

MAURITIUS FOURTH NATIONAL ASSEMBLY

FIRST SESSION

Debate No. 18 of 2009

Sitting of Tuesday 16 June 2009

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

The National Anthem was played

(Mr Speaker in the Chair)

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MAURITIUS

Fourth National Assembly

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PAPERS LAID

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

A. Office of the President -

The 35th Annual Report of the Ombudsman for period January to December 2008 (*In original*).

B. Prime Minister's Office -

Certificate of Urgency in respect of The DNA Identification Bill (No. XII of 2009).

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

(a) The Merchant Shipping (Ships' General Practitioners) Regulations 2009 (Government Notice No. 57 of 2009).

- (b) The Merchant Shipping (Fees) Regulations 2009 (Government Notice No. 58 of 2009).
- (c) The Road Traffic (Crop Season) Regulations 2009 (Government Notice No. 59 of 2009).

D. Minister of Industry, Science and Research -

The Annual Report 2005-2006 of the Mauritius Research Council.

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

The Rodrigues Regional Assembly (Allowance and Privileges) (Amendment of Schedule) Regulations 2008 Government Notice (Rodrigues Regional Assembly) (No. 3 of 2009).

F. Ministry of Social Security, National Solidarity and Senior Citizens Welfare and Reforms Institutions -

- (a) The Report of the Director of Audit on the Financial Statements on the Special Fund for the Welfare of the Elderly for the year ended 30 June 2008 (*In original*).
- (b) The Social Aid (Amendment No. 2) Regulations 2009 (Government Notice No. 56 of 2009).

G. Ministry of Health and Quality of Life -

The Public Health (Restrictions on Tobacco Products) (Amendment) Regulations 2009 (Government Notice No. 50 of 2009).

H. Ministry of Consumer Protection and Citizens Charter -

- (a) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 4) Regulations 2009 (Government Notice No. 53 of 2009).
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 11) Regulations 2009 (Government Notice No. 54 of 2009).
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 12) Regulations 2009 (Government Notice No. 55 of 2009).
- (d) The Consumer Protection (Control of Imports) (Amendment) Regulations 2009 (Government Notice No. 51 of 2009).

ORAL ANSWERS TO QUESTIONS

RODRIGUES - AIR TICKETS, FISHERMEN, ADDITIONAL STIMULUS PACKAGE

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to Rodrigues, he will state –

- (a) where matters stand in respect of the request for the –
 - (i) suspension of fuel tax on air tickets, and
 - (ii) release of Rs10 m. to encourage registered fishermen to shift to other activities;
- (b) why the Rodrigues Regional Assembly has been sidelined in respect of the Additional Stimulus Package for Rodrigues;
- (c) if Solit-Air will be allowed to operate, and
- (d) the number of times he has visited Rodrigues in his capacity as Prime Minister and if he proposes to visit the island in the near future.

The Prime Minister: Mr Speaker, Sir, with regard to part (a) of the question, we are giving a boost to the tourism industry in Rodrigues by suspending the travel tax to Rodrigues until December 2010 and Government will make up the shortfall of Rs10 m. to Airport of Rodrigues. This was mentioned in the Budget Speech, I believe. Thus, there are no more taxes on travel to Rodrigues.

I am advised, however, that Air Mauritius applies a fuel surcharge on air fares from Mauritius to Rodrigues and vice-versa in order to recover the costs of fuel on the route. This is, Mr Speaker, Sir, an international practice and Air Mauritius follows the same practice on all its destinations.

I am further advised that Air Mauritius has posted losses on the route for the last five years totalling Rs152.9 m. which it has absorbed as part of its solidarity with Rodrigues.

Thus, the House may wish to note that this route is already, therefore, subsidized heavily. It is also to be noted that my Government allowed a second operator on the route in 2005, but the latter stopped its operations apparently due to heavy losses incurred on the route.

I am also advised that Air Mauritius operates, at least, one daily flight to Rodrigues and up to five frequencies during peak periods, that is, during school holidays.

Mr Speaker, Sir, as regards parts (a) (ii) and (b) of the question, I am informed that the Additional Stimulus Package announced in December 2008 and the recent budget measures to broaden and deepen the package have been designed to cover the whole nation. Indeed, both programmes paid specific attention to the needs of different regions, including Rodrigues. As

part of the support to local Government, Rodrigues received the same Rs50 m. as other parts of the country.

Rodrigues, Mr Speaker, Sir, is one of the regions of the Republic that has been worst affected by this unprecedented recession. We have, however, been proactively supporting the development of Rodrigues before the crisis actually hit. This has allowed us to develop the institutional framework in Rodrigues for national institutions to respond rapidly and effectively at this difficult juncture.

With the recent extension in the Budget of the Mauritius Transitional Support Mechanism to all sectors and with the development of new instruments, *via* the Saving Jobs and Recovery Fund, we are now able to deploy a range of interventions to save jobs, protect people and prepare for recovery in Rodrigues as we do for other parts of the nation.

The same national institutions and instruments are being deployed in Rodrigues as in other parts of the country. However, we also look to close collaboration with the Rodrigues Regional Assembly (RRA) to move matters forward quickly. However, national institutions with the required expertise will need to be in the forefront of delivery if we are to rapidly provide relief to Rodrigues.

Where appropriate, Mr Speaker, Sir, as for example with the Rs50 m. of additional public infrastructure, the RRA has been provided resources under the Additional Stimulus Package to implement those projects. In addition, we are providing Rs22 m. of funding to expand the road network at Citron Donis and to upgrade Baie Topaze.

Similarly, Rs187 m. has been earmarked under the Food Security Fund for Rodrigues which will be disbursed through the RRA. Projects planned for implementation through December 2009 include tracked roads, rehabilitation of drains, fencing to protect farms and purchase of various agricultural equipment and instruments.

Elsewhere, we have always sought close collaboration with the RRA to empower our fellow citizens in Rodrigues to help them help themselves. For example, as far back as the formulation of the 2008/09 Budget, at the Estimates Committee it was agreed that the National Empowerment Foundation would co-finance with the RRA a programme to empower fishermen to allow them to increase their income whilst giving up their fishing cards.

In the dialogue which subsequently evolved between the RRA and Central Government, we have stood up for the rights of the fishermen to be empowered to engage in new activities such as octopus harvesting, fish farming, crop cultivation, animal rearing and other activities other than fishing. The Empowerment Programme will help the fishermen *via* its various schemes to get employment or to become self-employed. The target, Mr Speaker, Sir, is to identify activity that can generate, at least, Rs8,000 a month to allow the fishermen and their families to live above the poverty line.

It may be noted that following the survey carried out by the Empowerment Programme in March of last year some 996 fishermen expressed their interest to join other activities other than

fishering. In this context, in May 2008, the Empowerment Programme developed a Special Scheme for fishermen willing to cease fishing in the lagoon. The scheme provides for a soft loan of up to Rs150,000 through Cooperative Credit Union per beneficiary, repayable over seven years plus one year moratorium at an interest rate of 6.5% per annum. In addition, the beneficiaries will receive technical assistance and monitoring support and training from professionals of National Empowerment Foundation. Moreover, Rs100 m. has already been transferred to the DBM for onward transmission to Cooperative Credit Union for disbursement of projects. The Empowerment Programme Office at Rodrigues which has been operational by the end of July 2008 has already received some 100 projects.

Unfortunately, Mr Speaker, Sir, we have been unable to move forward and release the funding provided in the Budget because the RRA has turned down several offers to find a compromise formula that would empower fishermen and allow them to move to gainful employment that would provide an income above the poverty line. Instead, the RRA has sought legal action for release of the money to be used as a one-off grant to the fishermen. We have not supported this stand because it would do little to move the fishermen to sustainable economic activity that would allow them to earn their living and move out of poverty. The matter is currently in front of the Courts and until the outcome is known or the RRA drops the legal action to find a negotiated solution we are unable to make further progress in disbursing the Rs10 m. earmarked to empower fishermen.

The National Empowerment Foundation will coordinate various efforts in Rodrigues as part of its restructuring at national level to be more effective in finding synergies between the Empowerment Programme, the Decentralised Co-operation Programme and the Trust Fund and Eradication of Absolute Poverty Programme. Indeed, it is working the same way as in the rest of the Republic via a dedicated Programme Executive Committee for Rodrigues. Civil Society from Rodrigues will be represented together with the Rodrigues Regional Assembly.

The Budget has earmarked Rs100 m. to the National Empowerment Foundation for a stimulus package for Rodrigues from the Saving Jobs and Recovery Fund and the Food Security Fund. In addition, the Decentralised Cooperation Programme has supported micro projects in the fields of irrigation, livestock management, reforestation, and agricultural and agro-industrial production. Efforts will be strengthened over the next 18 months. The Trust Fund has disbursed a sum of Rs6.4 m. for 1,350 beneficiaries in Rodrigues for the financing of community-based projects namely provision of water tanks for rain harvesting, distribution of school materials to children and construction of housing units. These programmes will continue in coordination with the other schemes now being regrouped under the National Empowerment Foundation.

Mr Speaker, Sir, the extension of the DBM scheme to facilitate settlement of arrears for another year will also apply to businesses in Rodrigues.

Rodrigues will also benefit from the same scheme for growing onions and the scheme for the breeding of goats will also be extended to small breeders in Rodrigues.

We are undertaking a review with the assistance of the *Agence Française de Développement* to improve water supply including an assessment of desalination options which is jointly being undertaken with the Rodrigues Regional Assembly.

The MID Fund is also financing a wind farm project for electricity generation.

With regard to part (c) of the question, I am informed that, in a letter dated 31 March 2009, Solit Aviation Ltd, a company recently incorporated in Rodrigues, apprised my colleague, the hon. Vice-Prime Minister and Minister of Tourism, Leisure and External Communications, of the proposal to operate scheduled air services on the domestic route and, subsequently, between Rodrigues and Réunion Island, using a British Aerospace 146-100 type aircraft which has an 80-seat capacity.

In the same letter, Solit Aviation Ltd has also stated that the company would submit its project profile in the near future. On 14 April 2009, a feasibility study was, in fact, submitted to my colleague, the hon. Vice-Prime Minister and Minister of Tourism, Leisure and External Communications. The report was assessed by the Department of Civil Aviation and, in a letter dated 08 June 2009, the Director of Civil Aviation has advised the promoter the following –

- (1) the proposal does not clearly define who will be the post holder for the flight operations matters;
- (2) the post holder for the maintenance is not mentioned;
- (3) there is no indication concerning the training of the flight crew;
- (4) the study does not provide information as to whether the aircraft will be registered in Mauritius or dry leased or wet leased, and
- (5) no details on control and ownership are provided.

Mr Speaker, Sir, I wish to stress that as of now, apart from Solit Aviation Ltd, there are two other companies that have expressed their interest to operate scheduled air services on the Rodrigues route. In the context of the avowed policy regarding air transport liberalisation, my Government will certainly welcome healthy competition on the domestic route which can only be in the interest of the travelling passenger, in general, and also of the Rodriguan population, in particular.

Such a competition will no doubt give an added dimension to our ongoing and sustained efforts to promote the Rodrigues destination.

Any policy decision to designate a second operator on the Rodrigues route will have to *per force* take into consideration the technical and legal requirements laid down in the Civil Aviation legislations as well as such other conditions as may be prescribed by the Director of Civil Aviation.

Mr Speaker, Sir, I am further informed that consultations between the Department of Civil Aviation and Solit Aviation Ltd are still ongoing at this stage.

In respect of part (d) of the question, in my capacity as Prime Minister, I have visited Rodrigues on two occasions.

Yes, I propose to visit the island in the near future provided I find the time. I suppose when Parliament goes on recess I might find time.

I wish to point out, however, Mr Speaker, Sir, that several Ministers of my Government visit Rodrigues on a regular basis.

I have been in regular contact with the Chief Commissioner of the Rodrigues Regional Assembly and the Minority Leader, and I have met them on several occasions to discuss issues relating to the development of Rodrigues.

I would like here, Mr Speaker, Sir, to reiterate what I said recently in the House during the debates on the budget.

My Government is fully conscious of the difficulties that Rodrigues is facing in the aftermath of the current unprecedented economic crisis and we will stand by them during these hard times.

My Government stands for all the citizens of the Republic of Mauritius and our mission is to make sure that each and everyone of them gets the opportunities to live up to his or her God-given potential.

Mr Bérenger: Mr Speaker, Sir, in his Budget Speech on 22 May, the Minister of Finance had said that the economy of Rodrigues is most severely hit by the ongoing international financial and economic crisis and the Prime Minister today has said, for his part, that Rodrigues is the worst affected region of the Republic. Can I ask him whether he is aware how dramatic the situation is, that hotel occupancy in Rodrigues has dropped to lower than 20%, especially the big hotels? This is having a terrible impact on the whole economy. Is he totally aware of the dramatic situation in Rodrigues?

The Prime Minister: Yes, Mr Speaker, Sir, I am aware, like in Mauritius also there has been a drop, of course, more dramatically in Rodrigues from the figures I have got. I don't know whether the policy being followed is the right policy at the moment. I should say, Mr Speaker, Sir, that the policy of tourism in Rodrigues is decided by the Rodrigues Regional Assembly. Nothing is decided from the Ministry of Tourism here. In fact, I should say that the previous Government, with the MTPA I think, gave Rs700,000 in the last year they were in Government. When we came in Government, Mr Speaker, Sir, we increased that figure from Rs700,000 to Rs2 m. Now, we have increased the recent figure to Rs6 m., but the policy for tourism, that is, the kind of tourists, what land they will give to what people, to what hotel - all these things are decided by the Rodrigues Regional Assembly, but, of course, we are always ready to help. If they ask for advice, we will certainly do that.

Mr Bérenger: Being given that whatever words the hon. Prime Minister and I use, we seem to agree that the situation is dramatic. In such a dramatic situation, won't the hon. Prime

Minister agree with me that this concession on the travel tax which, I understand, brings down the plane ticket by a mere Rs150 whereas the request for suspension of the fuel tax, by whatever name you call, would allow the plane ticket between Mauritius and Rodrigues to be brought by slightly more than Rs3,000? Won't the hon. Prime Minister agree with me that what has been offered, that is, the concession on the travel tax, is *dératoire* being given the impact of the crisis on the tourism sector and the whole economy and, therefore, much more should be done urgently.

