a margin of preference of 7.5% for national bidding and 10% for international bidding.

- (ii) Under the Additional Stimulus Package (ASP), Government is injecting another Rs487 m. in the economy for infrastructure development in local authorities across the country. Each municipality and district council will be allocated Rs50 m. Government will make sure that these Rs487 m. worth of contracts are awarded in priority to small and medium sized contractors.
- (iii) My Ministry, in collaboration with the Construction Industry Development Board (CIDB), will carry out workshops to discuss the key challenges facing the small and medium enterprises in the construction sector. Appropriate strategies will then be formulated to ensure the proper development of that segment of the industry.
- (iv) The CIDB will also develop training programmes, in collaboration with relevant authorities, such as the IVTB, to help small contractors to improve their quality of works and also to ensure that they fully understand the tendering process.

Mr Ganoo: Mr Speaker, Sir, can the hon. Minister indicate to the House whether he has received representations from local contractors, contracting companies, to the effect that international construction firms should tie up with them in major infrastructural projects?

Mr Bachoo: In fact, I received representations from the local companies and, as a matter of principle, we have decided to not only encourage but, at least, compel the international companies which are working in our country to tie up with the local companies as well.

FOOTBALL BETTING LICENCES - NUMBER

(No. B/379) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, in regard to football betting licences, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the number thereof issued as at to date, indicating in each case -

- (a) the date on which it was issued and,
- (b) the names of the licensees.

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen): Mr Speaker, Sir, with your permission, I am tabling the information requested.

Mr Lesjongard: The hon. Vice-Prime Minister has replied to a question earlier, and he said that he would verify. Can he confirm that, at the time the licences were issued, one of the companies had, as shareholder, an adviser from the Prime Minister's Office?

Dr. Sithanen: I don't think this is the case, Mr Speaker, Sir. I have the name of the company. What the hon. Member is saying is not according to the information I have.

Mr Speaker: I'm sorry again, hon. Lesjongard, with due respect. The question that you have put does not arise from this question. There is no question of shareholding. The question is simple: the date on which it was issued, and the name of the licensees. It's not about the shareholding.

Mr Varma: Mr Speaker, Sir, could the hon. Vice-Prime Minister inform the house whether, despite objections made, a licence has been granted in Plaine Magnien?

Mr Speaker: I'm sorry. That also does not arise. It is a general question.

MAURITIUS TELECOM – TRADE UNIONISTS - REINTEGRATION

(No.B/380) **Mr G. Guinness (Third Member for Montagne Blanche & GRSE)** asked the Minister of Information & Communication Technology whether, in regard to the two Trade Unionists of the Mauritius Telecom, he will state if there is any Government decision in support of their reintegration, indicating if it is with or without condition.

Mr Dulull: Mr Speaker, Sir, there is, indeed, a Government decision in support of the reintegration of the two employees of Mauritius Telecom, which is solely responsible, in its own deliberate judgement, for a decision both on the reintegration itself and on any conditions attached thereto.

This decision of Government regarding reintegration indicates in no uncertain terms Government's ongoing concern for workers in general, and in particular for workers' trade unions representatives, in that, as far as it is possible, practical, and just in an *Etat de Droit*, which is also, I may say, an *Etat de Responsabilités*, Government would not wish to see them laid off, against established procedures.

Mr Speaker, Sir, this Government, while continuing to have in sight and in mind the rights of workers and of their trade unions representatives, does not also overlook the fact that they too have obligations, duties, and responsibilities.

Further, I am sure that all law-abiding and law-respecting citizens, putting a premium on the principles, practice, and strict observance of good governance, would certainly not wish, would certainly not like to see Government interfering in the management and decision-making process of institutions. However, Government can, in specific circumstances, express its wish, as it has expressed in the case of these two employees, that they be reintegrated, without in any way intending to flout the very principles and practice of good governance by attaching to or imposing conditions on that reintegration.

Mr Guinness: Mr Speaker, Sir, can I know from the hon. Minister whether, the ministerial committee in which he himself is, and which the Ministry of Labour is chairing, did not publicly announce, on several occasions, that Cabinet has taken a decision to reintegrate these two trade unionists without any condition?

Mr Dulull: Mr Speaker, Sir, it has never been the intention or pretension of the inter-ministerial committee to substitute to the Board of MT.

Mr Ganoo: I thought I was listening to Mr Jacques de Navacelle.

(Interruptions)

Mr Speaker: Can I listen to the question? Please keep quiet!

Mr Ganoo: Can the hon. Minister confirm to the House that, in fact, over the radio and, even in this very House, the hon. Minister has spoken in the name of Government and pledged that these two employees would be reintegrated without any condition?

Mr Dulull: Mr Speaker, Sir, I don't know this gentleman, Mr Jacques de Navacelle.

Mr Ganoo: My question was not about Mr Jacques de Navacelle. I had just made a remark that I thought I heard Mr de Navacelle. My question was whether, over the radio and even here, the hon. Minister has pledged in the name of Government that the two employees would be reintegrated without any condition.

Mr Dulull: Mr Speaker, Sir, I just mentioned that it has never been the intention or pretension of the inter-ministerial committee to substitute to the decision of the Board of MT.

Mr Guinness: Can I know from the Minister whether the tune of the Minister himself, the Minister of Labour, the ministerial committee has changed as from the date the Prime Minister stated on a private radio that these people are not going to be reintegrated without condition?

Mr Dulull: The Prime Minister has expressed the opinion, in line with the Cabinet decision.

Mr Ganoo: Can the Minister inform the House whether the Board of MT was made aware of the decision of Cabinet?

Mr Dulull: The Board of MT is constituted of representatives of Government from different Ministries, amongst which the Ministry of ICT, the Prime Minister's office and the Ministry of Finance. They were briefed of the Cabinet decision.

Mr Bhagwan: Can the Minister inform the House whether, in the different meetings that the Minister of Labour as well as other Members of Government have had with the employees concerned, they have been given clear assurance that Government would make sure that they be integrated in their original post? It was the case even in the press conference of the Labour Party!

Mr Dulull: As I said at the very outset, it is not for Government or the ministerial committee to substitute to the decision of the Board of MT.

Mr Speaker: Time is over! I have to inform the House that PQ. Nos. B/381, B/382, B/386 and B/396 have been withdrawn.

MOTION

SUSPENSION OF S.O 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

At 4.29 p.m the sitting was suspended

On resuming at 5.00 p.m. with Mr Speaker in the Chair

STATEMENTS BY MINISTERS

SINGLE MOTHERS – SPECIAL ALLOWANCE

The Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions (Mrs S. Bappoo): Mr Speaker, Sir, in my reply to PQ No. B/298 at the last Session of the National Assembly, the hon. Fourth Member of Savanne and Black River raised the issue of Special Allowance paid to single mothers. With your permission Sir, I wish to make the following statement.

In last year's budget, it was announced that a special allowance of Rs700 per child would be paid to single mothers who are recipients of social aid and having dependent children. The measure was intended to encourage the single mothers to place their young children in a day care centre and to seek employment.

The criteria were worked out by the Ministry of Finance and Economic Empowerment and my Ministry and they were as follows -

- The total income including social aid and the Special Allowance do not exceed Rs7,500 per month.
- The single mothers should take up employment in the formal sector and contribute to the NPF and NSF.
- Their children are aged between three months and five years.

Mr Speaker, Sir, for the purpose of this measure, single mothers are considered as

—

- abandoned women;
- those women whose partners are serving a long-term sentence of imprisonment, or are missing or have disappeared at sea, and
- those who are unmarried mothers.

The Social Security Officers of my Ministry informed the single mothers who are beneficiaries of social aid and having dependent children individually about the new measures contained in the Budget 2008/2009 and the relevant criteria. As at 30 November 2008, only 31 single mothers drawing social aid were benefiting from this special allowance.

So, it was noted with much concern that the measure was not giving the expected results and the main reason for the low response was that the special allowance of Rs700 was included in the income ceiling, that is, salary earned and social aid to Rs7,500. In

view thereof, my Ministry again consulted the Ministry of Finance on ways and means of improving the present scheme to make it more effective.

It was then decided that the special allowance of Rs700 per dependent child would be paid over and above the total income, that is, salary from employment as well as social aid payable. The special allowance would not be part of total income. Where the total income comprising of salary and social aid exceeds Rs7500, the single mother will benefit from a reduced social aid, that is, the minimum of which is Rs681.

However, it should be pointed out loud and clear to the hon. Member that the beneficiaries should take up employment in the formal sector and contribute to NPF and NSF so as to be eligible for the special allowance of Rs700.

All single mothers who are beneficiaries of social aid and having dependent children were again informed individually of the reviewed criterion regarding income and as at to date, some 55 women are benefiting from this measure.

Mr Speaker, Sir, this measure is meant –

- (i) to encourage single mothers to seek employment and to empower them so that they may ultimately earn a decent income and not be dependent only on social aid, and
- (ii) to allow their young children to benefit from pre-schooling.

Thank you Mr Speaker, Sir.

SWINE INFLUENZA – MEASURES

The Minister of Health & Quality of Life (Dr. R. Jeetah): Mr Speaker, Sir, I wish to apprise the House of the measures that my Ministry has taken in response to the Pandemic Alert regarding swine influenza. In response to cases of swine influenza A/H1N1 reported in Mexico and the United States of America.

Mr Speaker: I am sorry. Before the hon. Minister of Health & Quality of Life continues with his statement, I must say that I have not been informed of any statement to be made by him.

(Interruptions)

Mr Speaker: Where is the Statement? I am sorry, the Clerk, in fact, put in on my Table, but I did not see it. Please proceed!

Dr. Jeetah: Mr Speaker, Sir, I wish to apprise the House of the measures that my Ministry has taken in response to the Pandemic Alert regarding swine influenza.

In response to cases of swine influenza A/H1N1 reported in Mexico and the United States of America, Dr. (Mrs) Margaret Chan, Director- General of the WHO convened a first meeting of the WHO Emergency Committee on Saturday 25 April 2009, in compliance with the International Health Regulations 2005 to assess the situation and advise on appropriate responses.

After reviewing available data on the current situation, the Committee members identified a number of gaps in knowledge about the clinical features, epidemiology and

virology of reported cases and the appropriate responses. The Committee advised that answers to several specific questions were needed to facilitate its work and agreed that the current situation constitutes a public health emergency of international concern.

It further agreed that more information was required before a decision could be made on the appropriateness of the phase 3 of the Pandemic Alert System which consists of 6 phases.

Based on the advice of the Committee, the WHO Director-General determined that the current events constituted a public health emergency of international concern under the International Health Regulations. Regarding public health measures, she recommended that all countries should intensify surveillance for the unusual outbreaks of influenza-like illness and severe pneumonia.

On taking cognizance of the information issued by WHO, in the afternoon of Saturday 25 April itself, I immediately instructed the Senior Chief Executive of my Ministry to take measures to strengthen the screening of incoming passengers from Mexico and USA. I also had a conversation with the Prime Minister on this matter. During the weekend, eight passengers from USA and six from Mexico were screened and there was no suspicion of swine influenza amongst any of them. All of them are being closely followed up.

On Monday 27 April 2009, three meetings have been held to assess the situation and take appropriate measures. I chaired the first meeting at 8.30 hours at the airport with all stakeholders and a site visit was carried out at all strategic points. A series of decisions/measures were taken in accordance with the WHO recommendations –

- (i) all general measures of surveillance have been reviewed. The Health Inspectorate staff at the airport has been increased significantly;
- (ii) any suspected case will be attended by a doctor posted at the airport. Appropriate arrangements have been made at J. Nehru, Souillac and Mahebourg hospitals to admit suspected cases, if required;
- (iii) a new Health Declaration Form is being introduced as from the end of this week to be filled in by all incoming passengers including those in transit as well as crew members;
- (iv) sensitisation campaigns will be carried out to sensitise staff at the airport and the crew members;
- (v) a stock of protective equipment (gloves and masks) will be kept at the airport and in all hospitals. As regards tamiflu, there is an adequate stock;
- (vi) arrangements have been made for daily returns of incoming passengers at the port and airport coming from high risk countries such as Mexico, the United States, Canada,

Scotland, Spain and New Zealand to be submitted daily to the Ministry, and

- (vii) arrangements are also being made for the dissemination of information through the media outlets. The public will be informed about simple measures of preventing flu-like illness such as covering the mouth with tissue when sneezing and coughing, safe disposal of the tissue and frequent hand washing.

Subsequently, a technique meeting was chaired by the Director General Health Services to consider all technical issues and this was followed by a third meeting which I chaired with all stakeholders including the representatives of WHO, a representative from the Ministry of Agro Industry, Food Production and Security, a representative of the United States Embassy and the press.

The purpose was to inform about the measures taken and to enlist the support and collaboration of all those concerned.

Furthermore, similar measures have been taken to reinforce surveillance at the port.

In addition, labs services have been stepped up to cope with an increased number of tests, if required. Arrangements are also being made with the assistance of the WHO for the procurement of a Thermal Imager for mass screening for fever, to be installed at the airport to screen incoming passengers.

An Emergency Response Team has been set up at the level of my Ministry to monitor the situation on a daily basis.

Mr Speaker, Sir, I am informed that a second meeting of the Emergency Committee of the WHO was held on 27 April 2009, following which the level of Influenza Pandemic Alert has been raised to level 4. This indicates that the likelihood of a pandemic has increased but not that a pandemic is inevitable. The implication is that the focus should be on mitigating measures and this is exactly what is being done.

The House may wish to know that I am in close contact with the WHO Country Office and I am following the evolution of the situation daily.

Mr Speaker, Sir, with your permission, I am tabling copies of the WHO reports dated 25, 26 and 27 April 2009 as well as details relating to Phases 1 to 6 of the Pandemic.

Thank you, Mr Speaker, Sir.

Mr Bérenger: On a point of order, as we know, Statement Time is supposed to be purely factual and non-controversial. I would have kept quiet if the hon. Minister had told us we have so many doses of tamiflu vaccine. Instead of giving us a fact, which we won't quarrel about, he says that the supply of tamiflu vaccines is adequate which is a valued judgment. Can we know how many doses of tamiflu there are?

Mr Speaker: Yes, I think, in the past, there has been a case where, when a statement had been made, clarifications have been allowed. In this particular case, being given that it is of national interest, I will ask the Minister perhaps to give the information.

Dr. Jeetah: It is a very valid question, Mr Speaker, Sir. We have 1,593,333 doses of tamiflu available in Mauritius.

PUBLIC BILLS

First Reading

On motion made and seconded the Community Service Order (Amendment) Bill (No. VII of 2009) was read a first time.