The Prime Minister: I did say, Mr Speaker, Sir, that Air Mauritius has posted losses for the last five years totalling Rs152.9 m. which it hasn't passed on. It has absorbed this as part of its solidarity towards Rodrigues. I should also add, Mr Speaker, Sir - perhaps I should have said it - that apart from what I said, the AML also has waived all the landing charges for Rodrigues flight, which comes to around Rs10 m. per year. The Cargo Handling Corporation too subsidises freight to Rodrigues. This is to the cost of around Rs20 m., but whether they can actually drop the airfare more, I should...

(Interruptions)

That's what I said! They are already losing money. I should also say, Mr Speaker, Sir, this is done because of.....

(Interruptions)

I should also say Mr Speaker, Sir, the fuel surcharge - which I mentioned - is done because fuel has gone up, but hopefully the price of oil will go down. This actually is removed when it goes down because it is heavily subsidised otherwise the losses will be even more for Air Mauritius. As I mentioned another company has also ceased its operation because of the losses incurred on that route.

Mr Bérenger: When the Prime Minister comes back on the losses that Air Mauritius says it is making on the Rodrigues route, he ventures to say that Catovair stopped before because it was making losses. This is not the occasion to open a debate on that, but that is wrong. They were possibly losing, but they stopped because at the heart of their project was the Agaléga project, right on the heart. When that was stopped they could not keep on losing money on Rodrigues. Is the Prime Minister not aware that he is contradicting himself? On the one hand, he is saying that Air Mauritius is losing money, he cannot make any further effort and on the other hand, he tells us that, apart from Solit-Air, two other companies have made a request.

The Prime Minister: Very often, unfortunately, it is like this, if you ask people. Do you know how many people apply to have filling stations? All of them are making losses, but they still apply. They think that they can make profit, good for them; they would try, if they make losses, bad for them, but Catovair ...

(Interruptions)

They are making losses actually! That is the situation! Some people think that it is a cash cow, so to speak, Mr Speaker, Sir, and they can make profit. As for Catovair, I should say, this is not related to the Agaléga project. There are only 300 people in Agaléga. How would they have made profits on that?

(Interruptions)

They would not have made! And, in fact, they made heavy losses on the Rodrigues, but this is another debate.

Mr Bérenger: Mr Speaker, Sir, as far as the Rs10 m. which the Rodrigues Regional Assembly has requested to be allowed to spend from its own budget within the terms of the autonomy legislation to encourage fishermen to move to other parts of the economy, to other activities, what is being proposed now is loans of up to Rs150,000 through the National Empowerment Fund, which is something completely different. Will not the hon. Prime Minister agree with me, when you look at the legislation voted by this Assembly setting up the Rodrigues Regional Assembly, it is absolutely clear that the responsibility for the fisheries sector and, particularly, for the protection of the lagoons in Rodrigues, rests with the Rodrigues Regional Assembly? Does the hon. Prime Minister dispute that? I mean the schedule is clear, the law is clear, and if that is the case, they should be allowed to do what they decide, even mistakes if it is a mistake, but they have been granted by law genuine autonomy. Does not the Prime Minister agree with me that this is violating the spirit and the wording of autonomy legislation?

The Prime Minister: Mr Speaker, Sir, first of all, let me say that I did meet, when this issue was raised, the Chief Commissioner and I did tell him that we want to ensure that Rodrigues has all the facilities that we can, but within the procedures that are laid down. In fact, discussions were started with the Ministry of Finance of the time and it looked as if they were going to go for a compromise. What we want to ensure, Mr Speaker, Sir - I heard the hon. Leader of The Opposition say: even if there are mistakes – is, as far as possible, to avoid mistakes, but within the law. Now they put the case in front of the Court, there is a different interpretation from the Ministry of Finance about whether they can actually do this grant like this or whether we can have some control to see that this money is not wasted, is not given to the wrong people, and also to ensure that we protect the lagoons in the region of Rodrigues. Whatever in fact, the court decides - what they will decide we don't know - we are still proposing that the Chief Commissioner that maybe he should drop the case and try to find a solution so that we can disburse that money. I thought myself, I must say, that there was nearly a compromise reached, but I don't know what happened during the discussions.

Mr Bérenger: In my question Mr Speaker, Sir, I have heard that in the last Budget presented by the hon. Minister of Finance, the Rodrigues Regional Assembly was sidelined and, when he replied, the hon. Prime Minister tended to say the opposite. Is he aware of the following and does he not consider that this is true that the Regional Assembly of Rodrigues has been sidelined? In the Budget Speech reference is made all over the place to be Empowerment Foundation, not once - you will remember in the first Budget he forgot Rodrigues completely, and in this one he forgot any mention to the Rodrigues Regional Assembly. This Stimulus Package over Rs100 m. in Rodrigues is to be administered by the Empowerment Foundation.

The Rodrigues Regional Assembly has nothing to do with the implementation he spells out in the Budget Speech. What's more, we give autonomy to Rodrigues and it is the Ministry of Finance who chooses which road is going to be rehabilitated. I could not believe my eyes. We are providing Rs20 m. funding to expand the road network at Citron Denis and upgrade at Bay Topaze. Well, if that is not in violation of autonomy, what is? They can't even choose which and finally the solution to the water problems and even re-assessing of the desalination options is done outside the scope of the Rodrigues Regional Assembly, at least, they should be fully on board.

The Prime Minister: Mr Speaker, Sir, I must say to the hon. Leader of the Opposition that all of this was discussed with the Chief Commissioner and with the assistance of the Rodrigues Regional Assembly. When he mentioned these two roads it was precisely because this had been discussed and he mentioned them by name in his Speech, Mr Speaker, Sir. There also, I should say, for the Rs100 m. for example, I did mention that it has already been transferred to the DBM for onward transmission to the Cooperative Credit Union, but concerning the Empowerment Programme, there is an office in Rodrigues itself which is operational by the Rodrigues Regional Assembly. They look at it and discuss it. This is how matters are proceeding. Everything is discussed even for the water supply. As the hon. Vice-Prime Minister and Minister of Finance mentioned it in his Speech; it was after discussion with the Chief Commissioner.

Mr Bérenger: It was so easy to say so. Why not mention the Rodrigues Regional Assembly once? There is not any reference in the whole Speech, giving the impression, therefore, that they are sidelined completely; out of due respect, he should have said that. Before I can move to the new airline companies that are seeking to operate on the loss-making route in Mauritius and Rodrigues, the so-called loss-making routes, can we have the name of the two other companies that have applied for permission to operate and do we have the name of the South African partner of Solit-Air?

The Prime Minister: *Au fait*, I don't have the names of the two other companies that have applied and also I do not know who is the South African partner, but this information can be given to the hon. Leader of the Opposition.

Mr Bérenger: Can we move to the last part of my question? I heard the hon. Prime Minister say yes, he will go to Rodrigues in the near future and then he linked that up to the forthcoming recess of Parliament. Can I appeal to him and will he agree with me that the situation is such in Rodrigues that he should find time over a week-end to fly over there and send us a strong signal by starting genuine dialogue with the Regional Assembly, the Opposition, the trade unions, everybody. The mood is bad in Rodrigues and there is an urgent need to send a strong signal as soon as possible which, I believe, only the presence of the Prime Minister can send.

The Prime Minister: I must say that there is dialogue with both the Chief Commissioner and the Leader of the Opposition in Rodrigues. In fact, I have told them that, every time they come - sometimes they come for one day and then leave - to make it a point to meet me. I must say that both of them not only meet me, but give me details of what they are doing. They have criticisms of each other, as here, but we take them on board. I do meet them. When I have time, I

will go, Mr Speaker, Sir. The hon. Leader of the Opposition, himself, when he was Prime Minister, went only once; he did not have time.

(Interruptions)

Mr Speaker: Last question! I will give it to hon. Lesjongard, and then back to the Leader of the Opposition. I am sorry, time is over!

Mr Lesjongard: Thank you, Mr Speaker, Sir. The legislation governing the RRA makes provision for the Chief Commissioner to attend Cabinet meeting in Mauritius, whenever the Government deems it fit. May I ask the hon. Prime Minister whether the Chief Commissioner has attended any Cabinet session, especially to express the views that he had made public lately?

The Prime Minister: As far as I know, Mr Speaker, Sir, this has not happened, even during the previous Government's time.

(Interruptions)

There was no need? We will see if the need arises. We are discussing. As I said, let us not get into that impression. I know that there are some people who are stirring trouble in Rodrigues, and we are following it very carefully; we know what is happening. I think they are misguided in what they are doing, and I hope they realise that they are misguided. We want to work together with Rodrigues, as I said just now for the airlines, even though they might make losses. These are private companies and, if they end up making losses, I think that is their problem; we do not want to interfere. I know that my colleague, the Vice-Prime Minister and Minister of Tourism, has had two additional demands from Solit-Air, which is also still negotiating. They have not cleared a few things. We welcome competition and more routes in Rodrigues. We are subsidising the routes and we are doing what we can, Mr Speaker, Sir. We will take on board whatever the Chief Commissioner and the Leader of the Opposition say when they meet us.

Mr Bodha: In view of the fact that tourism is one of the most important pillars, can the hon. Prime Minister enlighten the House as regards the fall in the receipts of tourism in the recent months?

Secondly, I would like to know whether Rodrigues is still taken care of when there is a promotion of Mauritius in international fairs.

The Prime Minister: As I explained earlier, Mr Speaker, Sir, as far as the policy for tourism in Rodrigues is concerned, it is completely autonomous. They decide on what kind of tourists they want to attract, whether they want to have - as we have done here in Mauritius - mass tourism or not. We are always ready to help. I think it is a mistake to go for mass tourism in Rodrigues, but, at the moment, they believe it is true. They decide, but what we have done, as I explained earlier, is to increase the amount of money for the MTPA to be able to promote Rodrigues abroad.

Mr Von-Mally: Mr Speaker, Sir, can I ask the hon. Prime Minister whether we are contemplating the possibility of more often selling the destination of Mauritius and Rodrigues as a package?

Secondly, being given that the price of tickets to Rodrigues is on the high side, about Rs8000, can I know if we can use the Additional Stimulus Package and the SJR Fund to help with this fuel tax, so that we can lower the price of the ticket?

Mr Speaker: The Prime Minister has answered this question fully!

The Prime Minister: I have answered the question, but let me reply to the first part of the question about promoting Mauritius and Rodrigues together. In fact, I believe this is what is being done now with the MTPA. They are trying to see whether they can promote both. Very often, tourists come to Mauritius and they also go to Rodrigues. We are trying to promote this more. As for the other suggestion, we will look into it.

Mr Speaker: Questions that have been answered cannot be put again. Hon. Spéville, and then the Leader of the Opposition!

Mr Spéville: The hon. Prime Minister stated that, as far as tourism in Rodrigues is concerned, it is the RRA which is responsible. Can I ask the hon. Prime Minister whether he is aware that, about January 2008, the Minister of Tourism went to Rodrigues, and one of the decisions taken was to change the name of airport of Rodrigues, which was one of his ideas to boost tourism here? Will he agree that so far this has an adverse effect on this industry?

The Prime Minister: As far as I know, there is a feasibility study that is being submitted for the extension of the Rodrigues airport.

Mr Bérenger: My last question, Mr Speaker, Sir, will be the following. I made my point that the Prime Minister going to Rodrigues as soon as possible would be sending a strong signal, as is required these days. Will the hon. Prime Minister agree with me that, as in the case of the fisheries sector, Rodrigues, apart from having its Regional Assembly, needs a full-time Minister here in Mauritius? Will he agree with me that this is required, and that this is the proper time to send this signal right now?

(Interruptions)

The Prime Minister: In fact, Mr Speaker, Sir, I don't know whether the hon. Leader of the Opposition gets some information. In fact, this is one of the issues that I have discussed with some colleagues here, namely whether this should not be contemplated later on.

(Interruptions)

This is what I am wondering: whether the hon. Leader of the Opposition's tentacles are growing or whether he is hearing what we are saying. But this is one of the things we are looking at. I am not saying that we are going to do it but this is one of the things that we are looking at.

Mr Speaker: Time is over! Questions addressed to the Dr. the hon. Prime Minister! The Table has been advised that Parliamentary Question B/534 will now be replied by the Attorney General, and Parliamentary Question B/541 addressed to the Vice-Prime Minister and Minister of Finance will be replied by Dr. the hon. Prime Minister.

MBC - EMPLOYEES – BY-ELECTION - OVERTIME

(No. B/525) 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 employees of the Mauritius Broadcasting Corporation, who have worked during the recent by-election in the Constituency No. 8 - Quartier Militaire and Moka, he will, for the benefit of the House, obtain from the Corporation, a list thereof, indicating if they have been remunerated and, if not, why not.

The Prime Minister: Mr Speaker, Sir, I am informed by the Director-General of the Mauritius Broadcasting Corporation that MBC Board has approved the payment of an allowance to all employees of the Corporation who worked during the recent by-election in Constituency No. 8 - Quartier Militaire and Moka.

The allowances paid were based on the rates approved by the Ministry of Civil Service and Administrative Reforms for payment to Public Officers whose services are required during elections by the Electoral Commissioner's Office.

The list of persons who have worked for the by-election is being compiled. I have already impressed upon the MBC the imperative need for the Corporation to immediately redefine its policy regarding extra work and payment of allowances for such extra work as that performed during elections and by-elections, this with a view to better adhering to the principles of transparency and accountability, and for optimum utilisation of human and financial resources, without an iota of wastage of such resources.

Mr Jhugroo: Is the hon. Prime Minister aware that, in the list submitted to the Chairman for payment of overtime to the employees of the MBC, appear the names of persons who are abroad?

The Prime Minister: No, I am not aware of that. If that is the case, this will have consequences. In fact, there were some articles in a paper - I cannot remember which one - and this was double-checked. Apparently this is not true, but I will recheck it.

Mr Gunness: Can I ask the hon. Prime Minister whether he is aware that, in the same list which was submitted to the Chairman, even the Director-General claimed for overtime? Can the Prime Minister state also whether some of the overtimes amounted even up to Rs50,000?

The Prime Minister: I am not aware that it is Rs50,000, Mr Speaker, Sir. I am aware that the allowances range from Rs950 to Rs24,250.

MBC - DIRECTOR-GENERAL - OFFICIAL CAR

(No. B/526) 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 official car put at the disposal of the Director-General of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to

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- (a) the mileage as at to date, and
- (b) the total cost of repairs
- (i) following breakdowns;
- (ii) for regular servicing, and
- (iii) following accidents, indicating the number thereof since August 2008 to date.

The Prime Minister: Mr Speaker, Sir, as regards part (a) of the question, I am informed by the Director-General of the Mauritius Broadcasting Corporation that the odometer reading of his official car as at 11 June 2009 was 226,452 km.

Insofar as part (b) of the question is concerned, the Director-General has informed that, as at to date, an amount of Rs490,315 has already been paid for repairs to his official car, following breakdowns. Outstanding claims amounting to Rs364,994 for repairs following breakdowns have yet to be examined prior to payment. In other words, they have not been paid.

A sum of Rs232,7460 has already been disbursed by the Corporation for the regular servicing of the official car. Claims amounting to Rs48,444 have yet to be examined prior to payment.

The Corporation has also paid a sum of Rs50,000 as “Policy Excess”, as everybody else does. They have increased their policy excess; in other words, if they have accidents or whatever. Expenses borne by the insurance company for repairs to the official car following accidents, with the figures that I have mentioned earlier, amount to Rs671,958. The Director-General has also informed that, since August 2008 to date, his official car has not been involved in any accident.

I have already impressed, Mr Speaker, Sir, upon the MBC the need for severe disciplinary action to be taken against all those involved in careless driving, resulting in damages to the official car.

Mr Jhugroo: May I ask the hon. Prime Minister whether it is the same driver who is driving since April 2006?

The Prime Minister: In fact, I did mention that I have already asked – and again - that severe disciplinary action be taken against those involved in careless driving. The driver who had the three accidents - as far as I remember there were five accidents in all - has already been removed and put somewhere else. I hope he is not driving anything. There is another driver.

Mr Bhagwan: Has the attention of the Prime Minister been drawn to the fact that persons who are not entitled to drive this official car had been driving it on several occasions, and even in case of accident? Has he discussed this with the Chairperson? Is it not time for the Prime Minister to, at least, have this Director-General sacked in the public interest? We are paying Rs100. and I think it is in the interest of the nation.

The Prime Minister: I have no information that somebody who is not supposed to drive the car has driven it.

Mr Dowarkasing: Mr Speaker, Sir, following the reply the hon. Prime Minister gave to part (a) of the question, namely that the car has covered about 226,452 km, which makes roughly 300,000 km per day, does he find it normal for a car to...

Mr Speaker: That is a matter of opinion, which is not allowed. Hon. Guimbeau!

Mr Guimbeau: M. le président, vu le nombre de scandales autour de la MBC, ne serait-il pas temps pour le Premier ministre de faire démissionner le directeur général et le président?

Mr Speaker: The question has been put by hon. Bhagwan and answered. Hon. Gunness!

Mr Gunness: When the Director-General is not in the country, the car is supposed to be locked somewhere. The driver had an accident with the same car when the Director-General was not in the country. Has the hon. Prime Minister checked that?

The Prime Minister: I am not sure whether the car has to be locked when he is not here. There might be certain things that he has to do. I don't think it has to be locked. I am not aware that it has to be locked.

Mr Bhagwan: We are paying this sum of Rs100, which is on the high side, Sir. Can the hon. Prime Minister, at least, request the Chairperson to have the GPS system inserted in the car of the Director-General? At least, we would know where he goes!

Mr Speaker: That technology is not available here.

The Prime Minister: As far as I know, we do not use the GPS system in Mauritius. But...

(Interruptions)

Mr Speaker: Last question, hon. Guimbeau!

Mr Guimbeau: Mr Speaker, Sir, we all agree that a question has been put about sacking, but it has not been answered.

Mr Speaker: As per the Standing Orders, I cannot force the Prime Minister to answer the question. Next question, hon. Bodha!

SEQUESTRATION & CHILD ABDUCTION CASES

(No. B/527) Mr N. Bodha (First Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to kidnapping, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of cases thereof, since July 2005 to date, indicating in each case, if an inquiry has been carried out there into and the outcome thereof.

The Prime Minister: Mr Speaker, Sir, I am advised that the offence of “kidnapping” as such does not exist in our law. However, there is the offence of “sequestration”, which is governed by section 258 of the Criminal Code Act and also the offence of “Abducting Child” under the section 13C of the Child Protection Act 1994.

I am informed by the Commissioner of Police that the number of reported cases of sequestration and child abduction for the period July 2005 to 11 June 2009 is as follows –

July to December 2005	-	7
Year 2006	-	19
Year 2007	-	29
Year 2008	-	34
From January to 04 June 2009	-	18

Out of these cases -

- the accused have either been sentenced or fined in four cases;
- 49 cases have been classified;
- two cases have been dismissed;
- the advice of the Director of Public Prosecutions is awaited in nine cases;
- nine cases are pending before Court, and
- 34 cases are under Police inquiry.

Mr Bodha: Mr Speaker, Sir, we see that there is a growing trend. May I ask the hon. Prime Minister in how many cases minors were involved?

The Prime Minister: In total, out of these cases, 23 minors were involved.

Mr Bérenger: The Prime Minister informed us that the offence of kidnapping does not exist in our law but rather sequestration and another one relating to children. Can we know what are the penalties, and whether he does not feel that the offence of kidnapping should be included, spelt out in our law, and adequate penalties provided?

The Prime Minister: The Act was subsequently amended in 2008, Mr Speaker, Sir. I tend to agree and, in fact, I was asking the question why we did not actually have the offence of kidnapping. There might be a reason, but we will look at that. At the moment, the penalties are: a penal servitude for a term not exceeding 20 years and a fine not exceeding Rs100,000. For children, section 13C provides that any person who abducts a child is, on conviction, liable to a penal servitude for a term not exceeding 12 years. The other one is for kidnapping as such.

Mr Lauthan: Mr Speaker, Sir, does the hon. Prime Minister have any information as to whether there has been any recidivism, that is, the same kidnapper has kidnapped people on several occasions?

The Prime Minister: I am not aware this is the case, Mr Speaker, Sir.

Mr Bodha: Mr Speaker, Sir, in fact, my question was to see whether the hon. Prime Minister could review the law. In view of the fact that we have 23 minors who were involved in the cases, may I ask the hon. Prime Minister whether all the minors were released and whether, in some cases, there was a demand of ransom? I think there is a case which dates back to more than five years, which has not yet been solved so far.

The Prime Minister: I do not have the details about the ransom, Mr Speaker, Sir. But, as I have said, we are waiting for advice from the DPP in nine cases, and there are nine cases, which are already before the court.

DETENTION CENTRES – LOCATION, NUMBER

(No. B/528) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the detention centres, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to their location, indicating in each case, the number of –

- (a) cells available; and
- (b) persons having been kept in detention thereat, over the last five years.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that there are currently three detention centres in use by the Police. They are located at Moka Police Station, Vacoas Police Compound, and the Line Barracks in Port Louis.

There are 18 cells at the Moka Detention Centre, 20 at the Vacoas Detention Centre, and 15 at the Line Barracks Detention Centre.

With regard to part (b) of the question, with your permission, Mr Speaker, Sir, I am tabling the information requested by the hon. Member.

Mr Bodha: There is a total of 53: 18+20+15. May I ask the hon. Prime Minister whether the number of cells is adequate and whether it is envisaged to have new detention centres?

The Prime Minister: This is being looked at as a policy; whether the Commissioner of Police feels there should be a need for new detention centres.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister whether the cells are in conformity with standards established by international norms and the Human Rights Commission?

The Prime Minister: As far as I know, yes, Mr Speaker, Sir.

Mr Jhugroo: May I know from the hon. Prime Minister the number of detention centres in which CCTV cameras have been installed?

The Prime Minister: I do not know. We are putting CCTV cameras first of all in priority areas. They cost a lot of money; we have to train people as well and ensure that they actually work. This is being done gradually.

POLICE OFFICERS – HIGHER DUTIES - ASSIGNMENT

(No. B/529) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Officers who are presently assuming responsibilities in higher grades, he will, for the benefit of the House, obtain from the Commissioner of Police, a list thereof, indicating in each case -

- (a) the respective substantive post and post presently occupied;
- (b) where they are posted, and
- (c) the date on which they have been assigned to the higher grades.

The Prime Minister: Mr Speaker, Sir, as I have stated to the House on several occasions, the Commissioner of Police has operational independence in the management of the Police Force.

I am informed by the Commissioner of Police that four Police Officers posted at the VIPSU have been assigned higher duties as follows -

- one Chief Inspector of Police, with effect from 21 October 2004;
- one Police Sergeant, with effect from 21 October 2004, and
- two more Police Sergeants, with effect from 14 March 2005.

POLICE FORCE - DIVISIONAL SUPPORTING UNIT - FUNCTIONS AND DUTIES

(No. B/530) Mr S. Lauthan (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Divisional Supporting Unit, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) their functions and duties;
- (b) the regions where its offices are located, indicating the number of vehicles attached to each of them, and
- (c) if consideration will be given for an increase in the number of staff and vehicles attached thereto.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that the Divisional Support Unit was set up to provide support to the Divisional Commander for short-term localised needs and for quicker and more effective response. Divisional Commanders are urged to utilise Divisional Support Units to the maximum to enable Police stations to devote more energy and attention to the effective delivery of policing service. Furthermore, with the coming of the Divisional Support Unit, some smaller units were dispensed with in order to avoid duplication of duties.

The functions and duties of the Divisional Support Unit are as follows –

- to act as hawkers squad to take action against illegal hawking;
- to assist in any operation launched by the Divisional Commander or by any other Officer acting on his behalf;
- to act as squad for the execution of warrants;
- patrolling in sensitive and crime prone areas;
- to book all traffic offences including wheel clamping;
- to establish contraventions against violation of the Environmental Protection Act;
- to assist local police in maintaining law and order at the time of public gatherings;
- to carry out stop checks on a regular basis as directed, and
- to assist in beach patrol, especially during weekends and public holidays.

Mr Speaker, Sir, with regard to part (b) of the question, I am also informed that each of the seven Divisional Headquarters have their own Divisional Support Unit. I am tabling details regarding their location and vehicles attached to each Unit.

Insofar as part (c) of the question is concerned, I am given to understand by the Commissioner of Police that presently, the Divisional Support Units are sufficiently staffed and adequately equipped, and that there is no need at this stage for an increase in the resources allocated.

Mr Lauthan: Since the hon. Prime Minister, himself, acknowledged that there is lack of vehicles in many cases, there are still a few Divisional Supporting Units which cover a large catchment area where there is a lack of vehicles. Can I ask the hon. Prime Minister to simply look into it?

The Prime Minister: In fact, all of them have more than one vehicle, except the Moka Sub-Divisional Headquarters. When I say one vehicle, I am talking just about motor vehicles, but they also have one motorcycle which has been added. But, as I said, in my intervention on the Budget Speech, I mentioned that the Police are acquiring more vehicles, precisely to put more vehicles available for whatever stations we need to.

Mr Jhugroo: Can the hon. Prime Minister consider the advisability of increasing additional units of the DSU in the Terre Rouge region in view of the increasing number of larcenies in Le Hochet village?

The Prime Minister: As I said, the operational part of the Police is done by the Commissioner of Police; he decides on the operation of the Police Force. I will pass that information to him.

FOREIGN INVESTORS – PERMANENT RESIDENCE

(No. B/531) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the investors with a business of an annual turnover exceeding Rs15 million over three consecutive years, he will, for the benefit of the House, obtain from the Passport and Immigration Office, information as to the number thereof, since July 2005 to date, who have applied for permanent residence and who have been granted same.

The Prime Minister: Mr Speaker, Sir, the Business Facilitation (Miscellaneous Provisions) Act makes provision for the scheme to allow foreign investors holding an Occupation Permit and generating an annual turnover exceeding Rs15 million over three consecutive years to be eligible for Permanent Residence for a period of ten years. This scheme came into operation on 01 October 2006.

Therefore, investors would qualify to apply for a Permanent Residence of ten years as from 01 October 2009. Therefore, there is no application.

Mrs Hanoomanjee: Mr Speaker, Sir, I understood from the Budget Speech of the Deputy Prime Minister last year that the scheme also applied to those who were there before. Has this been put into application?

The Prime Minister: As I said, the scheme came into operation on 01 October 2006 and, therefore, it is only on 01 October of this year that we will know how many have replied.

RACIAL HATRED – INCITATION CASES

(No. B/532) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to cases of incitation to racial hatred, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, through the use of language and statements, since July 2008 to date.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that since July 2008 to date, three cases of incitation to racial hatred have been reported to the Police.

I would like to refer the hon. Member to the reply I made to PQ No. B/485 on 20 May of last year wherein I indicated that Government was contemplating to strengthen the law regarding the use of abusive language with racist connotation in public gatherings. In fact, Sections 282(1) and 282(2) of the Criminal Code Act were amended in December of last year, whereby the fine for such offence was increased from Rs25,000 to Rs100,000 and the term of imprisonment was also raised from 10 years to 20 years in respect of the offence pertaining to the publication, distribution, broadcast or use of any gesture, word or any matter which is threatening, abusive or insulting.

Furthermore, the penal servitude was increased from two years to four years for the offence of printing, publishing, posting up, distributing, exhibiting or circulating any writing, gesture, word or matter which is threatening, abusive or insulting.

I have said it many times, Mr Speaker, Sir, let me say it again, we will not tolerate any act of incitation to racial hatred which may jeopardize our multi-cultural diversity and social harmony. The law will strictly apply to all those who attempt to harm our social fabric.

Mr Soodhun: The Prime Minister has mentioned three cases. Can I ask him what the outcome of these three cases is?

The Prime Minister: All three are still under investigation. Once this is done, they will be sent to the DPP.