Second Reading

THE HINDI PRACHARINI SABHA (AMENDMENT) BILL

(No. IV of 2009)

Order for Second Reading read.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Mr Speaker, Sir, I beg to move that the Hindi Pracharini Sabha (Amendment) Bill (No. IV of 2009) be now read a second time.

Mr Speaker, Sir, the object of the Bill is to amend Section (6) of the Hindi Pracharini Sabha Act 2004 to make provision for the election of the Committee members of the Sabha to be held every three years and for elected members to hold office for three years instead of one.

The Hindi Pracharini Sabha, Mr Speaker, Sir, is well known and much appreciated in Mauritius for its laudable work in the promotion and propagation of Hindi language and literature.

The legislation of 2004 provided a proper legal framework for the Sabha to carry out its operations and gave it the status of a body corporate.

Today, the Hindi Pracharini Sabha is running Hindi classes in the evenings and during weekends in some 100 educational institutions around the island.

About 4,000 students take part in the Parichay, Pratama, Madiama, Uttama examinations, which are held in Mauritius every year. To date, about 100,000 students have taken part in Hindi Pracharini Sabha examinations and have been awarded certificates.

At present, the Sabha is managed, as provided for at Section 6 of the Act, by a Committee comprising 12 members who are elected at each annual general meeting and hold office for one year. They are also eligible for re-election.

It has proved difficult for members of the Committee to honour their commitment and fulfil the objectives of the Sabha during their one-year tenure of office, which is considered, too limited a period of time. Moreover, the costs of running such yearly elections conducted by the Electoral Commission are substantial and have had a financial bearing on the Sabha.

With a view to addressing this issue, the Sabha has resolved at its annual general meeting that elections of the Committee be carried out every three years and that the members of the Committee hold office for three years. Such a course of action would alleviate the financial burden of the Sabha and allow it to devote the savings made to its core activities.

The proposed amendment, Mr Speaker, Sir, technical in nature, is in line with the requirements of the Sabha. The transitional provision at Section 4 of the Bill allows members of the Committee in office at the commencement of this Act to continue holding office for the remaining period for which they have been elected.

I would like here to draw the attention of the House, Mr Speaker, Sir, that the amendment concerns mainly the holding of election and the duration of tenure of office of members of the Committee.

However, the Bill before the House today may, Mr Speaker, Sir, give the impression that within the course of the three years there will be no annual meeting. In fact, I must say very frankly that in the course of the weekend, the hon. Leader of the Opposition drew my attention to the possibility of confusion in there. Therefore, I am proposing, at Committee Stage, an amendment to the amendment to make it very precise and allow the Sabha to organise once every year an annual general meeting.

Mr Speaker, Sir, with this note of clarification, I commend the Bill to the House.

Mr Faugoo rose and seconded.

(5.20 p.m)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, I am given to understand that the Hindi Pracharini Sabha started doing a very good work for the promotion and propagation of Hindi in 1948 under the guidance of JNR, *Jainarain Roy*. Since then, the good work has continued and, in fact, as the hon. Minister said, the Hindi Pracharini Sabha does not just promote Hindi, but it organises very important elections as well. Of course, there are a lot of other organisations that did good work in the promotion and propagation of Hindi.

Mr Speaker, Sir, I am given to understand that the Hindi Pracharini Sabha started doing very good work for the promotion and propagation of Hindi in 1948 under the guidance of Jaynarain Roy. Since then the good work has continued and, in fact, the hon. Minister said that the Hindi Pracharini Sabha does not just promote Hindi, it organises very important elections as well. Of course, there are a lot of other organisations that did good work in the promotion and propagation of Hindi: Arya Sabha, the Arya Ravived Pracharini Sabha, the Government Hindi Teachers Union. And we are very, it is not lucky, because we work hard for that - the previous Government and the present Government - for the World Hindi Secretariat to be hosted here in Mauritius; it is a great privilege, it is a great honour. We also have a Hindi Speaking Union just as we have other Speaking Unions. I have no quarrel with the idea of having the Executive Committee elected for three years. I don't think that it is a question of savings really. I think it is more a question of allowing a new team to settle down and to work, because if it is one year, it is very difficult. It is as if you have general election every year and before Government has time to start writing a programme, elections are here again. If

there are savings, *tant mieux*, but I think it is more for the good performance of the Hindi Pracharini Sabha that I go along with this idea of elections taking place every three years. I was sitting next to the hon. Minister at the Sunday afternoon Tamil Temples Federation activity and I pointed out to him that there is confusion the way the amendment had been drafted. It could have been interpreted as meaning that not only the Executive is voted for three years, but that general meetings are held every three years only. I don't think this would have been good for the health of the Hindi Pracharini Sabha. It is good that there is at least – because the Executive Committee can call more than one annual general meeting - one annual general meeting, not for electoral purposes, but to discuss the work of the Sabha in general, to make suggestions and so on. I am glad that the hon. Minister took my point on board and therefore the required amendment has been circulated.

Thank you, Mr Speaker, Sir.

(5.22 p.m.)

Dr. Bunwaree Mr Speaker, Sir, I think there is a consensus. I just wanted to point out that I mentioned in my speech the two reasons. The question of savings is not the main reason, of course. The main reason is for them to settle down and to work for three years, but there is also the question of the elections being organised in presence of Electoral Commission. I thank the hon. Leader of the Opposition for having mentioned a few words.

I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Speaker in the Chair)

THE HINDI PRACHARINI SABHA (AMENDMENT) BILL (NO. IV OF 2009)

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

Clause 3 (Section 6 of principal Act amended)

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

Dr. Bunwaree: Mr Chairman, I move that clause 3(a) be amended as follows –

“by adding, after paragraph (ii), the following new paragraphs –

- (iii) in paragraph (c), by deleting the word “and”;
- (iv) by adding, after paragraph (d), the following new paragraph, the full stop at the end of paragraph (d) being deleted and replaced by a semi colon –
- (e) organise a general meeting every year.”

Amendment agreed to.

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

Clauses 4 and 5 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 Hindi Pracharini Sabha (Amendment) Bill (No. IV of 2009) was read a third time and passed.

At this stage, the Deputy Speaker took the Chair.

Second Reading

THE ELECTRONIC TRANSACTIONS (AMENDMENT) BILL

(NO. V OF 2009)

Order for Second Reading read.

The Minister of Information & Communication Technology (Mr A. Dulull): Mr Deputy Speaker, Sir, with your permission, I beg to move that the Electronic Transactions (Amendment) Bill (No. V of 2009) be read a second time.

The object of this Bill is to amend the Electronic Transactions Act in order to enable the Information and Communication Technologies Authority to discharge the functions and exercise the power of the Controller of Certification Authorities.

The Controller of Certification Authorities is an entity responsible for regulating Certification Authorities. The Controller of Certification Authorities and the Certification Authorities are the key players within a National Public Key Infrastructure. The latter is the basis for safe, trustworthy and fault free electronic transactions. It provides the policy and technical framework for secure electronic transactions through the systematic and diligent issuance, management and revocation of digital certificates. Each electronic transaction made is thus secured, untampered, authenticated and the user cannot dispute being the initiator.

The hon. Members may wish to note that the ICT Authority signed a Memorandum of Understanding with the Controller of Certification Authorities of India on 11 February 2009 to foster cooperation between the two parties for the setting up of the National Public Key Infrastructure for Mauritius. Work is underway to implement the National Public Key Infrastructure for Mauritius.

One of the first usage of the National Public Key Infrastructure will be made by Mauritian citizens with the smart card based Mauritius National Identity Card. Each

Mauritian citizen's new smart card based Identity will enable the generation of his digital signature which will enable him to effect secure transactions online.

Other possible applications of the National Public Key Infrastructure within Government include making Government payments online, such as online income tax returns with payments, payments of Government permits and using digital signature on electronic versions of documents instead of signing on printed copies of documents, thus maximizing the usage of emails instead of snail mail. It is to be noted that the private sector can also develop National Public Key Infrastructure based applications in areas such as online shopping and online banking.

A key activity in the project plan for the setting up of the National Public Key Infrastructure is the proclamation of sections 37, 38 and 39 of the Electronic Transactions Act 2000 which provide for the setting up of a Controller of Certification Authorities. These sections were not proclaimed in 2000, as the National Public Key Infrastructure was not yet established at that time.

The Attorney-General's Office was approached for the proclamation of the relevant sections of the Electronic Transactions Act and has advised that amendments would have to be brought to the Act to enable the ICT Authority to discharge the functions and exercise powers of the Controller of Certification Authorities.

Mr Deputy Speaker, Sir, allow me now to outline the features of the Bill.

Section 2 defines the "Authorised officer" and the "Controller".

Whereas in the Electronic Transactions Act 2000, the Authorised officer was defined as a public officer authorised by the Controller to exercise any of his powers, the new definition to be given now to "Authorised officer" is in terms of the provision of section 25 of the ICT Act 2001. This is very much in line with the policy of harmonising the ICT Act and the Electronic Transactions Act.

With regard to the definition of "Controller", whereas the Electronic Transactions Act 2000 provided for the establishment of the Controller of Certification Authorities as a public office to be assisted by public officers, the proposed Bill defines "Controller" as the ICT Authority, which is established as the National Regulatory Authority for ICT matters.

Section 37 is amended to provide for the ICT Authority to be, for the purpose of the Electronic Transactions Act, the Controller with, *inter alia*, the function as under sections 18(1) (e) and 18(1) (z) of the ICT Act, which provide that the Authority shall act internationally as the national regulatory body of Mauritius in respect of information and communication technology matters and as the Controller of Certification Authorities.

The decision of assigning the function of Controller to an independent regulatory body instead of a public office, is in line with the commitments of the World Trade Organisation taken by the Government of Mauritius in the context of the liberalisation of the Telecom services sector. This provides for clear separation of functions between the policy making, the operational and the regulatory bodies.

Whereas in the Electronic Transactions Act of 2000, the Controller may authorise a public office to exercise any of its powers under the Act, the provision is being

amended through section 42 to provide that the Controller may delegate any of his powers to an authorised officer in respect of Part XII of the Electronic Transactions Act. This new provision is in harmony with sections 10 and 25 of the ICT Act 2001.

Mr Deputy Speaker, Sir, the hon. Members may also wish to note that the ICT Authority, in 2004, launched a tender exercise for a turn key solution for implementing the National Public Key Infrastructure. The project would have involved the setting up of the entire infrastructure locally at a very high cost.

However, further to working sessions between the Government of Mauritius and the Government of India in 2006, in the context of the elaboration of the Comprehensive Economic Cooperation and Partnership Agreement (CECPA), a hybrid model for the National Public Key Infrastructure was jointly prepared. The new model brought a cost reduction to one fifth of the original Public Key Infrastructure model, that is, a cost saving of nearly USD 2.4 million.

I would like, here, to seize this opportunity to thank the Government of India for their assistance in developing the National Public Key Infrastructure for Mauritius.

Mr Deputy Speaker Sir, in the Government Programme 2005-2010, it is mentioned at paragraph 123, I quote -

“Government will encourage the setting up of a National Internet Exchange Point to enable peering of local ISPs and to ensure an efficient usage of the Internet bandwidth. A National Information Security Policy based on the European Union and the Personal Information Protection and Electronic Documents Act of Canada standards will be defined to build and sustain trust for e-Government and e-Commerce applications as well as to develop our ICT industry. A new costing model will be introduced with a view to reducing prices of telecommunication services at retail level for the benefit of consumers. The introduction of new technologies including wireless technology will be encouraged to enable productivity gains. E-Commerce will be promoted to create new opportunities and employment.”

As the Government moves ahead to realise the above vision, the hon. Members may wish to note that, in December 2005, the National Internet Exchange Point was established under the purview of the National Computer Board - thanks to the hon. Deputy Speaker. In September 2008, we have introduced a new cost-based model for determining the cost of interconnection between mobile, fixed and International networks in line with the provisions of the ICT Act.

We are now about to make a major leapfrog in the ICT landscape of this country as we are bringing the amendments to the Electronic Transactions Act of 2000 to give concrete definition to the e-Commerce and e-Transactions in Mauritius.

E-business is the use of advanced information and communication technologies to create new business relationships enhancing existing ones and increase the efficiency of business flow processes without the constraints of time ...

(Interruptions)

Mr Bérenger: Mr Speaker, Sir, on a point of order, this is completely outside the scope of this limited amendment.

The Deputy Speaker: I think we have given some latitudes to the hon. Minister. He should come back to the amendment.

Mr Dulull: Well, I am talking about the philosophy behind the amendment. It is not like off tracking. We are talking about electronic ...

The Deputy Speaker: Let's get back to the amendment itself, please!

Mr Dulull: Well, Mr Deputy Speaker, Sir, the amendment brought with this Bill will enhance the electronic commerce and e-business and accompanying these changes are e-business related risks. One of the primary concern identified by both the business community and consumers in establishing and participating in e-business is the potential loss of assets due to security breaches of commercial transactions and corporate computer systems. A security breach not only erodes confidence in the business, but also affects the organisation's reputation capital. To sustain an equivalent level of risk management under new business models that rely on the electronic flow of sensitive information, new infrastructure and trust models must be established which, in turn, are based on an understanding of the required digital security services. The National Public Key Infrastructure is one mechanism to provide the entire policy and technical framework for secure electronic transactions.

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

The Deputy Prime Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebeejaun) rose and seconded.

(6.38 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Deputy Speaker, Sir, a good part of what we have just heard has nothing to do with this limited and focused amendment. I listened carefully to what the hon. Minister had to say concerning the amendment and I must say it is still not clear in my mind what we are supposed to do.

In the recent years, therefore, legislation was passed to set up two bodies: the Information and Communication Technologies Authority (ICTA) and the Regulatory Body in general. But the different Ministers, the different Governments, in their wisdom, thought it fit to set up another institution: the Controller of Certification Authorities. There must have been good reasons to set up these two different institutions. The Minister had nothing to say on that, whether they were right what we are doing. If there is, in a place like Mauritius, no need for a Controller of Certification Authorities, if this can be done adequately by the Information and Communication Technologies Authority and we are saving by not setting up a different institution, say so! But this is not what I understand. I am trying to understand exactly what the Minister is saying. I have the impression that we are doing something for a transition period. If that is the case and we will set up the Controller of Certification Authorities later on, say so! *Que les choses soient claires!* I listened to the hon. Minister, and he was right to say that this setting up

of the National Public Key Infrastructure was started in the past and is ongoing. If we feel that, before that is completed, there is no need to set up the Controller of Certification Authorities and that the ICTA can discharge - not takeover - in the meantime, say so! I would like to understand where we are going. Are we going to set up the Controller of Certification Authorities later on? If we are not going to do so, then we should do away with the institution completely, and amend the ICTA Act to give all the duties, responsibilities and functions of the Controller of Certification Authorities to the ICTA. But, this is not what we are doing. We are giving to the ICTA the power to discharge the functions of the Controller of Certification Authorities while keeping the Controller of Certification Authorities in our Statute books. I still want to understand whether we are doing something transitionally or whether we have come to the conclusion that the Controller of Certification Authorities, as a separate institution, is not required. Then, we should say so and do the necessary.

What disturbs me in the same context is that I understand that, as far as the Data Protection Act is concerned, we are in the same situation. Parts of the Data Protection Act have been proclaimed but, there also, I understand there is provision for a Controller, which has not been set up, as in the case that we are dealing with here. I know that is a very technical, very complicated matter that we are discussing, and I think that it is good that we see more clearly in what we are doing, whether we shall set up the Controller of Certification Authorities in the future when the job is done, as far as the National Public Key Infrastructure is concerned.

Thank you, Mr Deputy Speaker, Sir.

(5.42 p.m)

The Minister of Industry, Science & Research (Mr D. Gokhool): Mr Deputy Speaker Sir, I thank my colleague for bringing these amendments to the House. As indicated in his intervention, these amendments are being brought primarily to allow the ICTA to discharge the functions of a Controller of Certification Authorities. The Leader of the Opposition's argument is whether there should not be greater clarity as to the functions of the Controller of Certification Authorities; whether it should be created separately or whether the ICTA should be vested with the responsibilities of discharge.

Mr Deputy Speaker, Sir, we are in a phase where we are gradually moving towards the realisation of the programme of the Government, that of creating a digital economy, a Cyber Island. We are proceeding gradually. There is also another model. We can adopt leapfrogging approach. I am sure the Minister will explain later on, in his summing up. I believe that we are moving in an incremental manner, that is, building the capacity, the competence and, when time will come, a proper Controller of Certification Authority may have to be envisaged. I believe this is how we need to look at the amendment which is being proposed.

Mr Deputy Speaker, Sir, beyond the specific objective that this amendment is trying to fulfil, that is, improving the scope of e-government through the possibility of utilising the digital signature under the creation of the National Key Infrastructure for Mauritius, I think there is a lot of scope for development which can be very useful for e-business. But one thing which is very important also is that we cannot look at e-government and e-business as separate entities. There is also the possibility of synergy,

that is, the infrastructure being put in place by Government and what could be put by the private sector could certainly work in a synergistic manner, and upgrade the scope of the National Key Infrastructure possibilities.

Mr Deputy Speaker, Sir, the other issue I would like to comment on briefly is that of security. At every stage, when we introduce technology, there is the element of security that comes in, and we have to ensure that we are taking all the precautions to have secure and reliable transactions. If we look at the development of Internet, we have had several generations now and, at every stage, there have been problems of security. But these have been tackled. I think it is a good point that, when we are putting in place the National Public Key Infrastructure, we need to address the issues of security upfront. There are countries which have put in place such systems, and we can certainly learn from their experiences.

The last point I would like to make, Mr Deputy Speaker, Sir, is that, with the creation of the National Public Key Infrastructure, maybe it seems a small amendment but it will have major implications in terms of competitiveness. Mauritius is going through an economic crisis. In fact, one of the schools of thought is that, when you have a crisis, you have to invest and get ready, so that when the crisis is over you can bounce back. I think the National Key Public Infrastructure will be a vehicle, a mechanism for Mauritius to bounce back once the crisis is over.

Thank you Mr Deputy Speaker, Sir.

(5.47 p.m)

Mr M. Dowarkasing (Third Member for Curepipe & Midlands): Mr Deputy Speaker, Sir, before I come to the amendments, let me just put the foundations of my speech.

Mr Deputy Speaker, Sir, the electronic commerce over Internet has shown a remarkable progress since the last decade. Most of the information service providers, small or large, are shifting their resources to this business. In addition, consumers and businesses are more and more becoming conscious of the advantages of electronic commerce, including huge potential it offers. As a result of this advancement, Mr Deputy Speaker, Sir, in digital revolution and technology, the world is witnessing a shift in the way people use to do business and commerce. We are moving more and more from the traditional way to the electronic transactions. At the same time, it is also true, Mr Deputy Speaker, Sir, that this type of business that we indulge in is virtual. We are dealing with people whom we don't know on the other side of the Internet. Sometimes, you just buy something with your credit card without even knowing who the sales person is over there. So, verification of identity and certification is being recognised as an important means for such trading. I believe it is in that perspective that the Electronic Transactions Act 2000 was enacted. I understand, Mr Deputy Speaker, Sir, that we have tried to take up the model that is being used presently in Singapore. I have even heard that officers of the Government went to Singapore, especially to gather information on the regulations that are in force under the Electronic Transactions Legislation there, and also to see the mechanism for establishing the Office of the Controller of Certification Authorities. That visit that took place in June was two-fold. But, unfortunately, Mr Deputy Speaker, Sir, nothing has been done in terms of establishing that Office under the ETA. In fact, part 10

of the ETA was not promulgated. Sections 37, 38 and 39 were not promulgated for years. I don't know what is the reason. Maybe it was the coming into force of the ICTA Act in 2002, where we moved from one situation where we liberalised the whole system, whereas the ETA was enacted in a period where we didn't have liberalisation. But, then, Mr Deputy Speaker, Sir, today, we are amending the ETA, so as to allow the ICTA to discharge the functions of the Controller of Certification of Authorities. I think, in a certain way, I might agree with the hon. Minister that he is trying to bring coherence in the two legislations. But when the ICT Act was passed in 2002, I think part 10 of the ETA should have been deleted completely, because there is duplication. The ETA in part 10 of the Bill provided for the setting up of the Office of the Controller and later, in 2002, we came up with another piece of legislation, the ICTA and the ICT Act. That also provided for the same thing. So, we have duplication of the Office in the two legislations. In fact, what should have taken place in 2002, maybe, when we were passing the ICT Act, we should have deleted those sections which relate to the Office of the Controller. But that has not been done, Mr Deputy Speaker, Sir. Today, we are just amending that law so that we bring a sort of cohesion in the two pieces of legislation. But, I strongly believe that the Electronic Transaction Act, with the advent of the ICT Act, has no longer its place in this digital revolution. In fact, the ICT Act should have englobed the Electronic Transaction Act. It is now that we are swallowing part of it; it should have englobed everything under one single piece of legislation. But then, we have taken the example of Singapore, but Singapore has a separate Office for the Controller. We are inspiring ourselves from the model of Singapore, but in Mauritius we are just taking everything under one single umbrella. So the question is: is the ICTA the appropriate body to act as the Controller or should we have taken the model that we have inspired us, that is, Singapore? I really don't know, but I believe there must be some valid reasons for doing so. And, maybe, the hon. Minister could, in his summing-up, address, provide the House with the necessary explanations.

It will be good also, Mr Deputy Speaker, Sir, to know how the ICTA will assume this new role within the legislative framework and regulations and how it will operate also. Mr Deputy Speaker, Sir, when we see the explanatory memorandum. It clearly says that the object of this Bill is to amend the Electronic Transaction Act in order to enable the Information and Communication Technology Authority to discharge the functions and the exercise, powers of the Controller of certification of authorities. So, my basic question is: is it going to be the Executive Director that will act as the Controller or is it going to be the Board? This is not very clear from the law; it is stated that we are shifting. It is going to be the Information and Communication Technology Authority. But that Authority has an executive director and also a Board. Who among those two will act as the Controller? Is it going to be the Executive Director or the Board as a whole? This is not very clear also, Mr Deputy Speaker Sir, and has to be clarified.

The ICTA, in its new role as the Controller of Certification Authorities, will have to meet a lot of challenges. Are they ready? Have they acquired the authentication technology and other certification related subjects? They must also prepare and publish the evaluation standards and guidelines for the local use, but also for foreign countries. Are we ready with all these things? When it comes to the recognition of foreign certification authorities, the ICTA will have to develop bilateral or multi-lateral agreement and all these agreements will have to be gazetted. Are we proceeding on that

step? I have said it before, Mr Deputy Speaker, Sir, that security and trust are the two words on this new era of commerce.

Mr Deputy Speaker, Sir, there exists the possibility that a user of certificate issued by the Certification Authorities suffers theft or leakage or any other incident. The ICTA will have to prepare the preventive measures, and contingency planning to provide training against these incidents. Are we ready to face all these challenges? I have not heard the Minister say a single word about the preparedness of ICTA to act as the Controller.

Mr Deputy Speaker, Sir, the clause 5 is amending section 42. I just wanted to know what is the rational in the change between the authorisation to exercise. Before, it was authorisation; now it is delegation of powers. The Controller in the former legislation - which we are amending - was authorising, but now we are delegating the powers. I just can't figure this. Maybe, we could be enlightened about the rational behind moving from authorization to delegation of power under that amendment

Mr Speaker, Sir, clause 6 is, in fact, introducing a new subsection 46(a) which says that the Controller or an authorised officer may, for the purpose of this Act, make use of the services of a Police officer. Why restricting, why the services of 'a Police officer'? If you will be needing more Police officers, this will not be possible because of this piece of amendment. What will happen if we need more Police officers, Mr Deputy Speaker, Sir? Maybe, we could have some clarifications when the Minister sums up the debate.

The other point that I want to raise, Mr Deputy Speaker, Sir, before concluding, is that I am of the opinion that the Controller should also be in position to investigate. He should be able to investigate complaints and other information indicating violation of rules and refer such cases to the Police for prosecution. But I don't think anywhere there is any provision for investigation.

Mr Deputy Speaker, Sir, the ICTA in its new role should be able to give an indication to the public that the certification authorities are trustworthy and deserve consumer confidence. The Controller should symbolize reliance and certainty. The amendment brought is a step forward in the direction. But, as I said before, I still believe that the ICT Act should englobe the Electronic Transaction Act due to the fact that the ETA *est dépassé du fait qu'on a libéralisé ce secteur*.

Merci M. le président.

(5.57 p.m.)

Mr Dulull: Mr Deputy Speaker, Sir, I thank the hon. Members on both sides of the House for having participated in the debate, thus showing their keen interest in the subject matter. This clearly demonstrates the importance of Public Key Infrastructure and the accompanying Controller of Certification Authorities in the ICT landscape of a modern Mauritius.

I would not have expected less from Members of the House as I believe that the Public Key Infrastructure is the important milestone that will enable the country to emerge as a true knowledge-based nation in a secured and trustworthy environment. Our ICT laws which are done, at a point in time, can only capture past and present

experiences. These laws can capture what may be realities within a foreseeable future. But, because these realities themselves change and progress tremendously, our ICT law has to be reviewed continuously, so that they match with the realities. It is a case precisely with the present amendment being proposed to the Electronic Transaction Act. The Act was passed in Parliament in the year 2000. It provides for the setting up of the Controller of Certification Authorities. That particular section was not proclaimed, because the National Public Key Infrastructure was not yet set up then. Now that works are under way at the ICTA to implement the Public Key Infrastructure, the part dealing with the Controller of Certification Authorities may be proclaimed. However, because of legal technicalities involved, an amendment has to be introduced in the Electronic Transaction Act.

Once the Bill before the House is enacted, the National Public Key Infrastructure will be expected to come into operation within the following four months. This project Mr Deputy Speaker, Sir, will give a new dimension to the way Government Departments digitally transact with each other, with the business community and with the citizens. In this time of worldwide and e-business, Mauritius will be better harnessed with the coming into operation of the National Public Key Infrastructure.

Mr Deputy Speaker, Sir, I would like to address a few comments made by the Leader of the Opposition concerning certainty in the operation of the Controller of Certification Authorities as to whether we have two different bodies, why don't we have separate bodies, why ICTA is assuming the role, the function of the CCA. But let me inform the House, pursuant to the provision of Section 18 subsection (1) (z) of the ICT Act 2001, ICTA is already the CCA.

However, due to incoherencies between the ICTA Act and the ETA Act, ICTA could not discharge the function. Being given that Section 37 of the Electronic Transactions Act is not in harmony with Section 18 subsection (1) (z) of the ICT Act, we are trying to harmonise both pieces of legislation to allow ICTA to fulfil its role that has already been vested upon it.

The second point, Mr Speaker, Sir, is whether there is any transition period. There is no transition period because ICTA was already vested with such powers: to discharge the function of a CCA. What we are simply doing is that this amendment will allow ICTA to play its role that has already been vested. So, the question of transition does not arise.

I would like to comment on some of the remarks made by hon. Dowarkasing concerning our model. He is comparing our model with the Singaporean model. I would like to inform the hon. Member that the CCA model - which we are allowing ICTA to discharge the function of CCA - is based on the Indian model and we did sign a Memorandum of Understanding with India to allow the Indian Government to give us the guidelines and the advice for the setting up of the CCA. Our model is based on the Indian model and maybe the Indian model is not similar to the Singaporean model. But this is a question of choice. However, I must say that the Indian model is as good as the Singaporean model, if not better.

Mr Deputy Speaker, Sir, concerning one of the sections of the law that mention ‘a police officer’, I was made to understand that when we refer in law to a police officer, we are talking about the Police force itself. *Qui peut le moins peut le plus!*

Mr Deputy Speaker, Sir, I think these were the main points raised. I thank the hon. Members for participating in the debate.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Electronic Transactions (Amendment) Bill (No. V of 2009) was considered and agreed to.

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

Third Reading

On motion made and seconded, the Electronic Transactions (Amendment) Bill (No. V of 2009) was read the third time and passed.

Second Reading

THE OCCUPATIONAL SAFETY AND HEALTH (AMENDMENT) BILL (NO. VI OF 2009)

Order for Second Reading read.

The Minister of Labour, Industrial Relations and Employment (Mr J. F. Chaumière): Mr Deputy Speaker, Sir, I move that the Occupational Safety and Health (Amendment) Bill (No. VI of 2009) be read a second time.

The object of this Bill, Mr Deputy Speaker, Sir, is to make provision in the Occupational Safety and Health Act 2005 so that any person who is already employed on a full-time basis in any capacity and who is qualified to practise as safety and health officer, may be authorised to take employment as safety and health officer on a part-time basis with another employer.

Mr Deputy Speaker, Sir, the Occupational Safety and Health Act 2005 provides for the employment of safety and health officers as follows –

- (i) An employer having 100 or more but less than 500 employees at one or more places of work should employ a safety and health officer on full-time or part-time basis.
- (ii) An employer having 500 or more but not more than 2000 employees at one or more places of work should employ at least one safety and health officer on a full-time basis to perform solely the duties of safety and health officer.

- (iii) An employer should, for every additional 2000 employees or fraction, thereof, employ one additional safety and health officer on full-time or part-time basis, as may be directed by the Permanent Secretary.