DRUG TRAFFICKING – ARREST

(No. B/533) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to drug trafficking, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of arrests effected in relation to cases thereof, since January 2009 to date in -

- (a) Cité La Cure;
- (b) Ste Croix;
- (c) Cité Briquette;
- (d) Batterie Cassée, and
- (e) Vallée des Prêtres.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that since January 2009 to date five persons have been arrested at Ste Croix in connection with five cases of drug trafficking while three persons have been arrested at Cité Briquette in connection with two cases. No arrest has been effected at Cité La Cure, Batterie Cassée and Vallée des Prêtres.

PQ No. B/534 - See “Written Answers to Questions”

MBC - PURCHASE/HIRE OF FILMS - PROCEDURE

(No. B/535) 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 purchase/hire of films by the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) the procedure laid down therefor;
- (b) how the control on the quality and type of films purchased are exercised, and
- (c) the amount of money spent thereon, since August 2005 to date.

The Prime Minister: Mr Speaker, Sir, with your permission, I will reply to Parliamentary Question No. B/541 along with Parliamentary Question No. B/535 as they relate to the same issue.

I am informed by the Director-General of the Mauritius Broadcasting Corporation that the Corporation does not hire films from suppliers.

The MBC acquires rights for broadcast of films and Television Right Holders.

With regard to part (a) of Parliamentary Question No. B/535, I wish to refer the hon. Member to the reply I made to PQ No. B/199 on 29 April 2007 where I have already outlined the current standard procedures adopted by the Corporation for the purchase of rights for the broadcast of films. These procedures have not changed and are still applying.

Insofar as part (b) of Parliamentary Question No. B/535 is concerned, I am informed by the Director-General of the MBC that selection of films in different languages is made by the Programmes Department on the basis of ratings, quality, category and success at box office, among others. Consideration is also given to viewers' requests which are received at the MBC by e-mail, letters, fax and phone calls.

At the level of the Preview Department of the Corporation, the Quality Control Officers exercise control on the quality of films purchased. Technical problems, if any, concerning the films are reported by the Quality Control Officers to the Transmission Coordinators for remedial action. In case a tape proves to be defective, it is returned to the supplier who is bound by the terms of the contract to replace the defective tape by a new one.

All films purchased by the MBC are viewed by the Board of Film Censors which delivers a visa before a film is declared fit for telecast by the MBC.

Mr Speaker, Sir, with your permission, I am tabling a statement giving the information requested in part (c) of Parliamentary Question No. B/535.

I am informed by the Director-General of the Mauritius Broadcasting Corporation that the MBC Board approves the budget of the Corporation for each financial year. This budget makes provision for the purchase of rights for the broadcast of films.

For the current financial year, the MBC is still within its budgetary ceiling approved by the Board for the purchase of such rights. Therefore, the question of deficit does not arise.

Mr Bhagwan: Il y a eu pas mal d'allégations surtout au niveau interne de la MBC, ce qui se passe, *the rights are acquired and so on*. Would it not be proper, in a matter of transparency and also in the interest of those who pay Rs100, to have a full inquiry being conducted independently by an independent professional, the Management Audit Bureau or any other competent organisation to look into that aspect where the involvement of the Director-General starts, where it ends and at what level, films which were not even completed - *pas encore fini*

tourné - have been purchased and are still lying there at the MBC/TV? This is another case of more than the Hungama Saga.

The Prime Minister: This is what I said, the hon. Member refers to the Rs100 as being excessive. I answered a question in Parliament that there was a request for an increase of that fee which has been turned down. So the hon. Member won't have to pay more. As for the inquiry the hon. Member is asking for, let me get all the information then I will see whether there is need for an inquiry.

Mr Jhugroo: Is the hon. Prime Minister aware that MBC has already purchased films for, at least, three years?

The Prime Minister: If they have purchased in advance so much the better. The hon. Member is saying that there are films that have not come out, that's good!

Mr Jhugroo: Can the hon. Prime Minister inform the House about the total amount of money owed by MBC to date for the purchase of films?

The Prime Minister: I didn't say there was no deficit; they are well within the budget.

Mr Bhagwan: Since, according to my information, there is the mafia operating in that ...

(Interruptions)

Mr Speaker: Please, I am on my feet. I don't think it is correct for the hon. Member to use the word 'mafia'. He can put the question differently.

Mr Bhagwan: ...business implying the Director-General. Can I insist upon the Prime Minister to give the guarantee to the House that an inquiry by an independent person will be carried out?

The Prime Minister: For the same question, I will give the same answer. I will look at the facts, and if need be, I will look into that.

R. S. FASHION LTD. AND R. S. DENIM LTD. - ADDITIONAL STIMULUS PACKAGE

- FINANCIAL ASSISTANCE

(No. B/536) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to R. S. Fashion Ltd. and R. S. Denim Ltd. which have benefited from financial assistance under the Additional Stimulus Package, he will state if he will consider the advisability of appointing a Commission of Inquiry to look into the operation and management of these companies, since their incorporation to date.

The Prime Minister: Mr Speaker, Sir, the House will recall that, in his reply to a PNQ on the Additional Stimulus Package on 28 May of this year, the Vice-Prime Minister and Minister of Finance gave a very detailed explanation regarding the procedure that is followed, and the conditions attached, for the grant of financial assistance to distressed companies under the Additional Stimulus Package. He emphasized the fact that we are not doling out public money to enterprises but we are instead investing responsibly in viable enterprises to save jobs and this is being done after a due diligence exercise that involves a thorough investigation and analysis by independent consultants on the long term viability of the company. The process also involves discussions with the company's bankers as well as the main shareholders. The final decision to extend financial assistance is taken by the Mechanism for Transitional Support to Private Sector Committee, in the light of the findings of the independent consultants and after discussions/negotiations with all stakeholders.

Financial assistance is provided on the condition that the enterprise takes measures to control and minimize costs including salary, benefits and bonuses to management. The independent consultants have also the responsibility to regularly monitor and ensure that the set conditions are being met and the enterprise is taking necessary steps to remain viable. This includes adhering to the agreed cost-cutting plan that involves the measures I have just mentioned. Furthermore, no dividend can be declared until the Government financial assistance has been paid back, that is, the taxpayer's interest is therefore well protected and everything is done in a most transparent manner.

With regard, Mr Speaker, Sir, to R. S. Fashion Ltd, I am informed that an assessment was made of the status of the company during the month of March and early April. In view of the uncertainty on the company's short and medium term order book, it was decided to carry out a regular monitoring during the three months that followed, that is, up to 30 June of this year. The situation of the company is still being monitored on a regular basis to assess its long-term viability. A further review will be carried out in the course of this month and a final decision will then be made. I must point out, Mr Speaker, Sir, that among the 300 workers employed by the company, no one has been laid off.

Insofar as R. S. Denim Ltd is concerned, the Vice-Prime Minister informed the House that an interim Manager has been appointed and that the Board of Directors of the Company has been replaced by a Stakeholders Committee which is managing the business of the company during the funding period as well as coordinating the sale of the businesses. Here again, I must point out that in this company alone, we have saved 325 jobs by the Government assistance through SIC. I also wish to highlight that the Development Bank of Southern Africa (DBSA), which is the main creditor of R. S. Denim Ltd, is a well-known and credible financial institution. It has acted in a diligent and responsible manner for Mauritius. It has agreed with the local shareholders to maintain the jobs and the enterprise as a going concern. We should therefore be careful, Mr Speaker, Sir, in implying that the Development Bank of Southern Africa is irresponsible in not dealing with caution in the case of R. S. Denim Ltd. Besides when the question on the project cost escalation was raised by the hon. Leader of the Opposition, the Vice Prime Minister did inform the House that DBSA is already carrying out an investigation on the reasons thereof.

As I have explained, Mr Speaker, Sir, the Mechanism for Transitional Support for the Private Sector has established very clear procedures for the grant of financial assistance under the Additional Stimulus Package. These procedures have been scrupulously followed in the cases of R. S. Fashion Ltd and R. S. Denim Ltd. Due diligence was exercised before disbursing funds to these two companies and steps have been taken to redress and monitor their financial performance. Everything has been done in a transparent manner and with the involvement of all the parties concerned. I, therefore, do not consider it necessary to appoint a Commission of Inquiry.

Mr Bérenger: Mr Speaker, Sir, the hon. Prime Minister seems to have got the point wrong. The request for a Commission of Inquiry, as the question is put, was concerning the use of public funds: SIC, Development Bank of Mauritius and National Equity Fund and how these public funds have been used since 2005. And the day you poke your nose into that, you will be amazed what took place during that period. Therefore, is he conscious that the request is for a full inquiry and how those public funds were used between 2005 to date?

The Prime Minister: In other words, Mr Speaker, Sir, if I understand the hon. Leader of the Opposition well, he is talking before the stimulus package was even voted, that is, before December 2008. I didn't understand the question that way and I will look into the matter, Mr Speaker, Sir.

Mr Bérenger: I don't think he meant to be nasty, but the hon. Prime Minister could have given the impression that we are targeting the Development Bank of Southern Africa. We are not doing that. Will the hon. Prime Minister agree with me that, as the hon. Vice-Prime Minister and Minister of Finance said, the Development Bank of Southern Africa had already decided to put R. S. Denim into bankruptcy and it is because of an appeal by Government that this did not occur? Therefore, we are not targeting the Development Bank of Southern Africa. We want to know how these public funds were used.

The Prime Minister: It is quite legitimate that the hon. Leader of the Opposition wants to know. I was not suggesting that he was targeting, but I was just saying he has to be careful in case some hon. Members would not know that it is the Development Bank of Southern Africa which is the main creditor of R. S. Denim Limited.

Mr Bhagwan: Can the hon. Prime Minister tell us whether there had been any breach of section 34(c) of the Constitution, which talks about disqualification for membership or Members of the National Assembly? Can I ask the hon. Prime Minister whether that section 34(c), where a Member is a party or a partner in a firm, gets money from Government, whether in that particular case where a Member of Parliament, his son or whoever, has obtained money from public funds whether it is not in contravention with section 34(c) of the Constitution and whether that Member has, following that approval of funds, declared his interest either to the National Assembly, to the Speaker or through the relevant legislation through the Declaration of Assets Act, namely going to ICAC and so on through affidavits.

Mr Speaker: I will have to intervene at this stage. The first part of the question is asking the Prime Minister for a legal opinion which is not allowed for by our Standing Orders. The

second part of the question as to whether the hon. Member has declared his interests with the Speaker, I would request the hon. Member to come and see me, I will give him the information and, therefore, the question is not admissible.

Mr Bhagwan: I will ask the hon. Prime Minister whether, while giving approval to R. S. Denim Limited and the owner having accepted public funds, it is not in breach with the relevant section 34(c) of the Constitution.

Mr Speaker: The hon. Member is asking the hon. Prime Minister for the solution of an abstract legal question. I am sorry it is for the Attorney-General perhaps to take whatever action if that is brought to his knowledge. It is for the Attorney-General to take action.

Mr Bhagwan: Perhaps I can have an answer later on through the Prime Minister.

Mr Speaker: It is a question of legal interpretation, I am sorry. Time is over! Questions addressed to hon. Ministers! Hon. Hanoomanjee!

(Interruptions)

BEL OMBRE SUGAR ESTATE – EX-EMPLOYEES - VRS I

(No. B/539) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Agro Industry, Food Production and Security whether, in regard to the ex-employees of the Bel Ombre Sugar Estate who have benefited from the Voluntary Retirement Scheme I, he will state if they have received their title deeds and, if not, the reasons therefor.

Mr Faugoo: Mr Speaker, Sir, I am advised that 214 employees of Bel Ombre Sugar Estate have retired under the VRS I and so far 82 of them have received their title deeds.

With regard to the remaining 132 employees who have all been allocated land at Beau Champ, Bel Ombre, the drawing of lots was effected on 06 November 2008; the title deeds are currently being prepared at the Notary's Office. According to the latest information obtained from Bel Ombre Sugar Estate, title deeds in respect of 122 employees will be signed at the Notary's Office by end of June this year and the remaining 10 title deeds will be signed by 15 July 2009.

Mrs Hanoomanjee: Mr Speaker, Sir, the hon. Minister will agree with me that six months have already elapsed since the drawing of lots were done, and the ex-employees still have to wait for their title deeds to be ready. Will the hon. Minister see to it that, after the drawing of lots is done, at most, after two months, those concerned can get their title deeds and that these do not stay with the notary for so long?

Mr Faugoo: On the question of time, that is correct, Mr Speaker, Sir. But I must inform the House that this is being delayed because the mistake comes from the employees themselves.

In fact, in the case of 122 employees, they have failed to give the necessary information required by the notary to draw the title deed, and 10 beneficiaries have not given any information at all, which will allow the notary to draw the title deed.

MORCELLEMENT LAFLECHE, CASE NOYALE – WATER SUPPLY

(No. B/540) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether he is aware that the inhabitants of Morcellement Laflèche, Case Noyale, are facing water shortage problems and, if so, will he state the remedial measures that will be taken.

The Deputy Prime Minister: Mr Speaker, Sir, I am informed that complaints were received early this year from inhabitants of Morcellement Laflèche concerning a major leakage, disrupting the water supply.

The leakage has been repaired, and I am informed that, during surveys carried out recently at the site, no complaints were registered and that there was sufficient pressure to fill even the highest situated roof tanks.

Water is supplied for about 12 hours daily as follows –

- In the morning from 4.00 a.m. to 10.00 a.m.
- In the afternoon from 3.00 p.m. to 9.00 p.m.

From Yemen borehole, some 3,800 cubic meters (3800 m³) are pumped daily, which is the maximum sustainable.

With the extension of development in the region, the Central Water Authority and the Water Resources Unit are looking for possibilities of harnessing other water resources, in order to be able to satisfy the increasing demand and improve hours of supply in the region.

Mrs Hanoomanjee: Mr Speaker, Sir, I thank the hon. Deputy Prime Minister for his reply but, from the information I have just gathered, the problem is still causing undue hardship to people in the region. Can he see to it that, in fact, after the repairs have been effected, these people get the required volume of water?

The Deputy Prime Minister: Mr Speaker, Sir, I will certainly look into the matter, but I would like to stress that it is difficult to change the hours and increase it. If we can, we will do it. But, at the time, with expansion in the region, it is difficult to get all the water from Yemen borehole to suffice for the region. We are looking into alternatives as well, but I take note of what the hon. Member has said.