I have to inform the House, Mr Deputy Speaker, Sir, that under the Occupational Safety, Health and Welfare Act 1988, which was repealed with the coming into force of the Occupational Safety and Health Act, a person in full-time employment who had the necessary qualifications was able to register and practise as part-time safety and health officer in one place of work. To practise as part-time safety and health officer in more than one place of work, the written permission of the Permanent Secretary of my Ministry had to be obtained. Several full-time employees had been authorised to practise as part-time safety and health officers for more than one place of work under the repealed Act.

Such provision does not exist in the Occupational Safety and Health Act 2005. Consequently, a full-time officer with the required qualifications to register and practise as safety and health officer cannot be employed as a part-time safety and health officer by another employer.

I have to point out that under the repealed Act, registration of safety and health officers was in respect of places of work not employers, as is now provided under the Occupational Safety and Health Act 2005.

As I mentioned earlier, an employer must now employ a safety and health officer on a part-time basis if he has 100 or more but less than 500 employees. These employees may be employed in one or more places of work belonging to him, for example, the employer may have 5 places of work with 90 employees at each place of work and a total of 450 employees in all. The part-time safety and health officer employed by this employer would be required to service all the workplaces belonging to that employer. The part-time safety and health officer is required, under the Act, to work for that employer for not less than 8 hours per week.

Mr Deputy Speaker, Sir, contrary to the Occupational Safety, Health and Welfare Act 1988, the Occupational Safety and Health Act 2005 clearly sets out the duties of the safety and health officer and these duties are quite extensive. Under the new Act, a safety and health officer has to *inter alia*-

- (a) carry out regular occupational safety and health audits to identify risks to safety and health;
- (b) assess the need for preventive measures to safeguard the safety and health of employees and any other person not in the employment of the employer;
- (c) advise the employer in writing on practicable measures and appropriate techniques to be implemented to minimise any risk in any process in the undertaking of his employer;
- (d) design and implement appropriate training programmes to meet the requirements of this Act and any other enactment dealing with occupational safety and health, and keep proper records;

- (e) review any measure, method, procedure or technique adopted to ensure occupational safety and health at intervals of not more than 2 years or at such intervals as the Permanent Secretary may direct in writing and keep proper records thereof;
- (f) recommend in writing to the employer appropriate occupational safety and health programmes, where the circumstances so justify;
- (g) develop effective communication systems on occupational safety and health between the employer and any employee;
- (h) inspect all places of work under his responsibility at least every month and record his findings in the register provided by the employer;
- (i) exercise adequate supervision to ensure the effective implementation of arrangements made, and preventive measures taken, by the employer; and
- (j) inquire into –
 - (i) all complaints made by an employee;
 - (ii) occupational accidents and dangerous occurrences at any place of work and make a report, and recommend in writing any safety and health measures to be implemented by the employer.

Mr Deputy Speaker, Sir, in view of these extensive duties and responsibilities now devolving on a safety and health officer and given also the growing complexity of safety and health issues in places of work these days, my Ministry has deemed it reasonable that an employee who is already working on a full-time basis in whatever capacity with one employer be allowed, if he is qualified and duly registered, to take employment as safety and health officer on a part-time basis with not more than one other employer. Given the extensive duties which a safety and health officer has now to perform and the fact that these duties may have to be performed in several places of work for any one employer, it is believed that should the safety and health officer be allowed, in addition to his full-time job, to work on a part-time basis with more than one employer, the quality of service provided by him as safety and health officer may suffer. This is not acceptable where the safety and health of workers are concerned.

Mr Deputy Speaker, Sir, in the 2005-2010 Programme of this Government, safety and health is given high priority. We are very alive to the fact that the most valuable asset of this country is its human resources and, by extension, its workforce. We have to ensure that decent work conditions exist at work places and decent work includes safe work. Safety and health at work is a fundamental right, a basic human right according to the ILO, which has chosen it as the theme for this year's World Day for Safety and Health at Work which is being celebrated today, a happy coincidence indeed! It is of utmost importance, therefore, that high standards prevail at all places of work. In this regard, safety and health officers have a crucial role to play. My Ministry has the duty and responsibility to exercise general supervision regarding compliance with the provisions of the OSH Act of 2005 and generally ensure promotion of safe work. We cannot afford to ignore the magnitude of occupational accidents and diseases in terms of human suffering and related economic cost.

I would like to inform the House that several employees already in full time employment in the public and private sectors have applied to my Ministry to practise as safety and health officer on a part-time basis with another employer. The proposed amendment to the Occupational Safety and Health Act 2005 will allow them to take employment as part-time safety and health officer but with one employer only.

I have no doubt, Mr Deputy Speaker, Sir, that the measure provided for in this Bill, will not only give the due recognition to the professional status of safety and health officers but also contribute to improving the safety and health of workers in general. It will prevent, however, the possibility of lip service only being paid to safety and health issues.

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

Dr. Bunwaree rose and seconded.

(6.17 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Deputy Speaker, Sir, again I listen carefully to the hon. Minister. I can't understand why he didn't go to *le cœur du problème*. The heart of the problem, I understand, is the scarcity of Occupational Safety and Health Officers. *C'est le cœur du problème* and yet...

(Interruptions)

Not the key! *Le cœur!* The key is elsewhere, the key est *dans la poubelle, moi, je parle du cœur, M. le président.*

(Interruptions)

But seriously I can understand why this is not acknowledged. We should acknowledge the fact that there is a dangerous scarcity of Occupational Safety and Health Officers. There would be no problem, we would not need for this piece of legislation if there was not that problem. I am given to understand that in that respect *le gouvernement lui-même donne le mauvais exemple*. Whatever part of the Act is proclaimed is another matter, but the Act says that an employer with so many employees and so on must have - I am given to understand that, at present - I stand to be corrected - there are less than 10% of the number of the Occupational Safety and Health Officers in the public sector that there should be if we stick by the law. Therefore Government is not in compliance with the law, the law that was voted in 2005 by the new Government and then proclaimed in 2007. That is the heart of the matter: Government, itself, is not compliant with the law and in the private sector there is a terrible scarcity of such officers. Why not acknowledge it and it would have been an occasion to say that Government is going to intensify its efforts to provide - these are valuable jobs. My friend hears me, they are needed. Not only that is employment creation but what I cannot understand is that the Minister himself points out how the job of these officers has become more and more important.

The Deputy Speaker: Hon. Leader of the Opposition, I just heard you speak of compliance. Am I sure the motion was seconded just to make sure that we are in compliance? I just wanted to make sure.

Mr Bérenger: That has become a habit of not seconding.

The Deputy Speaker: Now we are sure of compliance, the hon. Leader of the Opposition may continue. Thank you.

Mr Bérenger: No one seconds and then when it is pointed out, ten hon. Members stand up.

Going back to my point, is that the job which these Occupational and Health Officers do is vital. Why not point out that there is a terrible scarcity and why not say that Government, knowing that, will urgently, as rapidly as it can, train such officers?

(Interruptions)

But, it is already a number of years that the law has been proclaimed. I cannot understand also why the hon. Minister does not tell us that he has had - from my information - consultations with the institute concerned. They are professionals; they have an Institute of Occupational Safety and Health Management. I understand that he has had consultations, and that they have made representations. With due respect to the House, we should be informed that, in fact, they have entered a case in the Supreme Court, challenging the constitutionality of the 2005 Act, which we are amending. If that is the case, we should be informed. My information is that the Minister has met them, and that there is a case before the Supreme Court, challenging the constitutionality of the 2005 Act. If they are going to challenge the constitutionality of the 2005 mother Act, obviously, they are going to challenge the constitutionality of that amendment also.

With this scarcity of Occupational Safety and Health Officers, with some of them working in several places, we are going to limit the possibility for someone who is employed full-time by one employer, to work part-time elsewhere to one other employer. *L'intention est bonne! C'est que celui qui est employé full-time donne le meilleur de son temps à l'employeur qui l'emploi full-time. L'intention est bonne, mais le résultat risque de ne pas être bon.* Because of the scarcity of such officers, you have officers employed full-time working part-time in more than one. We are in a situation of scarcity, and we are going to limit the possibility of part-time work drastically. So, I am concerned; I am very disturbed.

I have also listened to the hon. Minister. I am still asking myself whether I heard him correctly. I re-read with my colleagues here. It seems that what we are doing applies to civil servants also. If my reading is right, then, this is the only case - as for consultants, it's another matter - where a civil servant who is employed full-time in the public service, will be allowed to take part-time employment in the private sector. This is something fundamental. I wonder whether Government has really thought through this. Others are going to claim the same. Why not! You start with these officers. There are other areas where there is scarcity of personnel. On what basis are you going to say no? The first example that comes to my mind is nurses. There is a scarcity of nurses in the private sector. There are some *qui travaillent au noir*. Alright! But, it is illegal so far! When they know that, as far as Occupational Safety and Health Officers are concerned, public servants are allowed to take part-time employment, on what basis is that going to be refused to nurses or other categories of public servants where there is a scarcity of

personnel in the private sector? So, I really put myself the question whether Government has really thought through this, and what is going to be the cascading effect, Mr Deputy Speaker, Sir.

I suppose I am better at French than English. But, I have been reading and re-reading the following. Our good friends from the State Law Office maybe will enlighten me. I am still asking myself what Section 29 (3A) means. I quote -

“(3A) (a) No employee or Safety and Health Officer who is employed on a full-time basis shall also be employed as a Safety and Health Officer on a part-time basis unless –

(ii) he is employed by another employer.”

What does that mean? In the first part of the paragraph, it is already mentioned that he is employed. I have tried to understand what is meant by that. I hope I will be enlightened. I hope it means something. *L'intention est là certainement*, but the result is not clear to me, Mr Deputy Deputy Speaker, Sir.

Government has come forward with this piece of legislation. My two points are: First, *l'intention est bonne, notamment garantir que les officiers concernés, employés full-time do perform full-time, to protect workers and so on. Mais, le résultat pourrait être très mauvais, et diminuer encore le pool of trained officers in the private sector.*

Second, I wonder whether Government has really thought through *ce qu'il met en marche*. We give the possibility to civil servants of working full-time in the Government and part-time in the private sector. How is Government going to resist the request from nurses and others when they are going to come with their request?

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you, hon. Leader of the Opposition. Hon. Mungur!

(6.28 p.m)

Dr. R. Mungur (Second Member for Flacq & Bon Accueil): Mr Deputy Speaker, Sir, whether it is key documents of the World Health Organisation, whether it is the promotional framework for Occupational Safety and Health Convention, or it can be any other international instrument like the ILO Convention for occupational safety and health, all of them have emphasised one thing, that is, the need to protect and promote health safety at work.

Mr Deputy Speaker, Sir, this Occupational Safety and Health (Amendment) Bill is a pointer in that direction, and is another proof that health at work is and remains a priority issue for this Government. Section 29 of the principal Act entails the following –

“(3A) (a) No employee or Safety and Health Officer who is employed on a full-time basis shall also be employed as a Safety and Health Officer on a part-time basis unless –

(b) The Permanent Secretary may, after making such enquiry as he deems appropriate, grant an authority(...)”

What does this mean, Mr Deputy Speaker, Sir? That the Permanent Secretary is going to decide; that there is an implicit conditionality attached to it, and the legal implication is that we are giving the Permanent Secretary good faith to decide on that particular issue.

Mr Deputy Speaker, Sir, the rationale of this amendment is very clear to me. Through the additional services of the Health and Safety Officer, we are going to create increased coverage and accessibility of Occupational and Health Services.

Mr Deputy Speaker, Sir, in fact, we are seeking to provide appropriate mechanisms, through this amendment, where a Safety and Health Officer, hopefully, can participate more actively in the planning and decision-making process with respect to occupational safety and health. In fact, Mr Deputy Speaker, Sir, this amendment is giving better visibility, and some extra mileage to the policies and the programmes of occupational health.

Mr Deputy Speaker, Sir, I believe that this amendment is in consonance with the 60th World Health Assembly, which endorses the global plan of action on workers' health. And this is what it states, wherein the member States should establish appropriate mechanism and legal framework to work towards full coverage of all workers, including those in the informal sector, small and medium enterprise, agriculture and migrants, and other contractual workers. We are very far from this, Mr Deputy Speaker, Sir. But I believe that we are on the right track. We can only hope, Mr Deputy Speaker, Sir, that this amendment will serve to consolidate, and encourage the development of more effective collaboration and cooperation between employers and all the stakeholders.

Mr Deputy Speaker, Sir, kindly allow me to respond from a professional point of view. When we make amendments, we need to make it more progressive, better and more resourceful, especially to safeguard a safe and healthy workplace, a safe and healthy work environment and work organisation. It should not be in titbits or on a piecemeal basis. It should be done, taking into consideration that amendments should have direct bearings on the health of workers. I believe, Mr Deputy Speaker, Sir, that, during amendment time, it entails opportunities to ask several questions that are going to increase the wellbeing of health workers.

In fact, Mr Deputy Speaker, Sir, we have many questions. The first question that I would like to ask is: are we aligning ourselves to the Global Plan of Action on Workers Health 2008-2017? How our current policy instruments are impacting on the workers' health? Do we really have a functional national information system? And, if the answer is yes, how this national information system is enabling us to estimate the occupational burden of diseases and injuries? The fourth question I am asking is: how much funds are really available from the parent Ministry to carry out very practical, basic and participatory research on workers' health needs? What are the new epidemics of occupational and work related diseases due to the growing mechanisation and industrialisation?

Mr Deputy Speaker, Sir, we have a long way to go to improve the health of workers, and I believe it will be a very gradual step, and the Government is on the right track.

May I end up by congratulating the hon. Minister for bringing this Occupational Safety and Health (Amendment) Bill (No. VI of 2009). But let this Bill be a reminder that the quality of life and the wellbeing of working people, the level of occupational health and safety, and the socio-economic development of the country are closely linked with each other.

Thank you, Mr Deputy Speaker, Sir.

(18.35 p.m.)

Mr S. Soodhun (Fifth Member for La Caverne & Phoenix): Mr Deputy Speaker, Sir, I must point out that I agree to disagree with the hon. Minister and the previous orator. In fact, I would like to comment on the Occupational Safety and Health (Amendment) Bill (No. VI of 2009), which proposes to authorise full-time Safety and Health Officers to take up employment in another place on a part-time basis.

Mr Deputy Speaker, Sir, first, as today is the World Day for Safety and Health - as was rightly mentioned by the hon. Minister - I would like to take this opportunity, as a former trade unionist and former Minister of Labour, to pay homage to the workers who were injured at work. I would also like to extend my sympathy to the families of those workers who have lost their lives at work.

I wish to pay a special tribute to the fishermen who disappeared in the tragic loss of King Fish II and V. I have a special thought for Mr Clency Bibi, a trade unionist and employee of CEB, who was severely injured at work last year and still under treatment. Here, I would like to thank the hon. Deputy Prime Minister, Minister of Renewable Energy and Public Utilities, who is now paying special attention to the treatment of Mr Clency Bibi.

Mr Deputy Speaker, Sir, I am very confused. I am thinking of the purpose of bringing this Bill to the House today. In fact, there is a lot of confusion. In the PRB Report, it is mentioned that public officers are authorised to work on a temporary basis in two different industries. I would like to be enlightened, because the hon. Minister is bringing an amendment, asking us to vote this amendment, where a full-time officer will be allowed to work in a different industry on a part-time basis.

Mr Deputy Speaker, Sir, what is meant by a "part-time officer"? The job and the role of the Health and Safety Officer working permanently in a factory are well defined by the hon. Minister. Today, we witness a lot of accidents, and a lot of these problems are caused due to the negligence of employers. This is also due to the ignorance of the workers in the absence of education on health and safety at work. The hon. Minister mentioned that a permanent Health and Safety Officer is responsible for 1,000, or even more than 2,000 workers. As responsible Members of this Parliament, before voting this piece of amendment, we should realise that a permanent Health and Safety Officer works for nearly eight hours, and that there is no limitation of hours of work by a permanent worker in an industry. So, can the hon. Minister give us some explanation as to how a worker is going to work eight hours in another industry? The worker is not a magician; he is a human being, and he has to work with the workers. When he finishes his job in a particular industry, at 17.00 hours when the factory closes down, he goes to another factory where there is no worker.

(Interruptions)

I am not exaggerating; it is a fact. The hon. Vice-Prime Minister should understand. I know he is a very clever man, he is a professor.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Soodhun: Mr Deputy Speaker, Sir, in fact, Health and Safety Officers have to prepare a programme, and the programme will be sent to the Ministry; the Ministry will send an officer to check whether the Health and Safety Officers working on part-time basis are doing their job as such.

So, what is the permanent role of the Health and Safety Officer? He has to hold a Health and Safety Committee every month. He has to check and assure the security of the workers. I will tell you about a case, Mr Deputy Speaker, Sir. The hon. Leader of the Opposition stated that public officers are allowed to work. I know of a public officer working as fireman, and also working in two big different industries at the same time. He came to see me, and tried to convince me that the law is not good, and that we have to make provision for two or three industries. I don't understand how a fireman can work in the Fire Department and be allowed to work in two different industries at the same time. It is a fact! Do you know how much he is paid? He gets a salary of Rs6,000 in each big industry. Hon. Gowressoo knows this case very well.

Can you imagine all of us, responsible people here, sending our children to study in universities and he or she obtains a B.Sc. in Health and Safety, coming back to Mauritius and drawing a salary of Rs6,000 in two industries! Do you realise what we are doing with our children when we say that we are facing unemployment problems! This is the solution we are suggesting just to help our children! We are sending them abroad; we are spending millions and millions of rupees for them to obtain a certificate and when they come back, they are going to work for Rs6,000 per month in two factories! Is this what we are asking? No, Mr Deputy Speaker, Sir! This is not correct. I am making a plea, Mr Deputy Speaker, Sir.

(Interruptions)

The Deputy Speaker: Order!

Mr Soodhun: Let me give you the facts, Mr Deputy Speaker, Sir. According to statistics, I have noted that the number of inspectors has decreased from 53 in 2004/05 to 44 in 2008/09. In the Occupational Health Department of the Ministry of Labour, Industrial Relations and Employment, we do not have enough staff. The Minister knows very well about it. You will be surprised, Mr Deputy Speaker, Sir. There were 53 officers; now the number has been reduced to 44, and they are hardly covering the normal inspection. The number of inspections has decreased. There were over 5,000 in 2003 and about 3,000 in 2008. Inspections have decreased by nearly 2,000. This is the problem. And we are now expecting these officers to go and check all the Health and Safety Officers who are on a temporary basis. We cannot forget the case of the two fishing vessels which were not inspected at all as regards Occupational Health and Safety. We all know about it. It was due to lack of Health and Safety Officers. Do we want more cases like this?

(Interruptions)

Mr Deputy Speaker, Sir, the law says that Health and Safety Officers can work for different factories on a temporary basis. This does exist. What we are suggesting is that, instead of bringing this piece of law, we should have more Health and Safety Officers. We can, at least, convince the University of Mauritius. I did it when I was Minister of Labour. We discussed with the University, we selected the modules, and there were a lot of Mauritian students who got the facilities to go and study as Health and Safety Officers. Mr Deputy Speaker, Sir, section 29(3A) mentions 'employee or Safety and Health Officer'. I would like to know from the hon. Minister what it means. They could have put 'Health and Safety Officer' directly. According to me, an 'employee' might be a Nursing Officer or anybody else having a diploma or degree.

Mr Deputy Speaker, Sir, this particular amendment is not going to solve the problem. In fact, it is going to create problems. If a full-time officer in the public sector will be allowed to work on a temporary basis outside working hours, why can't a Health and Safety Officer of the Ministry of Labour, Industrial Relations and Employment do so? What is the reason behind it? Why is there a difference? This is an injustice. I am against that; I am not in favour of that, because you cannot be judge and party at the same time.

I think that's a big problem. Mr Deputy Speaker, Sir, what I would like to propose is that this Bill be withdrawn and that Government comes up with a National Programme on Occupational Safety and Health, to be prepared in consultation with the organisation of employers, with the help of the workers and the Health and Safety Association. Secondly, that Government submits an Action Plan to increase the number of trained and competent Health and Safety professionals in the country.

With these few words, Mr Deputy Speaker, Sir, I thank you.

Mr Chaumière: Mr Deputy Speaker, Sir, in fact, during this particular day I had a Parliamentary Question on this question of Health and Safety Officers, I have the impression that hon. Soodhun who put the question already had the answers.

Mr Deputy Speaker, first of all, I would like, at the very outset of my summing up, to thank the Members on both sides of the House for their contribution and, of course, for their keen interest and their intervention on this Bill. I must say, Mr Deputy Speaker, Sir, that a proper legislation cannot be prepared, cannot be introduced for a short-term period. Like we have always learned that *la loi est générale, la loi est abstraite* and the law should be made to stay. That is why we all know - and I have no doubt that the hon. Leader of Opposition knows it; hon. Soodhun, who was former Minister of Labour, knows it - that there is indeed a dearth of qualified candidates in the field of occupational safety and health on the labour market. This is not the first time. It has not cropped up just now before I came up with this amendment, Mr Deputy Speaker Sir, but I must say as well that we have not remained idle, we have faced the situation. I must say, Mr Deputy Speaker, Sir, that an improvement in the situation is expected given that the University of Mauritius, the University of Technology of Mauritius and other private institutions had already embarked on a diploma degree courses on occupational safety and health. This will enable more qualified persons to join the labour market shortly to be eligible to register and practise as safety and health officers.

Mr Deputy Speaker, Sir, the hon. Leader of Opposition came with the fact that representations were made from the Institute of Health and Safety and indeed I did meet those people. I must say, Mr Deputy Speaker, Sir, that they have submitted representations. Indeed, there is a case in court, Mr Deputy Speaker, but it is not the constitutionality of the law which is being questioned, but the constitutionality of certain sections of the Act. This is why I didn't make mention of this, but the proposals that the Institute has made are being given due consideration at the level of the Advisory Council for occupational safety and health, which is a tripartite statutory body set up under the Act. The State Law Office has also been consulted for the proper advice, Mr Deputy Speaker Sir.

Mr Deputy Speaker, Sir, authorisation for a full-time employee to work as a part-time safety and health officer is being given only after the enquiry has been carried out. It is not like that - you wish the next day to work as a part-time Health and Safety Officer being a full-time officer for one employer, it is only when the Ministry is satisfied that the particular employee will be able to perform the part-time responsibilities that the authorisation would be given.

Concerning the question of public officers taking part-time employment, Mr Deputy Speaker, Sir, in the private sector, this can only be done with authorisation of their supervising officer. I am given to understand that this is allowed also under the Personal Management Manuel for other grades as well. For example, there are engineers, architects giving lectures at University of Mauritius. These are public officers also, Mr Deputy Speaker, Sir. As rightly pointed out, in this particular sector, there is really a shortage of qualified and registered Health and Safety Officers.

Regarding the formulation in the amendment itself, it means that a full time employee - health and safety officer - shall also be employed as a health and safety officer on a part-time basis unless he is employed by another employer. This is to make clear that one cannot work as full time employee and part-time health and safety officer for the same employer as this may well cause a conflict of interests. For example, a person could work as a Personal Manager in a company and try to perform as health and safety officer for the same employer as part time, Mr Deputy Speaker, Sir. If, for example, an employee has to make a particular complaint in his place of work then he will make the complaint to the Personal Manager who would happen to be also the health and safety officer, which is not correct.

Mr Deputy Speaker, Sir, I think I have covered all that have been said here. As we said, the world is celebrating the World Day for Health and Safety at work; this event has been commemorated since 2003 by the International Labour Organisation and we do not have the right to be complacent. Today employers have not only a legal obligation under the law, but they also have a moral obligation *vis-à-vis* their employees and there should not, there cannot be any compromise on the right to safe and healthy work..

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

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Occupational Safety and Health (Amendment) Bill (No. VI of 2009) was considered and agreed to.

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

Third Reading

On motion made and seconded the Occupational Safety and Health (Amendment) Bill (No. VI of 2009) was read the third time and passed.

At this stage, Mr Speaker took the Chair.

ADJOURNMENT

The Deputy Prime Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebejaun): Sir, I beg to move that this Assembly do now adjourn to Tuesday 12 May 2009 at 11.30 a.m.

Dr. R. Sithanen rose and seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned.

MATTERS RAISED ON ADJOURNMENT

ABORTION - CONSULTATIVE SESSION- INVITATION

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, I would like to raise one point which concerns the hon. Minister of Women's Rights, Child Development and Family Welfare. I am in presence of letters through which the Ministry of Women's Rights, Child Development and Family Welfare obtained permission from the Clerk to use the lunchroom of the National Assembly for consultation on abortion. Fair enough!

Then I have been provided with letters of invitation addressed individually to Members of the House for a consultative session on abortion. I quote from the letter -

“The Ministry is holding a consultative session on the issue of abortion, as indicated below -

The new lunchroom of the National Assembly

Date: 29th April

Time: 10.00 to 12.00

My Minister would appreciate if you could attend and participate in the session. You may wish to note that participants from various organisations such as political parties, socio and religious institutions and the civil society have also been invited.”

I have checked with my colleagues, *incroyable, mais vrai*, but for a consultative session on abortion, it seems that only female Members of the National Assembly have been invited and no male Members. I hope this is not the case. It is totally unacceptable. How can we imagine that a debate on abortion concerns only women and female Members of Parliament? I hope I got it wrong for this is totally unacceptable, *mais il n'est pas trop tard pour rectifier le tir. C'est un mauvais départ*. Do not come and tell me that this is a start. This is unacceptable. If we want to take a good start, *prendre un bon départ*, everybody is concerned, women and male, female and male Members of the National Assembly. I hope that this would be corrected, if it is the case, as rapidly as possible.

The Minister of Women's Rights, Child Development & Family Welfare (Mrs I. Seebun): Mr Speaker, Sir, I have no problem. Any Member willing to attend the consultative session may do so. But it is also unfortunate to learn that many Members from the other side of the House have already expressed their intention of not attending this session tomorrow because they got some personal commitment. This is very unfortunate.

(Interruptions)

Mr Speaker: Order! Hon. Minister, the question is whether all Members were invited to the consultative session. Just answer this. There is no need to make any further comment. Some people might have personal commitments, they can't come, they will come next time!

MONT ORY & PONT SOUILLAC – WATER PIPES

Mr S. Dayal (Second Member of Quartier Militaire & Moka): Mr Speaker, Sir, the point I am going to raise concerns the Ministry of Public Utilities regarding acute water problem at Mount Ory and Pont Souillac. In fact, the water supply pipes in the mentioned areas are over more than 50 years old and keep on breaking every time there is a rainfall or whenever heavy vehicles pass through the roads at Mount Ory and Pont Souillac. The frequency of these breakages is increasing. This happened recently, twice in the month of March 2009 and thrice in April, that is, on 05, 08 and 12 April. Repairing part of the damage pipes on a piecemeal basis more than 09 to 10 times during a year would not, of course, solve the water problems at Mount Ory and Pont Souillac. As revealed by the CWA workers, these pipes, including the control valves, are too old and defective. It is high time that the overall water supply pipes be changed to solve the water problems.

Due to these old pipes, Mr Speaker, Sir, the water flowing capacity is very low and with very high pressure upstream the defective hydraulic control valve cannot regulate the required pressure downstream resulting in frequent bursting out of the pipes. The water is, most of the time, muddy, stagnant and filled with impurities and, at times, filled with worms. I wish to point out, Mr Speaker, Sir, that with an increase in population at Mount Ory the conveyance capacity of the main pipe is inadequate. Therefore, I urgently request for an overall replacement of the old and defective water supply pipes as well as control valves once and for all. My colleagues in the constituency also have received the petition which I am going to table for the hon. Minister to take into consideration.

Thank you Mr Speaker, Sir.

The Deputy Prime Minister, Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebeejaun): Mr Speaker, Sir, certainly I take note as the other hon. Member also has mentioned the same issue and I will see to it that something is done.

CARREAU ESNOUF & DESPLACES – ROAD TARRING

Mr Y. Varma (First Member of Mahebourg & Plaine Magnien): Mr Speaker, Sir, I wish to raise an issue pertaining to my constituency. I raised the matter on a number of occasions, but unfortunately, the request has remained unattended. It concerns the tarring of the roads linking the villages of Carreau Esnouf and Desplaces. I came to this august Assembly with a Parliamentary Question, and I was informed that, as soon as the road is declared public, the road would be tarred.

Mr Speaker, Sir, this road has been used by the inhabitants of my Constituency for maybe more than 40 years. The road links Curepipe to Carreau Accacia and Mahebourg to Carreau Accacia. The road also serves the transportation of school children to the Mont Trésor Mon Desert Government School.

Mr Speaker, Sir, there is a letter of authorisation, as the land belongs to the Mon Trésor Mon Desert, to the effect that they have no objection that the said road be tarred. I will make a request to the Minister of Local Government together with the Minister of Public Infrastructure to have this road tarred as soon as possible. I will table a copy of a letter which was sent to the hon. Prime Minister on 03 July of last year together with a letter of authorisation from the Mon Trésor Mon Desert Sugar Estate. I will table this letter together with the document annexed.