MBC - FILMS PURCHASED

(No. B/541) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the deficits accrued in the purchase of films during the present financial year by the Mauritius Broadcasting Corporation, he will consider requesting the Management Audit Bureau to carry out an audit there into.

(Vide Reply to PQ No. B/535)

STC – DOUBLE-HULL VESSEL – PURCHASE

(No. B/542) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the expression of interest for the purchase of a double-hull vessel, he will state if a letter of offer has been issued to any successful bidder and, if so, indicate the terms and conditions thereof.

Mr Bachoo: Mr Speaker, Sir, a study was commissioned by the Ministry of Public Infrastructure, Land Transport and Shipping in 2007 to advise on the procurement of a product carrier/oil tanker and acquisition of a medium sized container vessel; and the stabilisation of Mauritius freight rates. The Consultant, Maritime Logistics and Trade Consultancy, submitted its report on 25 May 2007, and it has concluded that, if Mauritius owns its own tanker, there would be net substantial savings of USD12.6 m., greater control over pricing, delivery, timing and volume of imports; and recommended the purchase of a double-hull tanker.

A Ministerial Committee, chaired by the then Deputy Prime Minister and Minister of Public Infrastructure, Land Transport and Shipping, examined the recommendations and the conclusions of the Consultant.

The collaboration of the Mauritius Chamber of Commerce and Industry was sought, and 400 firms who were members of the Mauritius Chamber of Commerce and Industry were invited to state whether they were interested in the project. Only six firms showed interest.

When a formal invitation for expression of interest was sent to them on 04 March 2008, Betonix Ltd was the only one to submit a responsive proposal, in partnership with the Executive Ship Management (ESM) Private Limited of Singapore.

On the basis of the proposal which Betonix Ltd made, my Ministry informed the promoter on 12 January 2009 that Government has agreed, in principle, to their acquiring and operating a double-hull tanker vessel for the transportation of petroleum products for Mauritius for a period of 15 years as from 2010.

The terms and conditions tied up with the agreement, in principle, are as follows -

- (i) Betonix Ltd to hold 85% and the ESM 15% of the shares in the new company, which will own and manage the new tanker vessel;
- (ii) Betonix Ltd and ESM to fully finance the purchase of the double-hull tanker vessel from their own funds and without any financial commitment and involvement whatsoever from Government;
- (iii) the vessel shall be registered locally;
- (iv) freight rates to be charged in connection with the transportation of petroleum products would have to be jointly agreed upon between Betonix Ltd and ESM on one side and State Trading Corporation (STC) on the other, and would be based on rebates available with regard to indicative market rate, and
- (v) on the understanding that STC will provide the Joint Venture Betonix Ltd/ESM the guarantee of a 15 year captive cargo as long as the condition which I have just spelt out is respected.

Mr Gunness: Can I know from the hon. Minister if the expression of interest itself was published in any newspaper? In an answer to a PQ dated 21 April 2009, the Minister of Business, Enterprise and Cooperatives said that it was in 2007 that the expression of interest was published in a newspaper.

Mr Bachoo: In fact, it was not published. There was a meeting with the Mauritius Chamber of Industry & Commerce together with the officials of the Ministry as well as the then Minister responsible, and then it was communicated to the Mauritius Chamber of Industry & Commerce. Thereby they sent letters to all the 400 members. It is only after that the decisions were taken.

Mr Gunness: Mr Speaker, Sir, can I know from the hon. Minister how is it that this matter has kept on going to the Board for several months and it is only in May that the STC had taken cognizance of this and was forced to take a decision when the letter had been sent on 12 January 2009 to the company for the purchase of a double-hull vessel?

Mr Bachoo: We cannot say that STC was forced to take a decision. In fact, when the information was communicated to the promoters, that was an agreement in principle subject to the conclusion of a commercial agreement between the promoter and STC. It was up to the promoter as well as the STC to decide on the terms and conditions. In fact, as early as the beginning of this year, this information was already convened.

Mr Ganoo: Can the hon. Minister inform the House - because this is a substantial project - why didn't Government itself or one of its departments like the STC or the Shipping Corporation invest and embark on this project instead of outsourcing?

Mr Bachoo: Mr Speaker, Sir, in fact, the Shipping Corporation in the beginning expressed its interest, but being given that the financial situation of the Shipping Corporation

was in a deplorable condition, it would have been difficult for Government to guarantee the buying of another vessel. We still owe a huge amount of money for the last one, which we bought from China.

Mr Lesjongard: Mr Speaker, Sir, may I ask the Minister whether the Ministry concerned did seek advice from the State Law Office before proceeding with the contract?

Mr Bachoo: I am not aware of this. In fact, consultations must have taken place.

Mr Gunness: The hon. Minister mentioned that the fourth condition was that freight rates to be charged in connection with the transportation of petroleum products would have to be jointly agreed between STC and the company Betonix and ESM Ltd of Singapore. So, can I know from the hon. Minister what mechanism has been set up in case there are disputes between the two parties as far as rates are concerned?

Mr Bachoo: This matter has to be taken up by the STC and by the promoters of that company. It is not up to the Shipping Division of my Ministry. Probably, that might have been the reason why there has been a slight delay on the side of STC to come to the conclusions.

Mr Bérenger: Mr Speaker, we know what has been the performance of STC in regard to flour, rice and petroleum products, and we have never been able to obtain from the STC any information on the freight rates paid. Will the hon. Minister give the guarantee to the House that there will be full transparency how the STC reaches agreement?

Mr Bachoo: Mr Speaker, Sir, definitely, I can give guarantee to the House that Government will see to it that the deal which will be struck must be a transparent one and it has to be publicised. We will take all the time it requires.

Mr Dowarkasing: I just want to know from the hon. Minister why 15 years? Can we know the contract value for one year?

Mr Bachoo: I don't have the information regarding the contract value for one year. I was just going through my notes, the Ministerial Committee has agreed that the captive cargo from the STC has to be for 15 years because the investment is a very heavy one that must be more than \$15 m. and any Mauritian company won't take the big risk of using so much money and in return they won't get anything.

Mr Speaker: Hon. Lesjongard!

Mr Lesjongard: Thank you, Mr Speaker. Since the Minister is saying that in return the company will not get anything, since he said that a study was carried out. Can we get an indication from him for this project as to what is the return on investment?

Mr Bachoo: Well, I don't have the information. When I say that the company having spent almost over \$15 m., nobody can become a charitable institution in this country. If somebody is investing, we have to be pragmatic and practical also. I have already mentioned that

there will be a net substantial saving of US\$12.6 m. There can be greater control of the pricing, delivery, timing and volume of imports. As far as what would be the revenue that the company is going to get, up till now, a final decision has not yet been taken. How will I be in a position to say?

Mr Gunness: Mr Speaker, Sir, I have two questions. First question: can I know from the Minister whether two years ago, there was a company which submitted a similar project to his Ministry and, if yes, why this company was not allowed to go ahead with the same project?

Mr Bachoo: No, Mr Speaker, Sir, I don't have information regarding any company making any submission to that matter.

Mr Gunness: Can I know from the Minister - I am sure he must have the information, because, according to my information, the construction of such a double-hull vessel takes a minimum of 2-2½ years and here a contract has been agreed with a company which will come in operation as from August 2010 and when STC, only in May, has got through in the Board, no meeting has been held with the STC and the company - how is it that 2010 has been put on the paper?

Mr Bachoo: Well, decisions were taken at the beginning of this year with the expectation that, at least, as early as possible, they should have come to a conclusion. There is a delay, but in that case, we have to see. The Board of STC has to see whether they can set some more time; that depends on the STC.

Mr Guimbeau: Mr Speaker, Sir, will the hon. Minister lay on the Table of the Assembly all the terms and conditions of a deal made between both parties, Betonix Ltd and the STC?

Mr Bachoo: The conditions have been spelt out, I don't have any problem, I'll lay it.

Mr Speaker: Last question, hon. Ganoo!

Mr Ganoo: The hon. Minister has talked about transparency. Will he be kind enough to lay on the Table of the Assembly the report of the Ministerial Committee?

Mr Bachoo: Definitely, I'll have a look at it and I'll submit a copy.

Mr Speaker: Next question!

STC – BROAD BEANS - IMPORTATION

(No. B/543) Mr G. Gunness (Third Member for Montagne Blanche & G.R.S.E) asked the Minister of Business, Enterprise and Cooperative whether, in regard to the broad beans imported from Madagascar during the period October to December 2007 by the State Trading Corporation and found to be of bad quality, he will, for the benefit of the House, obtain from the

Corporation, information as to the names of the officers who went to Madagascar to ascertain the quality of the broad beans, indicating if any action has been taken against them.

Mr Gowressoo: Mr Speaker, Sir, in regard to the broad beans imported from Madagascar during the period October to December 2007 by the State Trading Corporation (STC) I would like to refer the hon. Member to the reply I made to PQ No. B/235 wherein I stated that it would not be ethical to reveal the names of the officers who went to Madagascar to ascertain the quality of the broad beans.

The House may also wish to note that the approval of the STC Board was obtained prior to the officers proceeding to Madagascar as it was the first time that STC was importing broad beans from that country.

It is to be highlighted that during the official visit to Madagascar regarding the handling, packing, storage and loading of broad beans nothing abnormal was found by the officials.

As already indicated in my reply to PQ No. B/395, a consignment of 20 tons of broad beans was found in bad state and evaluated at €13,062.60. 116 metric tons were of the grades PC3 and PC4 instead of PC1 and PC2 and which were not in conformity with the contract. The amount evaluated was €75,763.08. In addition, the STC has claimed an amount of €16,174.32 in respect of freight, warehousing and transport. Thus, a total amount of €105,000 was claimed from the supplier and was agreed upon. In that respect, I have already tabled the '*Propositions d'Accord*' between STC and Tana.

In the light thereof, Mr Speaker, Sir, there is no need for any action to be taken against any officer.

Mr Bérenger: We have just been told by hon. Bachoo that the same STC will agree to the freight rate that will be paid to private promoter for import of our petroleum products. I thought we had been given some kind of guarantee that there would be transparency. Now, even the names of the three STC officers who went there and made a mess of things which consumers are paying for in general is no transparency. Is it because the treasurer of the Labour Party is one of the three?

Mr Speaker: Order! Order, please!

(Interruptions)

Mr Gowressoo: As I have mentioned, the STC Board has approved the departure of those officers and I have said in answer to several Parliamentary Questions, namely PQ No. B/395 and PQ No. B/295 that it is not ethical to mention the name, Mr Speaker, Sir.

Mr Gunness: The Minister, himself, is saying that the Board approved it and I presumed that it is from public fund that they paid their tickets. Can I know from the Minister whether the three persons who were there were Mr Ah-Fat, Mr Ali and Mr Sumurooa who, themselves,

checked, according to the letter which I have in my hand, all cargoes which were put in the ship. They certified, paid and certified that the contents were in good quality.

Mr Gowressoo: Mr Speaker, Sir, I have already replied to this question.

Mr Speaker: Next question! Hon. Gunness!

TIANLI PROJECT – VEGETABLE GROWERS - COMPENSATION

(No. B/544) Mr G. Gunness (Third Member for Montagne Blanche & G.R.S.E) asked the Minister of Agro Industry, Food Production and Security whether, in regard to the vegetable growers who have been relocated in the wake of the Tianli project, he will state if they have been paid any compensation and, if not, why not.

Mr Faugoo: Mr Speaker, Sir, in the context of the Tianli Project, Government decided to release State-owned land at Terre Rouge and Riche Terre for the implementation of the project. Accordingly, the lease agreement of 120 vegetable growers at Riche Terre was terminated with effect from 30 April 2007 against payment of compensation. In fact, the lease agreement provides that Government may take back the land at any time during the contract period subject to a fair and reasonable compensation being paid to the lease holders.

The quantum of compensation was assessed by the Government Valuation Office at Rs100,000 per arpant. Following representations made, the hon. Prime Minister personally decided to increase the compensation by 20%, that is, Rs120,000 per arpant.

The payment of the compensation was effected as from 23 May 2007. As at date, 91 planters have accepted their compensation, 4 planters have passed away and 2 are abroad. 23 planters have not accepted the quantum of compensation. 22 out of them have lodged a case before the Supreme Court to contest the amount. The case has been fixed for Merits on 05 November this year.

It is relevant to point out that, in addition to the compensation, Government has also taken the following decisions in favour of the vegetable growers -

- (i) writing-off of debts owed to Irrigation Authority and the CEB amounting to Rs2 m.
- (ii) re-scheduling of repayment of loan contracted with DBM, and
- (iii) allocation of State agricultural land at Arsenal and Bois Marchand to 51 active planters to enable them to continue their activities.

Out of the 51 planters who are eligible for land compensation, 37 have already obtained land at Bois Marchand and Arsenal. One has already collected his cheque and he's not interested in taking the land to which he is entitled. The remaining 13 who have not yet received their land compensation are among the 23 who have lodged for a court case. However, land has been reserved for these 13 growers.

At 1.00 p.m. the sitting was suspended.

On resuming at 2.34 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: The Table has been advised that Parliamentary Questions Nos. B/556, B/562, B/564 have been withdrawn.

Mr Gunness: Mr Deputy Speaker, Sir, can I put supplementary questions from where we stopped, that is, on PQ No. B/544?

The Deputy Speaker: Please do!

Mr Gunness: The hon. Minister stated that four of the vegetables growers passed away in the meantime. May we know what is being done in this case for their compensation, has any negotiation started with their heirs and where do matters stand for these four persons?

Mr Faugoo: I apologized again, Mr Deputy Speaker, Sir, for not being here when the question was called. In fact, there are twelve lease holders who have passed away. The heirs of eight lease holders have already submitted affidavits to that effect and they have been paid whatever compensation that was supposed to be paid.

As for the four deceased, their heirs have been informed but they have not come forward with the affidavit. So, we are waiting for them to come with their affidavit and then the needful will be done.

Mr Gunness: Can I know from the hon. Minister whether any timeframe has been set for the remaining persons who have not been allocated a plot of land up to now?