PLAINE MAGNIEN COMMUNITY HEALTH CENTRE – CONVERSION – AREA HEALTH CENTRE

The second issue which I want to raise, Mr Speaker, Sir, concerns the conversion of the Plaine Magnien Community Health Centre to an Area Health Centre. The building, which actually houses the Plaine Magnien Community Health Centre, dates back to 1900. It is very small and the House will appreciate that the population in the locality has

increased considerably, and there has been a request made by the Village Council of Plaine Magnien that the said Community Centre be converted to an Area Health Centre. I will request the hon. Minister of Health to look into the matter, and I will table a copy of the letter which was sent to the Regional Health Director

Thank you, Mr Speaker, Sir.

The Minister of Local Government (Dr. J. B. David): Mr Speaker, Sir, I don't know whether the road leading to Careau Esnouf is a public or a private road. Now, if it is a private road, and even if the Mon Désert Mon Trésor has given us authorisation to tar it, we cannot do so. The alternative is to have it by compulsory acquisition. I'll check with the Ministry of Housing and Lands together with the Ministry of Public Infrastructure, Land Transport and Shipping to see what can be done.

Thank you.

(7.10 p.m.)

The Minister of Health & Quality of Life (Dr. R. Jeetah): Mr Speaker, Sir, as I mentioned earlier on, Government is investing massively in our hospitals. Over and above, we have a project of sensitising the population about health hazards and health risks.

In fact, a couple of weeks ago, we were in the constituency of the hon. Member where our mobile clinic was offering free services and also explained the reasons to the people as to why there are such large queues in our health system. Mr Speaker, Sir, the House may wish to note that, over the last three years, we have had 25 million patients in our system and we just cannot keep on increasing the size of the infrastructure. We'll have to put up more effort on the preventive side, which is what we are currently doing. But, I shall certainly look into the request and come forward with any proposition if possible.

Thank you.

**(A) MARCEL CABON GOVT. SCHOOL – TOILET, SCHOOLYARD,
ETC.**

(B) VICTORIA AND SSRN HOSPITALS – CT SCAN

(C) 'TAXI MARRON' - PONT BRUNIQUÉL, BAIE DU TOMBEAU

Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue): Thank you, Mr Speaker, Sir, for allowing me to raise the following matters at Adjournment Time.

The first matter concerns the Ministry of Education and it is with regard to the Marcel Cabon Government School at Cité la Cure. The parents of those students, Mr Speaker, Sir, have been protesting against the deplorable state of the school and the school premises. This is not the first time that this is so. Last year, they protested for the same reasons, that is, the state of the school yard, the toilets, the unavailability of drinking water, teachers arriving late in the morning and no regular meetings between the school authorities and the parents.

This morning, Mr Speaker, Sir, I met the parents and they informed me that yesterday they had a meeting with an officer of the Ministry of Education and that it was only today that the lawn was attended to. Mr Speaker, Sir, these parents are under the impression that their voices are not being heard by the concerned authorities and that they have to shout for the Ministry to take the necessary actions.

Mr Speaker, Sir, the toilets also are in a deplorable state. The parents also complained that, very often, teachers arrive late at school. And this morning itself, I witnessed the late arrival of a teacher. I would, therefore, Mr Speaker, Sir, request the concerned Ministries to urgently look into the matter and find long-term solutions to the said problems.

The second matter, Mr Speaker, Sir, which is very serious, pertains to the CT scan at the Victoria and SSRN Hospitals. I understand that both machines have broken down and are not available for scanning.

Mr Speaker, Sir, you will recall that we had many PQs in this House concerning the malfunctioning of the CT scan at the Victoria Hospital, J. Nehru Hospital and SSRN Hospital. If I am raising this matter today, Mr Speaker, Sir, is because I, myself, witnessed such a situation where a member of my family was admitted in the early hours of Sunday morning with serious health problems and had to undergo a scan. He was admitted at Victoria Hospital. Unfortunately, at that moment, the scanning could not be done at the Victoria hospital as the CT scan had broken down. While the decision was being taken to transfer the patient from Victoria Hospital to the J. Nehru hospital, he had a massive attack, Mr Speaker, Sir, and went into a coma. Mr Speaker, Sir, you can imagine the seriousness of the case. Under these serious conditions, the patient had to travel from Victoria Hospital to J. Nehru Hospital at Rose Belle for a CT scan. Now, when the scan was done at J. Nehru Hospital, he was not admitted at that hospital. But again, under the same condition, he had to travel from that hospital to be admitted at the Cardiac Centre at the SSRN Hospital because, at that time, there was no bed available with re-animation equipment at the J. Nehru Hospital, Mr Speaker, Sir. Those CT scans, Mr Speaker, Sir, are most of the time not in good working conditions or not working at all. You will agree, Mr Speaker, Sir, that such equipments are crucial to the health of those patients who are in a critical condition. I think the Minister will agree that under such conditions we are putting at risk the lives of those patients. Therefore, I forcefully request the Minister to urgently look into the matter and find long-term solutions to these problems in order to avoid putting at risk the lives of those patients. *Au moment où je fais cette déclaration cette personne est entre la vie et la mort, M. le président.*

My third issue pertains to the 'taxi marron' of Pont Bruniquel at Baie du Tombeau. I understand from those drivers that the Attorney-General was looking into

their case. They complained that they have not heard from him for quite some time now. So, I would request the Attorney-General to at least inform those people where matters stand regarding the situation.

Thank you, Mr Speaker, Sir.

(7.15 p.m.)

**(A) MARCEL CABON GOVT. SCHOOL – TOILET PROBLEMS,
SCHOOLYARD, ETC.**

(B) LE HOCHET – LIGHTING PROBLEMS, ROADS, ETC.

Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue): Mr Speaker, Sir, regarding the Marcel Cabon Primary Government School...

Mr Speaker: The matter has been raised, hon. Jhugroo! I would just ask you to support the hon. Member. You should not repeat the facts again because I have a long list of Members who want to intervene and time will not permit all of them to take the floor; we do not have short interventions.

Mr Jhugroo : *M. le président, tout d'abord, laissez-moi remercier le ministre Bunwaree pour avoir agi tout de suite à ma requête hier matin. Afin de poursuivre sur cette bonne lancée, je demande au ministre de faire le nécessaire pour que les toilettes de l'école soient dans les normes adéquates et d'assurer que la fourniture d'eau retourne à la normale, afin que la salubrité des lieux soit respectée.*

Mr Speaker, Sir, there is also a water leakage in front of the blocks of the Standard II which results to water stagnation. The old caretaker quarters have become a place which drug addicts have transformed into a *quartier général*. Furthermore, this situation favours lack of discipline in the school where neither the PTA nor the staff can deal with misbehaviour among pupils. I would, therefore, appeal to the hon. Minister to look into the matter so as to see in which way remedial measures can be applied at the earliest possible.

I won't be long, Mr Speaker, Sir. There are also some problems regarding Le Hochet and I am tabling a list of them. Amongst them, there are the problems of lighting, construction of drains and asphaltting of new roads. Thank you.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Mr Speaker, Sir, I have taken note of what has been mentioned by both hon. Members. In fact, hon. Jhugroo phoned me yesterday. Hon. Mrs Juggoo also talked to the staff of my Ministry. In fact, as hon. Jhugroo himself said, we acted promptly. There is a list of such problems, but this is a very specific school and we are giving special attention to it. I don't want to take piecemeal measures only, I want it to be in such a way that things do not recur. Of course, I'll do the needful. Thank you.

The Minister of Health & Quality of Life (Dr. R. Jeetah): The hon. Member did advise me that he was going to raise the issue and I have looked for some information. First of all, Mr Speaker, Sir, the House may wish to note that this CT scan is a model that was commissioned in October 2001. The Bio-medical Engineer has given us the assurance that he would be able to find a solution within the next two weeks.

(Interruptions)

Mr Speaker: Order!

Dr. Jeetah: As the hon. Member raised the issue, I will look into it.

The Attorney-General (Mr J. Valayden): Mr Speaker, Sir, I will look into the matter. It was a committee. I hope that by the end of this week we will be able to liaise again and I will report back to the House.

Mr Speaker: Hon. Von-Mally! Be very short, please!

RODRIGUES – AIRPORT TAX

Mr J. Von-Mally (Fourth Member for Rodrigues): Thank you, Mr Speaker, Sir. The points that I am going to raise concern the hon. Vice-Prime Minister and Minister of Finance.

Mr Speaker, Sir, we have been made to understand that Government is committed to save jobs. While this is praiseworthy, I think there is still room for improvement. Allow me to make a few proposals that will help to save more jobs.

M. le président, je pense que si les problèmes sont résolus en amont, cela peut permettre à résoudre beaucoup de problèmes en aval. Un de ces problèmes se trouve dans le secteur du tourisme à Rodrigues. On a vu dans les journaux qu'il y a des tours opérateurs et des organisations comme l'Association du Tourisme réunis. Le nombre de touristes qui visitent Rodrigues est en chute libre. Depuis ces derniers mois, on a remarqué que le nombre de touristes étrangers augmente, et c'est surtout le nombre de touristes mauriciens qui diminue. Donc, je pense qu'il ne faut pas boycotter nos frères mauriciens qui veulent venir visiter Rodrigues. Une des meilleures façons de le faire est de leur permettre de payer les billets à un prix abordable. Si on a fait un geste vis-à-vis de la Réunion, pourquoi ne pas le faire pour Rodrigues? Sinon, les mauriciens iront à la Réunion, parce qu'il y a tellement de gens qui dépendent du secteur touristique pour vivre. Actuellement, il y a beaucoup de personnes qui ont perdu leur emploi dans les hôtels à Rodrigues. Il y a des tours opérateurs qui n'arrivent pas à joindre les deux bouts, ainsi que les petits commerces et l'artisanat. Donc, cela a un effet domino, comme on dit. Cela touche beaucoup de gens à Rodrigues. La meilleure façon d'aider ces gens, c'est d'utiliser un peu l'argent de ce *Stimulus Package*...

(Interruptions)

Pourquoi ne pas enlever la taxe? Quelqu'un qui va à Rodrigues doit payer R 8,000 et, de ces R 8,000, il y a R 3,500 de diverses taxes. Pourquoi ne pas enlever cela, même temporairement, pour permettre aux mauriciens d'aller à Rodrigues? Je connais beaucoup de membres dans cette Chambre qui aimeraient venir à Rodrigues. Une famille de cinq personnes qui va à Rodrigues doit payer R 40,000, et payer l'hôtel. Si on arrive à enlever cette taxe, même temporairement, cela aiderait non seulement les voyageurs, mais aussi les petits commerces à Rodrigues, les hôtels, et cela permettrait de sauver beaucoup d'emplois. Donc, je fais un appel au ministre pour une aide dans ce sens.

Merci.

Mr Speaker: Is it the Minister of Tourism or the Minister of Finance who will reply?

(7.23 p.m)

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen): Mr Speaker, Sir, the way the hon. Member was speaking, I thought it was more for my colleague, the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications to reply.

Mr Speaker, Sir, I will support the hon. Member's proposal on additional promotional budget being made out of the sum given to the MTPA to make more marketing for Rodrigues. I am also willing to listen to the hon. Member if there are measures that can be taken to alleviate the problem that he has just mentioned.

Let me mention to my hon. friend that, when he speaks about tax, most of it is basically the airport tax. We know very well, Mr Speaker, Sir, that you have to invest money to modernise the airport, both in Rodrigues and in Mauritius. The airport tax is just like when you pay airport tax when you land in Paris or London. I am sure my hon. friend knows very well that, last year, I decided to waive a huge amount of loan that was taken, in order to modernise the airport in Rodrigues. So, it is not like a tax that comes straight to the Ministry of Finance. It does not even come to the Exchequer. This is money that is collected in order to reimburse loan taken to modernise and expand the airport, both in Mauritius and in Rodrigues.

(19.24 hrs)

CNT – WORKERS – CONDUCT ALLOWANCE

Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix): Mr Speaker, Sir, I would like to raise an issue, which concerns the Minister of Public Infrastructure. I am afraid he is not around, but I'll still proceed.

Mr Speaker, Sir, as you are already aware, the situation at the CNT is quite difficult and the people working there are facing a lot of problems. And this has been exacerbated by the condition, the high cost of living and the difficulty met by the workers to meet ends. It has been the concern of many of these workers for the past few days, as there are news which have been circulating as to the fact that it is planned that the conduct allowance which was payable to the workers will now be cancelled and that, instead, there will be a productivity allowance.

Mr Speaker, Sir, I do agree that the situation is difficult and that the NTC is facing problems. But I still think that it is unfair to put a further burden on the workers who have already got a budget, and we cannot, right in the middle, just decide to cut off part of their salary. Mr Speaker, Sir, this is one of the issues that I would like to raise. I would like to make an appeal to the Minister of Public Infrastructure as well as to the Minister of Finance to see whether this allowance can be kept and that it is not cancelled.

Furthermore, considering the plan to stop services after 9 o'clock at night is going to give a lot hardship to workers who plan to get back home after night duties. Mr Speaker, Sir, I again, make an appeal to the Ministers concerned to look into the matter and ensure that such hardships are not imposed on workers again.

Thank you, Mr Speaker, Sir.

The Minister of Foreign Affairs, Regional Integration & International Trade (Dr. A. Boolell): Mr Speaker, Sir, the message will be conveyed to the Minister concerned.

(7.27 p.m)

MORCELLEMENTS SEETLOO & SEGOBIN – ABANDONED PLOTS OF LAND, STREET LIGHTING, ETC.

Mrs S. Hanoomanjee (Second Member for Savanne & Black River): Mr Speaker, Sir, I'll raise an issue, which concerns the Minister of Local Government with respect to a place known as Morcellement Seetloo and Morcellement Seegobin, also known as Morcellement Cerisier of Bassin Road, Quatre Bornes.

This *morcellement* exists only since three years, and is inhabited by about 20 families. Over a period of two years, there have been 13 cases of thefts, mostly due to the fact that there are many abandoned plots of land. I should say that these abandoned plots of land *est un havre pour les drogués et pour les voleurs*. There is no telephone connection and no street lighting. Since June last year, the inhabitants contacted the Municipality of Quatre Bornes and even sent a petition, which I am going to table for action to be taken regarding the abandoned plots of land and street lighting. They have been told verbally - not in writing – that nothing can be done for them, in spite of the fact that they pay their municipal tax regularly. The inhabitants are feeling very insecure. I am making an appeal on their behalf to the hon. Minister to give urgent consideration to their requests. I am tabling the petition which they made, Mr Speaker, Sir.

The Minister of Local Government, Rodrigues & Outer Islands (Dr. J. B. David): Mr Speaker, Sir, I have taken note of the point raised by the hon. Member. I don't know who said that nothing can be done, but whoever said that should be sacked. Something has to be done, and I will check whether, in fact, somebody said it. The hon. Member mentioned that it was said orally, therefore, there may not be any evidence of who said what, but I will certainly meet the Deputy Chief Executive tomorrow morning and find out. This is not the right attitude.

At 7.30 p.m. the Assembly was, on its rising, adjourned to Tuesday 12 May 2009 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS
INDIAN NATIONALS – CONTRACT

(No. B/340) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Indian nationals, he will state –

- (a) Government policy in relation to those having a contract of employment in Mauritius, and
- (b) the criteria used in considering any application from the Mauritian companies willing to recruit them.

Reply: (The Minister of Labour, Industrial Relations and Employment): I have to inform the House that the Government policy with regard to Indian nationals having a contract of employment in Mauritius is the same as for all expatriate workers. Applications for work permits in respect of Indian expatriates are duly considered by my Ministry and provided all conditions and requirements are fulfilled work permits are issued to allow Indian workers to be employed in the country. There are presently around 12,200 Indian workers holding valid work permits in Mauritius and these workers are employed in different sectors. In fact, the largest number of foreign workers in Mauritius is from India as compared to other countries.

With regard to part (b) of the question, the general criteria used when considering applications/requests for work permit in respect of foreign workers, including Indian workers, are as follows –

- (i) the company should hold all necessary licenses/certificates (for example the Certificate of Incorporation) Tourism Enterprise Licence for the tourism sector;
- (ii) there must be a scarcity of such skills/expertise on the local market;
- (iii) the number of local workers registered with the National Pension Scheme is also taken into consideration;
- (iv) the company should have orders/contracts in hand,
- (v) the companies should comply with all conditions regarding the employment of expatriate workers.

Moreover, for some applications, for example, those not falling within the quota granted to the company or for applications at managerial/technical levels, the advice and recommendations of relevant Ministries/Departments are sought.

RODRIGUES - LA FERME - PUBLIC GATHERING

(No. B/347) Mr A. Nancy (First Member for Rodrigues) asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the

House, obtain from the Commissioner of Police, information as to if there was any public gathering at La Ferme, Rodrigues, on 14 April 2009 and, if so, the reasons therefor.

Reply: I am informed by the Commissioner of Police that the “*Organisation du Peuple de Rodrigues*” (OPR), was given the authorisation to organise a peaceful march on 14 April 2009 as from 16 00 hours at La Ferme.

On that day, the march started at La Ferme as scheduled and proceeded to Citron. It ended at 16 30 hours without any incident.

I am given to understand that the march was organised to protest against a problem of water supply in Rodrigues and the digging of a borehole at Citron on a private land.

RODRIGUAN POLICE OFFICERS – POSTING – SPECIAL MOBILE FORCE

(No B/353) Mr C. Leopold (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the posting of the married Rodriguan Police Officers at the Special Mobile Force, in Rodrigues, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

Reply: I wish to refer the hon. Member to the reply I made to Parliamentary Question No. B/1458 on 16 December 2008.

As I had indicated, arrangements are being made for married Rodriguan Police Officers serving in the Special Mobile Force in Mauritius to be posted in Rodrigues.

Also consideration is being given to the establishment of a Special Mobile Force Unit in Rodrigues to enable a maximum number of Rodriguan Officers to be posted in Rodrigues. However, there are practical problems involved. They are being addressed by the Commissioner of Police.

POVERTY ALLEVIATION PROGRAMME-BENEFICIARIES

(No. B/381) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Poverty Alleviation Programme, he will state the -

- (a) amount of money spent as at to date under the present budget, and
- (b) number of persons who have benefitted therefrom and in which localities, including in the Constituency No. 14, Savanne and Black River.

(Withdrawn)

GOVERNMENT/MSPA- METAYERS- AGREEMENT

(No. B/382) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro Industry, Food Production and Security whether, in regard to the agreement entered into between Government and the Mauritius Sugar Planters Association in relation to the *metayers*, he will -

- (a) table copy of the agreement, and
- (b) state if a Technical Committee was set up for the implementation thereof and, if so, indicate the recommendations thereof.

(Withdrawn)

CWA-EMPLOYEES - INTERDICTION

(No. B/383) Mr S. Naidu (Third Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the eleven employees of the Central Water Authority who were interdicted on 15 April 2009, he will, for the benefit of the House, obtain from the Authority, information as to if an inquiry has been carried out thereinto and the outcome thereof.

Reply: I am informed by the Central Water Authority that following reports of alleged cases of malpractices and irregularities at its Central Stores at *Cité La Cure*, the Central Water Authority Board decided to commission a forensic review into the allegations.

Accordingly, the board decided on 03 March 2009 to enlist the services of a Forensic Accounting Expert to investigate into the allegations and to make recommendations for the enhancement of the CWA anti-fraud arrangements.

I am informed that the forensic review has revealed that over the last 10 years besides a number of cases of fraud and theft at the Central Stores at *Cité La Cure*, there has also been a systematic pattern of unreconciled stock balances, discrepancies in inventories, and missing store items which were ultimately written off. A number of CWA staff members posted at the Central Stores are suspected to have participated in these fraudulent activities and malpractices.

As a precautionary measure and to prevent any tampering with evidence, 11 officers were interdicted from the exercise of their functions with immediate effect on 14

April 2009. However, after consultations with its legal Adviser, CWA reinstated six out of the 11 officers on 22 April 2009.

Charges have been levelled against the five interdicted officers who will be heard by a Disciplinary Committee, which will make recommendations to the Central Water Authority.

SALE BY LEVY SOLIDARITY FUND - BENEFICIARIES

(No. B/384) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Sale by Levy Solidarity Fund, he will, for the benefit of the House, obtain from the Fund, a breakdown of the sums disbursed as at to date, indicating in each case -

- (a) the names of the beneficiaries, and
- (b) the quantum thereof.

(Vide reply to PNQ)

EMPLOYED & UNEMPLOYED POPULATION - COMPUTATION

(No. B/385) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the present mode of computation of the employment and the unemployment figures, he will, for the benefit of the House, obtain from the Director of Statistics, information as to if it is proposed to review same, with a view to including persons between the age of 60 and 65 into the category of the active population, following the extension of the retirement age to 65.

Reply: I am informed by the Director of Statistics that the active, employed and unemployed population refers to those aged 16 years and above. The present mode of computing the figures therefore includes all persons between 60 to 64 years of age.

Thus, the extension of the retirement age to 65 having no effect on the computation, it is not proposed to review the present mode of such computation.

CORPORATE SOCIAL RESPONSIBILITY - NATIONAL STRATEGY

(No. B/386) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Industry, Science and Research whether he will state if any national strategy for corporate social responsibility has been formulated at the level of his Ministry and, if so, indicate if any indicators have been defined to assess the CSR projects within enterprises.

(Withdrawn)

OCCUPATIONAL SAFETY & HEALTH INSPECTORATE – VACANCIES

(No. B/387) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Occupational Safety and Health Inspectorate, he will state the number of staff members serving thereat, indicating the number of vacancies that have not been filled, since 2005 to date.

Reply: The number of staff on the establishment of the Occupational Safety and Health Inspectorate is 60. Currently the following vacancies exist at the Inspectorate -

- (i) 19 vacancies in the grade of Occupational Safety and Health Officer/Senior Occupational Safety and Health Officer;
- (ii) 2 vacancies in the grade of Divisional Occupational Safety and Health Officer;
- (iii) 1 vacancy in the grade of Head Specialist Support Services, and
- (iv) 1 vacancy in the grade of Industrial Psychologist.

I have to inform the House that since 2005, a number of attempts have been made to fill the existing vacancies in the grade of Occupational Safety and Health Officer/Senior Occupational Safety and Health Officer.

The first attempt in 2005 to fill 20 existing vacancies resulted in the recruitment of 16 candidates only. In December 2005, PSC was invited to fill the four remaining vacancies and the five additional which had arisen following the promotion of two officers and the resignation of three others. However, due to budgetary constraints in 2006–2007, all the vacancies, which had by then increased to 13, could not be filled and PSC was invited to fill only four vacancies in the light of funds available. PSC submitted the names of four candidates to my Ministry in July 2007 for appointment. One declined the offer, one did not report for duty and two resigned after one month. The PSC informed my Ministry that there were no other suitable candidates for appointment. The post was advertised again in December 2007 as funds were available in the 2007-2008 budget for the filling of seven vacancies. In April 2008, the PSC submitted the names of only two candidates and informed that there was no other suitable candidate. Out of the two, only one reported for duty at my Ministry.

I have no doubt that the Hon. Member is aware that there is a dearth of qualified candidates in the field of Occupational Safety and Health on the labour market. The Pay Research Bureau (PRB) was informed of the difficulty encountered by my Ministry to recruit and retain Occupational Safety and Health Officers. The PRB, in its 2008 Report, recommended the payment of a retention allowance equivalent to two increments to all officers in post and as a means to attract also new entrants to the grade.

The schemes of service for all the grades in the Occupational Safety and Health Cadre are presently being reviewed to take on board the recommendations of the PRB regarding new appellation of the posts. The opportunity is also being taken to update the duties. A fresh recruitment exercise will be carried out as soon as the scheme of service for the post of Occupational Safety and Health Officer is prescribed.

As regards the two vacancies in the grade of Divisional Safety and Health Officer, which occurred respectively in December 2008 and January 2009, these will be filled once the new scheme of service is prescribed.

As to the vacancy in the grade of Head Specialist Support Services and that of Industrial Psychologist, I have to inform the hon. Member as follows -

- (i) these posts were created in the context of the setting up of a Specialist Support Services Unit at the Occupational Safety and Health Inspectorate. The Specialist Support Services should, in principle, comprise also occupational disease specialists and industrial hygiene technicians who would be called upon to give specialist support in cases of accidents and wherever hazardous substances are used, and
- (ii) budgetary constraints have so far prevented the setting up of the Specialist Support Services Unit and the filling of the post of Head Specialist Support Services and that of Industrial Psychologist.

PHOENIX / BEAU SONGES LINK ROAD - CONSTRUCTION

(No. B/388) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the project for the construction of the Phoenix-Beau Songes Link Road, he will state where matters stand.

Reply: The construction of the Phoenix-Beau Songes Link Road is presently at procurement stage. Tender Notices with closing date of 05 May 2009 were published in the local press on 18 and 19 March 2009 respectively. The Central Procurement Board would thereafter carry out the evaluation exercise.

Works are expected to start in July 2009.

LE BOUCHON - INTEGRATED RESORT SCHEME PROJECT

(No. B/389) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Integrated Resort Scheme project in Le Bouchon, he will, for the benefit of the House, obtain from the Board of Investment, information as to where matters stand.

Reply: I am informed by the Board of Investment that in April 2008, Le Bouchon Development Co Ltd submitted an application to the BOI for development of an IRS project at Le Bouchon. The promoters of the project are the Sugar Investment Trust Property Development Ltd, a subsidiary of the Sugar Investment Trust Ltd and O&C Mauritius Ltd, a UK based consortium.

The project relates to the proposed development of 200 luxury villas, a health and fitness centre, a 5-star hotel of 125 keys, a beach club and spa over an extent of 143 *arpents* of freehold land belonging to Sugar Investment Trust Property Development Ltd and 20 *arpents* of *Pas Géométriques*.

A site visit was carried out on 08 May 2008 by the Board of Investment along with relevant Ministries and Authorities. The views obtained from those Ministries and Authorities suggest that there are no objections to the development of the IRS project.

However, according to the master plan of the project, the commercial and leisure components will be situated on the *Pas Géométriques* of Le Bouchon. The BOI has consequently asked the promoters to secure the portion of State land by obtaining a Letter of Reservation from the Ministry of Housing and Lands. The Ministry of Housing and Lands have already approved, in principle, to the lease of the 20 *arpents* of *Pas Géométriques*. Once a formal letter of Reservation of the lease is obtained, the Board of Investment will proceed with the issue of a Letter of Approval to Le Bouchon Development Co Ltd for the IRS project.

PLAINE MAGNIEN – MARKET - CONSTRUCTION

(No. B/390) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the proposed construction of a new market in Plaine Magnien, he will state where matters stand.

Reply: I wish to refer the hon. Member to the reply I made on 12 August 2008 to PQ No. B/1107 on this issue.

I am informed that an amount of Rs5m has been earmarked under the Local Infrastructure Fund for the construction of a new market at Plaine Magnien in financial year 2010.

I am also informed by the Ministry of Housing and Lands that an offer was made on 30 September 2008 to Mon Tresor Mon Desert S.E for the acquisition of a portion of its land of the extent of 3 *arpents* situated at Plaine Magnien for implementation of this project. Given that there has been no reply from the Company and the delay to accept the offer has lapsed, procedures have been initiated on 04 April 2009 by the Ministry of

Housing and Lands for the compulsory acquisition of the land under the land Acquisition Act.

**PORT LOUIS CITY CENTRE – INDUSTRIAL & COMMERCIAL STATE
LAND LEASES**

(No. B/391) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Housing and Lands whether, in regard to the industrial and commercial State land leases in the Port Louis City Centre and its surroundings, he will state the number thereof, indicating in each case -

- a) the name of the lessees;
- b) the area of land occupied;
- c) the terms and conditions, including the annual rental value, and
- d) if the actual value reflects the market value and, if not, when will they be reviewed.

Reply: There are 28 industrial and commercial State land leases in the Port Louis City Centre while with regard to its surroundings and to parts (a), (b) and (c) of the question, the requested information is being compiled. Once its compilation and verification have been undertaken, same will be placed in the Library of the National Assembly.

In regard to part (d) of the question, I wish to refer the hon. Member to my reply to PQ No. B/213 wherein I mentioned that the rental for industrial and commercial leases in the Port Louis City Centre is being reviewed in accordance with the provisions of the Finance Act 2008.

PARIS - FIRST SECRETARY– RESIDENCE - RENOVATION

(No. B/392) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the residence of the First Secretary in Paris, he will state if refurbishment works have been carried out thereat and, if so, indicate -

- (a) the cost thereof, and
- (b) if the Mission was summoned to appear before the *Tribunal de Grande Instance de Paris* in relation thereto, and if so, the reasons therefor.

Reply: Refurbishment works in the Residence of the First Secretary on the 29th Floor of Tour Totem Quai de Grenelle, Paris was effected in April 2008 to the tune of €65,698.66. The work entailed replacement of ceramic tiles to its original condition in 1993 that is wall to wall carpet.

I am given to understand that the replacement of the wall to carpet by ceramic tiles in February 1993 was effected without prior approval of the syndic and apparently was not in accordance with Acoustic norms thus resulting in complaints from the owner

of the apartment below that of the First Secretary, but no legal action was then undertaken.

However, a new owner to that apartment decided to initiate legal action and on 22 July 2005, mission was summoned to appear before the *Tribunal de Grande Instance de Paris*.