Mr Faugoo: Had the hon. Member listened carefully – maybe, he is confused with all the figures that I have given. All those, who are entitled, have already been given land. The 13 who have not been given land have entered a case before the Supreme Court. Land has been reserved for them and once the case is over, depending on the outcome, the needful will be done.

MORCELLEMENT SANS SOUCI VILLAGE, MONTAGNE BLANCHE

– DRAINS, COMMUNITY CENTRE

(No. B/545) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Minister of Environment and National Development Unit whether, in regard to the Morcellement Sans Souci village, Montagne Blanche, in Constituency No. 10, Montagne

Blanche and Grand River South East, he will state if the National Development Unit has any project for the –

- (a) installation of drains, and
- (b) construction of a community centre or social hall.

Mr Bundhoo: Mr Deputy Speaker, Sir, with regard to part (a) of the question, a meeting was held with the '*Forces Vives*' of Morcellement Sans Souci, Montagne Blanche at the Citizens Advice Bureau of Montagne Blanche in the first week of April of this year. After the meeting, officers of the National Development Unit were requested to arrange for a site visit with the Consultant of the NDU in order to carry out a survey and submit their proposal. On 08 April 2009, the Consultant effected a site visit and made a few proposals including the construction of a drain over a length of 1.8 km, construction of three culverts, two soak away manholes and resurfacing of the road. The project is estimated at some Rs50 m.

However, the consultant, Mr Deputy Speaker, Sir, has also recommended a further survey after the cane harvest to enable a thorough investigation in order to determine the full scale of the proposed drain work. Once the final network is designed and its cost made available, the NDU will consider the implementation of the project.

As for part (b) of the question, a plot of land approximately $538.15m^2$ has been earmarked by the F.U.E.L Sugar Estate for the construction of a social hall within the Morcellement Sans Souci at Montagne Blanche. I have requested the NDU to complete all necessary formalities and for its consultant to conduct a survey and to submit a preliminary proposal which will be forwarded to the Ministry of Social Security, National Solidarity and Senior Citizen Welfare & Reform Institutions for consideration.

Mr Gunness: What the hon. Minister is saying up to now is still at the stage of proposal. Can we know whether he has set any timeframe to start the project at Morcellement Sans Souci, because with each heavy rainfall the inhabitants are in serious trouble? May we know when the preliminary proposal will be completed and when will the project start?

Mr Bundhoo: Mr Deputy Speaker, Sir, as I informed the House earlier we are waiting for the harvesting season to be over, or at least part of the land where cane is grown in this Morcellement Sans Souci, so that we will be having a clearer view and the consultant will be called upon again to conduct a thorough investigation in order to determine the full scale of the proposed drain network. Until such time this happens, I am not in a position to give a time when it shall start and also the cost that will be involved.

Mr Gunness: I think in this case the Minister, at least, can set a timeframe, because for the other one he is waiting for the harvesting of the sugar cane, but, in this case, the land is available. I think the project does not take so much time. Can I know from the Minister, therefore, by when he thinks that the project can start?

Mr Bundhoo: Mr Deputy Speaker, Sir, as I informed the House earlier, in this case, I have already asked the NDU to conduct the appropriate survey and, once this is submitted to the appropriate Ministry, necessary action will be taken.

Mr Gunness: I would have thought that the project had already been submitted since four years to the Ministry of Social Security. I understand from the Minister that it is now that he is submitting that project to the Ministry of Social Security. So, can I know whether he has earmarked any Budget for this particular project in his Ministry?

Mr Bundhoo: Mr Deputy Speaker, Sir, I was not going to do that, but the hon. Member has forced me. I should remind the hon. Member that he had been PPS of this Constituency from 1995 to sometime and to the year 2000. He had also been PPS from 2000 to 2005; he has been Member of Parliament for Constituency No. 10, PPS for Constituency No. 10 and also Minister for Constituency No.10. I wonder why he had not done it and he is pressing upon me to do it. I can assure him that necessary action will be taken subject to the availability of funds. I shall liaise with my colleague, the Minister of Social Security to do that.

Mr Gunness: Mr Deputy Speaker, Sir, I was not going to say that, but I am forced.

The Deputy Speaker: The hon. Member should put his question.

Mr Gunness: I will put my question in the form of a question, Mr Speaker, Sir. Can the Minister state to the House whether, in that particular place which we are talking about, the drain, all resurfacing works and the children's playground which was constructed were they not done by the ex-PPS?

Mr Bundhoo: Yes, Mr Deputy Speaker, Sir, what my hon. colleague is saying is totally true. May I also inform him that it was the then Prime Minister, Dr. Navin Ramgoolam, who visited and launched the whole programme in the year 1997.

The Deputy Speaker: Thank you. Next question, please!

Mr Gunness: Mr Deputy Speaker, Sir, a last question.

The Deputy Speaker: Next question! I have already given you some latitude; that is enough. Next question!

CONGOMAH - PARAMPUTH BRIDGE - CONSTRUCTION

(No. B/546) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the construction of the Paramputh Bridge in Congomah, he will state where matters stand.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David):
Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I am informed by the Pamplemousses/Rivière du Rempart District Council that Paramputh Bridge found along the Congomah/Les Mariannes road will have to be reconstructed in view of its bad condition. However, given the topography of the land in that region, part of the road will necessitate widening and which will imply the acquisition of land belonging to small planters.

I am informed that the Chief Executive of the District Council has been requested to hold consultations with those planters in this respect.

Mr Jhugroo: Can the Minister inform whether any timeframe has been set up for this project to start?

Dr. David: Mr Deputy Speaker, Sir, you know how protracted such kind of negotiations can be.

SOCIAL BENEFITS – SIXTY PER CENT INCAPACITY - CRITERIA

(No. B/547) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions whether, in regard to the payment of social benefits to persons suffering from sixty per cent incapacity, she will state if Government proposes to review the eligibility criteria thereof and, if so, when.

Mrs Bappoo: Mr Deputy Speaker, Sir, my Ministry, in collaboration with the Ministry of Finance and Economic Empowerment, is presently in the process of carrying out an in-depth study of the existing social safety net to bring it in line with the socio-economic context of the country and to channel social assistance to the most deserving sections of the population. In the context of that exercise, all social benefits criteria will then be examined.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether she is aware that there was a statement made by the Prime Minister as regards the sixty percent criteria for social benefits?

Mrs Bappoo: I believe that the Prime Minister, Mr Deputy Speaker, Sir, following my discussion with him, meant about the procedures and the so many complaints coming from people requesting for BIPs. So, on that issue, the Prime Minister said maybe we are going to see about the procedures to attain the disability criteria of sixty percent.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether she is prepared to review the criteria in view of the fact that some new situations can arise, for example, people having been treated for open heart surgery, people who have been treated for AIDS? So, we have new criteria and often they don't fall under the sixty percent incapacity. That's my first question.

The second question is that we may have somebody with a lesser incapacity, but with other greater social impediments. Can I know from the hon. Minister whether we can compound the case and see to it that the lesser medical incapacity together with the social predicament would deserve a social benefit in some cases?

Mrs Bappoo: They are two different questions and the second one is something different from the usual BIP set of criteria for people putting their claims.

First of all, the criteria itself, as I said, is a whole review of the social protection, philosophy of Government. I did mention during my intervention in the Budget debates that we are concerned with the Social Register of Mauritius. It is a project which is being worked out. The report of this project will be linked to see the various benefits under the Social Aid Act and this will be linked with the National Pension Act so that finally the whole set of policies concerning social protection might have a positive recommendation in its report, but we can't take it separately.

For people whose BIP, maybe, is being disallowed at the level of the Medical Board, it is, of course, to be noted that a person from a low-income group family, who is not found to be sixty percent disabled after his assessment at the Medical Board, is allowed to make a request for a social aid benefit because the social aid takes care of those who are between 30% and 59%. It is means tested. Those in between 30% to 59% might benefit from the social aid instead of the Basic Invalidity Pension itself.

Mr Dowarkasing: Mr Deputy Speaker, Sir, my question relates to the appeal process. I just want to know from the hon. Minister whether the appeal is being conducted by the same Medical Board which analyses the patients.

Mrs Bappoo: The Medical Board is different from the Medical Tribunal which takes care of the appeal because in the Tribunal there are two specialist doctors from the Ministry of Health with a Judge sitting.

Mr Soodhun: I think that the hon. Minister might be aware that for those suffering from the sixty per cent incapacity, when they reach the age of 60, all the allowances are cancelled, even the carer's allowance. They have to go through all the procedures again before finally receiving it. So, I am making an appeal to the hon. Minister so that this type of people can be given special consideration because they are completely paralysed and somebody has to accompany them to the Board.

Mrs Bappoo: I am aware, Mr Deputy Speaker, Sir, of this situation because whenever a BIP beneficiary goes for a BRP pension, he cannot have the two pensions. But, if he is in a very difficult case of disability, the carer's allowance can be transferred. We are working on that because the only way is that the person needs to be called again at the Medical Board and re-assessed. We are looking into the matter.

Mr Ganoo: Does the hon. Minister have the figures for successful cases at the appeal level? In other words, isn't it true to say that the overwhelming majority of cases which go on appeal to the Tribunal are rejected?

Mrs Bappoo: First of all, it is a Medical Tribunal. No one can interfere in the decision of the Medical Tribunal in case of any appeal. I don't have the exact number of cases that have been turned down but I have tried to see from my Ministry what has been the trend of allowing a BIP and not allowing a BIP during the eight or nine years from 2001 to 2008. It seems to be the same, allowing BIP not at the Tribunal but at the Medical Board is on an average of 52% to 53% each year. For cases not allowed, it was 47% to 48% in 2001-2002 and it goes like this - 48% for 2005-2006, 41% and 43%, the trend seems to be the same.

Mr Ganoo: Out of the 37% not allowed, when they go on appeal, what is the percentage that succeeds on appeal?

Mrs Bappoo: It is around 10%.

Mr Ganoo: Can the hon. Minister verify and make a statement to the House? That will interest all of us!

Mrs Bappoo: I know the percentage is 10%, but I can get the exact figures if a proper question is put to me.

The Deputy Speaker: Thank you hon. Minister. Next question, hon. Bodha!

HOUSEHOLDS & EDUCATIONAL INSTITUTIONS – INTERNET FACILITIES

(No. B/548) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Minister of Information and Communication Technology whether, in regard to the Internet, he will state the number of households and educational institutions connected thereto as at to date, indicating if Government proposes to increase the use of internet facilities at all levels.

Mr Dulull: Mr Deputy Speaker, Sir, as regards the first part of the question, I am informed by the ICT Authority, which under the law is, *inter alia*, mandated to collect statistics from the ICT sector, that as of December 2008, the number of households connected to Internet was 51,184. In addition, there were 104,809 Mobile Internet subscribers as at the same period.

The House may wish to note that, according to the Central Statistic Office Multipurpose Households Survey in 2006, the Internet penetration among households was 16.6%. This figure has definitely increased and the latest figure for 2008 is awaited from the Central Statistical Office in August 2009.

I would like to point out here, Mr Deputy Speaker, Sir, that Internet penetration among Households should not mean having Internet at home only. People can have access to Internet

via other means, such as, at workplace (over 90% of business organisations are connected to Internet), schools, local authorities, cyber cafés, public libraries, Public Internet Access Points and in Youth Centres. Thus, even though the proportion of internet access in 2006 looks moderate, the number of Internet users are, in fact, much higher, given the multitude of accesses through which people can obtain Internet Connectivity.

As far as educational institutions are concerned, I am informed that the School Net Project was launched in November 2005, thanks to the good work of hon. Deputy Speaker, to enhance connectivity to Internet for educational institutions. Under the first phase of the project, 167 secondary schools and 5 public libraries were provided these free Internet services for a period of 2½ years, and subsequently at a subsidised rate.

The second phase of the School Net Project, which targets the provision of Internet facilities to 260 primary schools in Mauritius and 13 primary schools in Rodrigues, is in progress. So far, 152 primary schools have been provided with Internet facilities. By the end of June this year, all of the 260 primary schools in Mauritius will have Internet access in the ICT labs. The price charged for the second phase of the project is also at a subsidised rate.

Insofar as the last part of the question is concerned, Mr Deputy Speaker, Sir, as a caring Government and in line with our policy of putting people first, we are fully committed to democratise access to the Internet at all levels of community by promoting the following additional initiatives -

- (i) in addition to broadband Internet access to all primary schools, it is also being considered to provide Internet access for teachers and administrative staff of primary schools.
- (ii) Government has also, through the National ICT Strategy Plan 2007-2011, developed several projects to stimulate the use of the Internet and make it more efficient and secure. Government will set up a Public Key Infrastructure to secure on online transactions and will review Internet tariffs to make broadband Internet more affordable to the community.
- (iii) 26 Public Internet Access Points have been set up in post offices and it is being envisaged to extend the access points to some 67 additional post offices. This service is currently being provided free of charge to students, pensioners and widows throughout the island.
- (iv) the National Computer Board has, through the Community Empowerment Programme Project, set up Computer Clubs with free broadband Internet access on a regional basis in 23 Youth Centres and 15 Women Centres. It is being planned to provide free Internet access in computer clubs in 54 Social Welfare Centres and 125 Community Centres. Some Village Halls also will be considered for this project.
- (v) the tariffs for ADSL Home offers have, with effect from 1 March 2009, been decreased between 33% and 45% for Mauritius and around 42% for Rodrigues. As the House is aware, it has been announced in the Budget Speech 2009 that we are looking to further significant cost reduction of around 50% by 2011, when a second under water fibre-optic cable will be operational.

Mr Bodha: Thank you Mr Deputy Speaker, Sir, to allow me to ask a supplementary question. What about secondary schools? Can we know the degree of penetration in secondary schools?

Mr Dulull: Well, I mentioned we had in our project 167 secondary schools which are connected with free Internet access.

Mr Von Mally: Thank You Mr Deputy Speaker, Sir. Being given that Internet connection in Rodrigues is very slow, can we know what is being envisaged in order to improve this?

Mr Dulull: When we signed the agreement on SEGA Net, I made it a point that such facility, the cable, be extended to Rodrigues so that we increase the speed and decrease the cost.

The Deputy Speaker: Yes, hon. Mohamed!