Mission reached an out of court settlement by entering into an agreement with the plaintiff on 29 December 2008 whereby the plaintiff¹ agreed not to pursue the matter further with the Tribunal to obtain financial compensation given that remedial action has already been taken to the satisfaction of the syndic.

MISSIONS OVERSEAS – DRIVERS – OVERTIME

(No. B/393) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the drivers in post in each of our Missions abroad, he will state the amount of overtime paid out to them for the year 2007-2008, indicating the reasons therefore.

Reply: I am advised that overtime paid to drivers of the Representational and Service cars attached to the 19 Missions and two Consulates amounted to Rs. 4,015,602.99 during financial year 2007/2008. According to information received from Missions, overtime was performed in connection with –

- (i) High Commissioners/Ambassadors and officials attending meetings outside normal working hours;
- (ii) representational functions including receptions, dinners and banquet attended by High Commissioners/Ambassadors that often take place in the evening and some on public holidays;
- (iii) conveyance of official delegations to and from airport, and
- (iv) conveyance of officers performing consular duties after normal working hours.

ROYAL ROAD, CUREPIPE – UPGRADING

(No. B/394) Mr M. Dowarkasing (Third Member for Curepipe & Midlands) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, he is aware of the bad state of the Royal Road in Curepipe, especially in front of the Kentucky Shop, and of the occurrence of numerous accidents thereat, and if so, will he, for the benefit of the House, obtain from the Road Development Authority, information as to if the Authority has received a request for the upgrading of the road, indicating if it will be acceded to.

Reply: The Phoenix–Plaisance Road (A10) over a length of 1.8 km starting from Ste. Therese Church in Curepipe to 16ème Mille was resurfaced in May 2007 and is reported to be in a good state.

The TMRSU has informed that from July 2005 to date, three minor cases of accidents were reported in the area.

The RDA intends to upgrade the roadside drain from the KFC outlet up to the traffic light near Ste. Therese Church. The main road near Royal College Curepipe over a length of 400 m will also be resurfaced early in the next financial year.

STC - BUTTER BEANS - IMPORTATION

(No. B/395) Mr G. Guinness (Third Member for Montagne Blanche & GRSE) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the importation of butter beans, he will state the quantity thereof received in bad state for the years 2006, 2007 and 2008, indicating their respective monetary value.

Reply: I wish to inform the House that butter bean is not a controlled product and import thereof is made by several traders.

As regards butter beans imported by the State Trading Corporation, I am informed of the following:-

In 2006, no importation of butter bean was made.

In 2007, STC imported 663 metric tons as follows -

- 23 metric tons from Dalian Happy Four Tunes Trading Co. Ltd., China (September 2007);
- 40 metric tons from Tetra Fruits, Madagascar (October 2007);
- 600 metric tons from Tantsaha Mihary (TAMI) from Madagascar (November – December 2007).

There was no stock of butter beans in bad state, from the 23 metric tons imported from China and the 40 metric tons from Tetra Fruits, Madagascar.

STC received stock in bad state, only from the 600 metric tons of butter beans imported from TAMI. The 600 metric tons was received by STC in four consignments as follows –

-	100 Metric Tons on	12 November 2007
-	200 Metric Tons on	26 November 2007
-	280 Metric Tons on	10 December 2007

- 20 Metric Tons on 17 December 2007

The last consignment of 20 metric tons was found in bad state. This consignment was evaluated at EUR 13,062.60.

20% of the remaining 580 metric tons of butter beans were found to be of non-conformed grades, i.e. were of the grades PC3 and PC4 instead of PC1 and PC2 as provided in the contract. Consequently, STC rejected the non-conformed grades which represent 116 metric tons and evaluated at EUR 75,763.08.

STC has also claimed an additional EUR 16,174.32 to TAMI for expenses incurred regarding freight, warehousing, transport etc. On the whole a total of EUR 105,000 was claimed from TAMI and the latter has, in August 2008 officially agreed to refund the amount claimed.

In that respect, I am tabling the '*Proposition D'accord*' between STC and TAMI. In 2008, there was no stock of butter beans in bad state, imported by STC.

LE MORNE – SMALL PLEASURE CRAFTS – OPERATORS

(No. B/396) Mrs D. Perrier (Fourth Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he is aware of the difficulties being faced by the small pleasure crafts operators operating at Le Morne, and, if so, will he state the reasons therefor, indicating the remedial measures that will be taken.

(Withdrawn)

PARA STATAL AND GOVERNMENT OWNED COMPANIES – OFFICIAL CARS - POLICY

(No. B/397) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the para statal and Government owned companies, he will consider the advisability of issuing new policy guidelines in respect of –

- (a) the renewal of the official cars for the Chairpersons and the Chief Executives, and
- (b) the streamlining of expenses.

Reply: As the House is aware, the PRB Report 2008 has already made recommendations in respect of officers in the Public Service including those of the Parastatals and other Statutory Bodies, Local Authorities and the Rodrigues Regional Assembly regarding eligibility criteria and renewal of official/ chauffeur driven/ self-driven cars.

The renewal period for official cars is five years, except for Judges and officers of that level and above which is to be looked into by the High Powered Committee, as recommended by the PRB.

In so far as those organizations, which are not covered by the PRB, including government owned entities, where the Chairpersons and the Chief Executives are provided with official car facilities, they generally follow the guidelines set the PRB.

As far as part (b) of the question is concerned, I wish to inform the House, Government has embarked on a public enterprises reform programme. In this respect, Sector Working Groups have been established to drive the public enterprises reform programme under the leadership of the line Ministries for the selected public enterprises in the respective sectors. The main objectives of the sector working groups are to formulate a five year phased action plan for reforms for each selected public enterprise and propose a set of Key Performance Indicators (KPIs) and monitor their implementation.

Parallel to the work of the sector working groups, my Ministry is also working on the generic reforms which will impact on all parastatal bodies in respect of issues such as corporate governance, accountability, setting up of KPIs, and the development of a harmonised system of reporting by all public enterprises. The 14 critical parastatals which re-concerned by this programme have already developed a Cost Reduction Plan for the next 12 months that is being implemented. Some savings have already been achieved and some bodies.

In so far as Government owned organizations are concerned they are also required to establish their respective KPIs and adopt a strategy to reduce/eliminate wastages.

RODRIGUES – LOW COST HOUSES

(No. B/398) Mr C. Leopold (Third Member for Rodrigues) asked the Minister of Housing and Lands whether, in regard to the low income families living in Rodrigues, he will state if Government proposes to build low cost houses therefor, and, if so, indicate the –

- (a) number thereof, and
- (b) time frame and, if not, why not.

Reply: (The Minister of Local Government, Rodrigues and Outer Islands) I wish to inform the House that building of low cost houses for low-income families living in Rodrigues has always been the policy of this Government.

I am informed by the Rodrigues Regional Assembly that in line with this policy two (2) housing schemes for the low income and vulnerable segment of the population as follows:

- (i) Elderly Scheme whereby corrugated iron sheet, wooden poles and battens are allocated to the elderly (above 60 years old) and to families of the

vulnerable group. 86 housing units have been allocated under the current financial year; and

- (ii) Low Cost (self help) housing scheme whereby construction materials (concrete blocks, aggregates, cement) are granted to low-income families for the construction of a concrete house on a self-help basis.

The House may wish to note that since August 2006 as at date, 163 families have benefited from the above scheme. However, for the coming financial year, this scheme shall not be continued due to financial constraints.

VUILLEMIN – DRAINS

(No. B/399) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Environment and National Development Unit whether he will state if Government will consider re-opening/constructing drains –

- (a) opposite the Vuillemin Government School, and
- (b) in Cité Vuillemin.

Reply: I shall shortly request the Consultant of the National Development Unit, Luxconsult (Mtius) Ltd to conduct a site visit at the Vuillemin Government School and Cité Vuillemin and to make appropriate recommendations.

AUDI ROAD, FERRARI ROAD, VAUXHALL ROAD, DAIRY ROAD AND TAFAZUL ROAD, ST PIERRE - RESURFACING

(No. B/400) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether he will state if Government will consider resurfacing the Audi Road, Ferrari Road, Vauxhall Road, Dairy Road and the Tafazul Road, at St Pierre.

Reply: I shall request NDU consultant Luxconsult (Mtius) Ltd to make site visit and submit its recommendation.

TERRE ROUGE-VERDUN HIGHWAY PROJECT – TENDER

(No.B/401) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the Terre Rouge-Verdun Highway Project, he will state where matters stand, indicating if Government –

- (a) will consider a retendering exercise in relation thereto and, if not, why not, and
- (b) has taken cognizance of the estimated cost of the project submitted by the Road Development Authority.

Reply: Following instructions from the Supreme Court, the Central Procurement Board carried negotiations with Beijing Construction Engineering Group Co. Ltd, the lowest responsive bidder and recommended the Road Development Authority (RDA) to award the contract to Beijing Construction Engineering Co Ltd for the sum of Rs2,528,506,494.85 inclusive of VAT.

As the project was estimated at Rs2,074,724,000 by BCEOM, at its meeting held on Friday 17 April 2009, the RDA Board gave its approval for the Central Procurement Board to renegotiate the tender on the following conditions -

- (i) Beijing Construction Engineering Co. Ltd undertakes to implement the project for an amount NOT exceeding Rs2 billion, including VAT, and
- (ii) Should the lowest evaluation bidder decline the offer to implement the project for an amount of Rs2 billion (inclusive of VAT), the same terms and conditions should be offered to the next bidder from among the remaining valid bidders. Retendering will be considered if none of the valid bidders accepts the offer of Rs 2billion.

HEALTH CARE ASSISTANTS – RECRUITMENT

(No. B/402) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Health and Quality of Life whether he will state if Health Care Assistants have recently been recruited and, if so, table a list thereof.

(Vide reply to PQ No. B/369)

HOSPITAL SERVANTS – RECRUITMENT

(No. B/403) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Health and Quality of Life whether he will state if Hospital Servants have recently been recruited and, if so, table a list thereof.

(Vide reply to PQ No. B/369)

HOSPITAL SERVANTS/HOSPITAL MAIDS - RECRUITMENT

(No. B/404) Mrs D. Perrier (Fourth Member for Savanne & Black River) asked the Minister of Health and Quality of Life whether, in regard to Hospital Servants and Hospital Maids, he will state the names and addresses of those recruited since January 2009 to date, indicating their respective posting.

(Vide reply to PQ No. B/369)

BERJAYA HOTEL – TAXI DRIVERS

(No. B/405) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the taxi drivers who were previously operating at the Berjaya Hotel, he will state if Government proposes to allow them to operate temporarily at the neighbouring hotels.

Reply: I am informed by the National Transport Authority that 20 taxis are licensed to operate from Berjaya Hotel, Le Morne. The Hotel closed down for renovation on 01 May 2007 and was expected to resume operation in early 2008. However, this has not been the case.

In line with its policy, when hotels are being renovated, the National Transport Authority authorised these taxis to operate temporarily from their residential address. In this connection, on 16 May 2007, the 20 taxi owners were accordingly informed. To date, only two of these taxi owners have varied their licences. The others informed the National Transport Authority, on 30 June 2007, that they would retain their authorised base of operation, that is, the Berjaya Hotel, as they were able to earn their living by conveying guests spending their holidays in nearby bungalows.

Government does not propose to allow them to operate temporarily in front of the neighbouring hotels because taxis have already been licensed to operate from these hotels.

SIR ABDOOL RAZACK MOHAMED STREET, PORT LOUIS – PEDESTRIAN CROSSINGS

(No. B/406) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the Sir Abdool Razack Mohamed street, Port Louis, he will state if a study in relation thereto highlighted the need for pedestrian crossings to be put up along the said road and, if so, will he state the actions that will be taken, indicating when.

Reply: In reply to PQ No. A/22 in November last year, I informed the House of the situation along Sir Abdool Razack Mohamed street which is a classified road. It starts at the junction with Military Road and ends at Khadafi Square. It is about 900m long. The road is a very densely built-up one with a mix of commercial and residential buildings, but commercial buildings are predominant. There are footpaths on both sides of the road.

Pedestrian crossings have been set up at four positions on Sir Abdool Razack Mohamed street, at locations that have been purposely identified and where these road safety measures are safe for pedestrian and other road users. On certain sections of the road, pedestrian crossing cannot be set up because of the road geometry and other factors such as the presence of bus stops, which cannot be removed or relocated.

Recent site observations do not indicate that there is need for additional pedestrian crossings. However, the vehicular and pedestrian movement along this road will be continuously monitored. Should the need arise, provision of additional pedestrian crossings will be envisaged or other appropriate measures will be implemented.

DESPEROUX STREET, CITÉ ROCHE BOIS - ROAD HUMPS

(No. B/407) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure, Land Transport & Shipping whether he will state if he will consider the advisability of setting up road humps along the Desperoux street, Cité Roche Bois.

Reply: The House would recall that, on 25 July 2006, the then hon. Deputy Prime Minister and Minister of Public Infrastructure, Land Transport and Shipping made a declaration on the policy concerning the construction of humps. It was stated that, "amongst others", the Traffic Management and Road Safety Unit, my Ministry carried out a survey before any recommendation is made for the installation of road humps. The TMRSU usually proposes other infrastructural measures to improve road safety and it is only, when it is inescapable that a road hump is installed.

As far as the setting up of road humps along Desperoux street, Cité Roche Bois, is concerned, from site surveys and observations, it has been found that it is not advisable to do so.

CITE OUVRIERE, BEAU BOIS - STREET LANTERN

(No. B/408) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government, Rodrigues & Outer Islands whether, he will, for the benefit of the House, obtain from the Moka/Flacq District Council, information as to if consideration will be given for the installation of a street lantern at Cité Ouvrière, Beau Bois, near the residence of Mr P.

Reply: I am informed by the Moka/Flacq District Council that since no electric pole and conductors are available near the residence of Mr. Peerbux, a street lantern cannot be installed. However, the Council has indicated that it is prepared to consider the possibility of providing a street lantern near the residence of Mr. Peerbux at Cité Ouvrière, Beau Bois.

NICOLAY ROAD, PORT LOUIS - BUS STOP AND PUBLIC TOILETS

(No. B/409) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government, Rodrigues & Outer Islands whether he is aware of the bad state of the bus stop and public toilets at the Nicolay Road, Port Louis, in front of the Taxi Stand and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the remedial measures that will be taken.

Reply: I am informed by the Ministry of Public Infrastructure, Land Transport & Shipping that the bus stop sign post which has been removed illegally, has already been replaced.

As regards the public toilets, I am informed by the Municipality of Port Louis that they are properly maintained and cleaned by the Contractor ND Kleen Co. Ltd. to its satisfaction.