Mr Mohamed: I have heard the hon. Minister giving interesting figures with regard to the decrease in Internet tariffs between 33% and 45% in March 2009. However, since the question is with regard to the accessibility of Internet at all levels to households, education, is he aware that, ever since this decrease between 33% and 45%, one of the biggest operators, Orange, has increased the number of users? Those users, who were having 500 kb for x-price, have been given one megabyte for the same price. It has been the policy of that company, whereas new applicants - those who are new users, who are now going to subscribe to the service of Orange - have not at all benefited from this decrease of 33% to 45%. That company has considered those people to be separate altogether and it is still the old tariffs which apply. Does he not believe, therefore, that the situation of this nature does not in any way encourage access to Internet and is discriminatory towards those who want to have access to Internet?

Mr Dulull: It is not the policy of Government to favour price discrimination and we will ensure that MT Orange practice the equal price policy.

Mr Von Mally: Mr Deputy Speaker, Sir, can I know from the hon. Minister when the connection of Rodrigues through the SEGA Net fibre will become a reality?

Mr Dulull: Once the SEGA Net cable become operational we will make sure that such facility is extended and we look forward that by mid next year it should be operational.

Mr Mohamed: With regard to internet accessibility, according to some information, soon in Mauritius users will be able to benefit from the system called WIMAX, which means that the whole island will be covered by wireless internet access. Is that correct? Can the Minister confirm?

Mr Dulull: The hon. Member is quite right, because we have a few companies involved in the WIMAX system and we want to increase connectivity through wireless connectivity.

LA BRASSERIE TRANSFER STATION – HEALTH HAZARDS

(No. B/549) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Environment and National Development Unit whether, in regard to the La Brasserie Transfer Station, he has received a petition from the inhabitants of Cité La Brasserie, concerning the removal and transfer thereof to an uninhabited area, because of the presence of a permanent bad smell, flies and the health hazards they represent to them and, if so, will he state the remedial actions that will be taken.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David):
Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I am advised by the Ministry of Environment and National Development Unit that a complaint was made through the radio Top FM on 22 January 2009 concerning odour nuisance emanating from lorries transferring wastes from La Brasserie Transfer Station to Mare Chicose landfill. Furthermore, the inhabitants of Cité La Brasserie have complained to that Ministry through a petition dated 26 February 2009, informing that since four months, they were being affected by odour nuisance and flies proliferation arising from the operation of La Brasserie Transfer Station and requested for its relocation.

However, during independent site visits effected at the transfer station by the *Police de l'Environnement* and the Department of Environment on 22 January 2009 and by the officers of my Ministry on three occasions, no environmental nuisance was detected.

In addition, the Ministry of Health and Quality of Life, the Enforcing Agency for odour which was requested to look further into the issue had, after effecting site visits on 28 January and 25 February 2009, observed that the following mitigating measures were already being used to prevent odour nuisance –

- (i) waste carriers were being washed twice daily on site;
- (ii) tarpaulins were being used to cover the lorries, and
- (iii) lime was also being used to reduce humidity of the refuse.

The House may wish to note that my Ministry has implemented upgrading works at La Brasserie Transfer Station which started on 24 June 2008 and completed on 01 June 2009. The works consisted of demolishing the existing platform which was too small and constructing three new ones with associated access roads and ramps which will reduce congestion at the transfer station.

The new infrastructure will eliminate the problem of queuing of lorries and stacking of wastes. Wastes delivered at La Brasserie Transfer Station will be transported immediately to the Mare Chicose landfill, thus avoiding accumulation of waste.

Mr Guimbeau: Mr Speaker, Sir, the Minister has received a petition to remove the transfer station. I don't think it is fair for Cité La Brasserie which is only a few metres from the station and the inhabitants have been complaining for years now. The Ministry has invested

Rs200 m. in that same transfer station. We are asking the hon. Minister to have the site removed together with all the big trucks and lorries because of the health hazards caused to the inhabitants of this *Cité*. We are not asking to do like Mare Chicose, but to move the station to an uninhabited area.

Dr. David: There are two things, Mr Deputy Speaker, Sir. Number one, I said, last time, in this very Parliament, that my Ministry did not receive any petition. The petition went to the Ministry of Environment and this is what I mentioned in my answer. Number two, we invested millions of rupees at the transfer station precisely, not only to mitigate, but to eliminate, if at all possible, odours and traffic congestion, or other problems. And number three, it is certainly not possible right now to remove the transfer station from where it is to some other place. This is not envisaged as an alternative, at the moment, Mr Deputy Speaker, Sir.

Mr Guimbeau: I am saying that there are about 300 or 400 families living a few metres close to the station. I don't think it is fair for the inhabitants of this *Cité*. We are asking to remove, at least, the station to an uninhabited area. I think we are talking about *Maurice Ile Durable*; it is not fair, Mr Deputy Speaker, Sir.

Dr. David: The question of fairness is a matter of appreciation. I do understand, Mr Deputy Speaker, Sir, that nobody wishes to have a transfer station around or a few metres away from his place of residence. But, as I have said, this has been there for long and for very long, even before I came. But we did invest massively, precisely, as I said, not only to mitigate, but to eliminate problems.

Mr Dowarkasing: Mr Deputy Speaker, Sir, I just want to know from the hon. Minister when this transfer station was conceived as a temporary site? Was it not done on a temporary basis until we find another site for that?

Dr. David: The second part of the hon. Member's question is important: "until we find some other place".

Mr Guimbeau: It will still be the same, the problems are not going to be eliminated with the investment of Rs200 m. in this station and this is not true, Mr Speaker, Sir. It is going to worsen, because the volume is going to triple or even be ten times the volume it is right now. That's why I am asking, in the name of the inhabitants of *Cité La Brasserie*, to have this station removed from there.

Dr. David: Well, Mr Deputy Speaker, Sir, with the new methods and new technologies, I am sure that we will find solutions to that problem. It is not a question of increasing the tonnage of waste, but rather how we deal with it.

Mr Bérenger: May we know whether a feasibility study has been carried out scientifically to see whether there is anywhere in the region, further away, the possibility of relocating the station and how much that would cost?

Dr. David: I'll check, Mr Deputy Speaker, Sir.

Mr Guimbeau: I thank the hon. Leader of the Opposition, Mr Deputy Speaker, Sir. I know La Brasserie. There are thousands of acres of bare lands all around. This is why we are shocked to see that we have invested Rs200 m. just a few metres from Cité La Brasserie, Mr Deputy Speaker, Sir. And, once again, I am asking the Government and the Ministry to avoid a second Mare Chicose and to have the station removed from there. This is an appeal, Mr Deputy Speaker, Sir.

Dr. David: Mr Deputy Speaker, Sir, the hon. Member is shocked, but I must tell him that this was there before I came and what I did was to bring solutions and remedy the situation. Now, if there is any alternative as hon. Dowarkasing just said it was set up until such time we find an alternative place. Well, let it remain at that. If we find, certainly we'll do it; but, otherwise, as I said, with new methods, new technologies, with massive investment we are constantly bringing solutions. It was there before I came, Mr Deputy Speaker, Sir, and I have never heard anybody ask such questions before.

The Deputy Speaker: A last question!

Mr Guimbeau: Mr Deputy Speaker, Sir, I agree it was there, but it was a small station. This is where I don't agree. Rs200 m. has been invested together with the contract. We could have moved it and made the investment on a bare land far from an inhabited area. That's all I am asking. It is not fair! It is four years now.

The Deputy Speaker: We take note. Next question, hon. Guimbeau!

PAS GEOMETRIQUES AND STATE LAND - INDUSTRIAL & COMMERCIAL SITE - LEASES

(No. B/550) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Housing and Lands whether, in regard to the industrial and commercial site leases on *Pas Géométriques* and State land on the coastal regions, he will state if option letters and option forms have been issued and, if so, indicate –

- (a) when;
- (b) the number of forms and letters issued, indicating the names and addresses of all the lessees;
- (c) the new terms and conditions of the new lease agreements, indicating the rental value in each case, and
- (d) if they are subject to the National Residential Property Tax premium.

Mr Kasenally: Mr Deputy Speaker, Sir, there are 287 cases of industrial and commercial site leases on *Pas Géométriques* and State land located in the coastal regions.

In regard to parts (a), (b) and (c) of the question, 265 option letters have been issued since April 2009 to date. Information regarding the names and addresses, as well as the new terms and conditions, including the rental in each case, will be placed in the Library of the National Assembly as soon as all the lessees would have exercised their options.

I would also like, with your permission, Sir, to refer the hon. Member to my reply of PQ No. B/118 of 07 April 2009, where I informed that section 33 of the Finance (Miscellaneous Provisions) Act 2008 already stipulates all the terms and conditions that will be applicable to industrial and commercial site leases on *Pas Géométriques*, including assessment of rental at market value. The rental value for each industrial/commercial lease will depend on its zoning and extent of the land leased.

In regard to part (d) of the question, I am informed that -

- (i) the National Residential Property Tax is applicable to residential properties, that is, any building, part of a building, flat, tenement, *campement* or bungalow (including those on State land) used or available for use as a residence and includes any tourist residence;
- (ii) residences on sites holding an industrial lease for the purpose of a bungalow complex/tourist residence, which does not fall within the meaning of a hotel or a guest house, are subject to the National Residential Property Tax, and
- (iii) hotels and guest houses, as defined in the Tourism Authority Act 2006, including those built on State lands, are excluded from the ambit of the National Residential Property Tax.

SBM – BAD DEBTS – WRITE OFF

(No. B/551) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the bad debts written off, since July 2005 to date by the State Bank of Mauritius Ltd., he will, for the benefit of the House, obtain from the Bank, information as to the names of the companies, organisations and individuals having benefited therefrom, indicating the amount in each case, on a yearly basis.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, as the hon. Member is aware, the State Bank of Mauritius Ltd is a private bank listed on the Stock Exchange of Mauritius and, as such, it would not be appropriate to disclose the information sought.

DBM – BAD DEBTS – WRITE OFF

(No. B/552) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the bad debts written off, since July 2005 to date by the Development Bank of Mauritius Ltd., he will, for the benefit of the House, obtain from the Bank, information as to the names of the companies, organisations and individuals having benefited therefrom, indicating the amount in each case, on a yearly basis.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, I wish to inform the House that loan write off takes place only when the bank has exhausted all avenues for debt recovery.

Furthermore, the House may wish to note that the bank makes provision of credit losses in accordance with International Accounting Standard - IAS 39. A provision of Rs438.6 m. was made under the one-off settlement scheme announced in the Budget 2008-2009 to facilitate the settlement of arrears by small planters, livestock breeders, small traders, tailors, fishers and micro business owners in Mauritius and Rodrigues.

As a banking institution, it would, however, not be appropriate for the DBM to provide information relating to the identification of clients' accounts and of any debt written off. This principle also applies to all other banking institutions. However, banks do disclose in aggregate the amounts written off for the year in their financial statements. In this respect, the total amount written off for financial years 2005/06, 2006/07 and 2007/08, as shown in final accounts, were as follows - Rs572,000; Rs1,501,000, and Rs2,680,000 respectively.

Mr Guimbeau: Mr Deputy Speaker, Sir, can we know from the hon. Minister whether the DBM has made an appeal to a foreign consulting firm to assist it in the deep chaos where the bank is right now?

Dr. Bunwaree: This has nothing to do with the question put.

Mr Guimbeau: Has the bank made an appeal to a consulting firm?

The Deputy Speaker: If the Minister does not have the answer, maybe the hon. Member can come with a substantive question.

Mr Jhugroo: May I ask the Ag. Minister of Finance whether the loan of one named Mr Bijaye Madhoo has been written off?

Dr. Bunwaree: I have said that we cannot answer on individual cases.

The Deputy Speaker: So, having answered, the Minister now confirms. Next question, please!

SMALL PLANTERS – LAND DEROCKING

(No. B/553) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Agro Industry, Food Production and Security whether, in regard to the derocking of the plots of land under sugar cane cultivation owned by the small planters, he will state the locations where such projects have been implemented, indicating –

- (a) the number of planters involved, and
- (b) the cost thereof.

Mr Faugoo: Mr Deputy Speaker, Sir, the Multi Annual Adaptation Strategy 2006-2015 makes provision for the Field Operations, Regrouping and Irrigation Project to assist small sugar cane planters to reduce operational costs and increase productivity, with a view to safeguarding their future.

In this project, the small planters are entitled to the following -

- (i) derocking for semi-mechanisation or full mechanisation;
- (ii) land preparation;
- (iii) planting material;
- (iv) labour for planting;
- (v) two post planting herbicide treatments;
- (vi) labour for application of fertilisers, herbicides, cement and scum;
- (vii) field engineering and land levelling to prepare for mechanisation, and
- (viii) irrigation wherever applicable.

For the period June 2006 (date of start of the project) to May 2009, 2,394 hectares of land belonging to 2,179 small planters have been prepared and planted. I am tabling details regarding the different locations where the project has been or is being implemented, the acreage on each site and the number of planters concerned.

With regard to part (b), the information is as follows -

- (i) Rs399 m. for derocking and land preparation over the 2,394 hectares, including Rs40 m. for new irrigation networks over 140 hectares, ensuring good crop establishment and planting, and
- (ii) Rs31 m. as interest free refundable cash advance to planters for having foregone one crop in the event of '*Grande Saison*' planting.

Mr Deputy Speaker, Sir, I would like to add that the planters are contributing in the project, and their contribution varies between Rs500 to Rs4,500 per *arpent* annually over seven years, depending on the original status of the land and the level of mechanisation adopted by the planters. The contribution will amount to some Rs100 m. over the 7-year period, which will be re-utilised to extend the project on a revolving fund principle. Moreover, Government has disbursed an amount of Rs260 m. for the purchase of equipment by the Sugar Planters Mechanical Pool Corporation for the implementation of the project.

Mr Deputy Speaker, Sir, the House will note that the derocking and land preparation programme has, so far, been very successful. In fact, if I take, for example, Phase I, which started in June 2006 at Queen Victoria, planters have benefited from an increase in the yield by 24 per cent in average. The cost of production has gone down by 33 per cent, as compared to other non regrouped planters of the same region. The cumulative performance indicator was 2,000 hectares, whereas we have realised 2,400 hectares approximately, thereby exceeding set targets and allowing Mauritius to receive the funding under accompanying measures.

Mr Soodhun: Can the hon. Minister give the name of the contractor who was involved for the derocking and land preparation?

Mr Faugoo: The question is on the number of planters and the cost. I don't have it with me.

The Deputy Speaker: The hon. Minister doesn't have the answer, hon. Soodhun. You can come with a substantive question. Yes, hon. Gunness!

Mr Gunness: Can I ask the hon. Minister whether, to benefit from the derocking and land preparation scheme, these planters have to join that regrouping scheme of planters or whether, any planter not wanting to join that regrouping scheme, can benefit from it?

Mr Faugoo: The basic condition is that they have to join the regrouping project, Mr Deputy Speaker. This is one of the basic conditions.

Mr Jhugroo: For so many years we have heard of derocking and land preparation. Can I know from the hon. Minister why derocking and land preparation is not being done in the region of Hollyrood and Henrietta? Is it because there are different grades of small planters?

Mr Faugoo: In fact, it is at national level, Mr Deputy Speaker, Sir. It is being done all over the country. I am tabling a list of the places where it is being done.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, to take on what my colleague, hon. Soodhun, has just said, can the Minister say whether only machinery and equipment from SPMPC are being used for derocking or are there machinery and equipment which have been hired from the private sector also? If so, can we know what is the difference in the rates which are being paid when SPMPC tractors are being used and when private tractors are being used?

Mr Faugoo: Mr Deputy Speaker, Sir, the hon. Member should come with a substantive question, because I don't have the information.

Mrs Hanoomanjee: I have another question, Mr Deputy Speaker, Sir. Can the hon. Minister say what mechanism has been put in place to oversee that the interests of small planters are safeguarded when they join the regrouping?

Mr Faugoo: Mr Deputy Speaker, Sir, for all work that is being done under the derocking project, there is a committee which has been set up, called the PIC – Project Implementation Committee - which sits whenever required.

It comprises of the Mauritius Sugar Authority, the Farmers Service Centre, the Mauritius Sugar Industry Research Institute, SPMPC, Irrigation Authority, the parent Ministry, that is, my Ministry and the Ministry of Finance also. All these institutions have a particular role and everything is being monitored by institutions like the MSA and the FSC.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the hon. Minister is saying that there is a large Project Implementation Committee. How can he explain then that in several cases, for planters who have joined regrouping, only part of their land has been derocked and planted, whereas it was understood that when they joined that scheme, the whole plot, that is, the totality of their land forming part of the regrouping would be derocked?

Mr Faugoo: That is not a correct statement, Mr Deputy Speaker, Sir. As I said, the first condition is that the planters have to regroup. Once they are regrouped - so far we have carried three phases - it is a complete derocking. There are three phases which have been completed. It is not a question of choosing half or another half for later on. It is being done systematically and the whole area which falls under the *regroupement* is derocked and prepared.

Mr Bodha: Mr Deputy Speaker, Sir, can I ask the hon. Minister when the small planters commit their land, it is for how many years? Do they have the right later to opt out of their regrouping system? Is there any legal mechanism to implement this process?

Mr Faugoo: I don't think there is any impediment. When they join in, they do so because of advantages of scale. It is in their interest to remain in the group. If they choose to be out and to function alone, it will be to their detriment, but there is no legal impediment for them to pull out, Mr Deputy Speaker, Sir.

Mr Dowarkasing: May I know from the hon. Minister what is the involvement of the sugar factories in the derocking process and whether any contract has been allocated to them?

Mr Faugoo: I don't have the relevant information, Mr Deputy Speaker, Sir.

The Deputy Speaker: The hon. Member may come with a substantive question.

Mrs Hanoomanjee: The hon. Minister has just confirmed that for small planters joining the regrouping usually the totality of their land is being derocked. I would wish, Mr Deputy Speaker, Sir, to lay on the Table of the Assembly copy of a letter which has been submitted by a group of planters where they confirm that only part of their land has been derocked and the other part has been completely abandoned.

My next question is: can we know what is the total amount which has been paid so far to millers, from the start of the project to date, in respect of derocking and land preparation?

Mr Faugoo: Mr Deputy Speaker, Sir, I am not aware of the contents of the letter which the hon. Member is tabling. I will take cognizance of the letter. What I am saying is that once they join in the regrouping project, we cannot choose to derock or not to derock part of it. We have to derock the whole area, Mr Deputy Speaker, Sir, unless the part which has not been derocked does not fall within that group which is to be done, maybe on another phase or another programme. As far as the second question is concerned about the disbursement of money to miller planters, again, I don't have the information, Mr Deputy Speaker, Sir.

The Deputy Speaker: The hon. lady can come with a substantive question. Next question, please!

CONSUMERS – RIGHTS - PROMOTION

(No. B/554) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Consumer Protection and Citizens Charter whether, in regard to the consumers, he will state the additional measures Government proposes to take to promote the protection of their rights.

Mr Tang Wah Hing: Mr Deputy Speaker, Sir, consumer protection is at the heart of each and every measure taken by the Government. One of the most important measures taken to protect consumers and safeguard their interests and rights is the creation of a Ministry for Consumer Protection and Citizens Charter.

In an era crippled with unfair trade practices which adversely affect consumers' rights, additional innovative measures are being implemented. These include –

- (a) decentralisation of the Consumer Protection Unit with a view to providing a “*service de proximité*” to the public at large. The Consumer Protection Unit now offers decentralised services in four zones of the country in CAB offices, excluding Port Louis.
- (b) work restructuring of the Consumer Protection Unit with effect from 01 June 2009. Henceforth, works of the Consumer Protection Unit will be undertaken on the basis of regions to ensure better follow-up and monitoring of all consumer matters falling within the respective regions.
- (c) the setting up of a flying squad in January 2009 to handle complaints more effectively and to track down offenders in the shortest delay.
- (d) the setting up of a price observatory is being seriously considered. The price observatory is an excellent mechanism through which consumers can be informed on the variables that go in the prices of goods. The price observatory would also detect possible cases of dumping of products on the local market.
- (e) a complete review of the legislations in the field of consumer protection is being envisaged. Preliminary works have already been carried out by my Ministry and arrangements are being made with the Law Reform Commission to undertake that task;

- (f) Mr Deputy Speaker, Sir, one of the fundamental rights of a consumer is the right to be informed. Consumer education is thus a vital component of my Ministry's portfolio. Soon, a magazine will be published to give further impetus to consumer education. This magazine will be a regular feature of my Ministry's activities;
- (g) in order to enlarge the scope of consumer protection, the concept of a Citizen's Charter is being reviewed and revitalized with a shift from the traditional service-provider driven approach to a service-user driven approach.

Mr Deputy Speaker, Sir, these are only some of the measures being contemplated. As the business environment is dynamic and volatile, new measures will have to be considered as and when changes occur with the ultimate objective of protecting the consumers.

Mr Bhagwan: *M. le président, je suis un peu perplexe.* Since the setting up of this Ministry and, despite the promises and speeches, consumers are suffering more and prices have been shooting up daily. Can I know from the hon. Minister when, at least, the consumers will get concrete action and concrete measures? We don't want speeches, promises or whatever. Not only do we have a Ministry spending money, but we have no result.

Mr Tang Wah Hing: I just want to reply to the hon. Member. My Ministry is working. We are not making speeches or doing anything wrong.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Tang Wah Hing: We are acting. The hon. Member is saying so because he is a politician, but we are working very hard in my Ministry.

Mr Soodhun: Mr Deputy Speaker, Sir, will the hon. Minister agree with me that there is a decrease in prices and that a *circulaire* must be issued to all the supermarkets because most of the time they say they are not aware?

Mr Tang Wah Hing: I just want to let the hon. Member know that in the near future we will work on it. We will have modern technology, that is, by SMS, e-mail and all these things to respond to the public.

Mr Bhagwan: I am a politician, Mr Deputy Speaker, Sir. I am here since 26 years. I know I will come again, Sir.

The Deputy Speaker: Will the hon. Member put the question, please?

Mr Bhagwan: I am proud to be a politician and I represent the public, I am paid from public fund. Can I know from the hon. Minister what is the price of a packet of kraft cheese today?

The Deputy Speaker: That question is not allowed!

Mr Soodhun: Mr Deputy Speaker, Sir, I would like to ask the hon. Minister whether he is aware that the...

(Interruptions)

The Deputy Speaker: Order, please!

Mr Soodhun: ...that are being issued from the big supermarket, in a lapse of one hour, all the articles disappeared. I can give the hon. Minister the proof.

Mr Tang Wah Hing: I think it is the work of a magician, but not ours.

Mr Lesjongard: Mr Deputy Speaker, Sir, may I ask the hon. Minister since he has resumed office, how many meetings he had had with the Association of Consumers of this country?

Mr Tang Wah Hing: We have many meetings, but we have only two consumers' agencies that deal with the public.

Mr Dowarkasing: May I know from the hon. Minister what is the manpower that is being disposed at this Ministry? How many inspectors does he have? What is the composition of the manpower?

Mr Tang Wah Hing: The hon. Member should come with a substantive question.

(Interruptions)

The Deputy Speaker: If it is not a speech, but a question, it is allowed. Hon. Cuttaree!

Mr Cuttaree: Mr Deputy Speaker, Sir, there are reports that the consumer associations are not getting their subsidies from Government. Can I know whether this is correct and, if so, what is the reason for which subsidies to ACIM have been discontinued?

Mr Tang Wah Hing: Mr Deputy Speaker, Sir, funding of agencies does not concern my Ministry.

RODRIGUES - RESIDENTIAL HOUSES/COMMERCIAL BUILDINGS – SALE BY LEVY

(No. B/555) Mr J. R. Spéville (Second Member for Rodrigues) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the residential houses and commercial buildings in Rodrigues disposed of through the sale by levy, since July 2005 to December 2008, he will, for the benefit of the House, obtain information as to the

number thereof, indicating those who are eligible to benefit from the Sale by Levy Solidarity Fund.

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

I wish to inform the House that a request has been made to the hon. Master and Registrar to provide information relating to the number of residential and commercial buildings in Rodrigues that have been disposed of through Sale by Levy since July 2005 to December 2008. Once this compilation exercise is completed, the relevant information will be tabled.

Insofar as eligibility is concerned, as the House is aware, it is a high level committee that scrutinises each application to determine its eligibility for financial assistance under the Sale by Levy Solidarity Fund. In fact, the substantive Minister of Finance has, on many occasions, in replies to questions on Sale by Levy issues, stated that applicants must satisfy certain conditions to benefit from the Fund namely -

- (i) there is a loss of the applicant's sole residence through Sale by Levy and the seizure of the residence occurred on or before 31 December 2006;
- (ii) there is an unexpected change in circumstances which has led to the non reimbursement of loans taken where the residential property has been given as guarantee, for example, sickness, loss of job, death of income-earner, etc., and
- (iii) the applicant should not be the owner of another residential property of more than 60-70 *toises* or agricultural land of more than one *arpent* in addition to property seized.

Cases that are also not recommended for financial assistance by the High Level Committee include those of sale by elicitation, prescription, levy by distress, heirs applying in lieu of deceased parents, applicants not being owner of sold residential property, residence purchased by close relatives, applicants being sentenced to jail for criminal offence as well as applicants who have taken guaranteed company loans for business purposes.

Mr Spéville: Mr Deputy Speaker, Sir, I am a bit surprised that the Master and Registrar is taking so long. In Rodrigues there were only a few cases, but I get the impression that there are more than I was expecting. Can I know from the hon. Minister how many of these cases have been given the possibility of receiving help from the Government before being sent to court?

Dr. Bunwaree: I think a proper question should be put. I'll transmit the question to my colleague when he comes because I don't have the information off hand.

INFLUENZA A (H₁N₁) - PANDEMICS – MEASURES

(No. B/556) Mr J. R. Spéville (Second Member for Rodrigues) asked the Minister of Health and Quality of Life whether, in regard to the influenza A(H₁N₁), he has taken cognizance of the report of the World Health Organisation concerning the risk of pandemics, and, if so, state

if the measures taken at the ports and at the airports as at to date to avert its introduction within our shores are being closely monitored.

(Withdrawn)

INVALIDITY PENSION/CARER ALLOWANCE – APPLICATIONS –

JANUARY 2007 TO MARCH 2009

(No. B/557) Mr J. R. Spéville (Second Member for Rodrigues) asked the Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions whether, in regard to the invalidity pension and the carer allowance, she will state, for the period January 2007 to March 2009, the number of applications therefore received by her Ministry, in each case, indicating the number –

- (a) thereof which had been
 - (i) examined
 - (ii) rejected and
 - (iii) evaluated by a Medical Board, indicating those rejected, and
- (b) of times the Medical Tribunal sat in Rodrigues, indicating the number of cases that have been successful.

Mrs Bappoo: Mr Deputy Speaker, Sir, my Ministry is compiling the information requested and same will be placed in the Library of the National Assembly shortly.

RODRIGUES – ELECTRICITY SUPPLY - DISCONNECTION

(No. B/558) Mr J. R. Spéville (Second Member for Rodrigues) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the domestic and commercial customers of the Central Electricity Board, in Rodrigues, he will, for the benefit of the House, obtain from the Board, information as to the number thereof having had their electricity supply disconnected, since January 2007 to March 2009, indicating if these consumers fall in the category of those living in absolute poverty and, if so, the number thereof.

Dr. Beebejaun: Mr Deputy Speaker, Sir, I am informed by the CEB that for the period January 2007 to March 2009 –

- (i) electricity supply was disconnected for 2955 domestic and 67 commercial customers;
- (ii) 1585 domestic consumers and 67 commercial customers were reconnected upon settlement of their bills;

(iii) 93 domestic customers are classified under Tariff 110A and 29 have been reconnected. Tariff 110A applies to customers consuming less than 75kWh per month.

I am informed that disconnection is a measure of last resort. Though the law provides for disconnection after 20 days following the delivery of electricity bills, in practice electricity is not disconnected until a period of two months have elapsed and reminders are sent to the customer. Disconnection is applied only when the amount due is equal or higher than Rs350 for domestic and commercial customers.

As regards the households classified under Tariff 110A, I have been informed by the CEB that in addition to the two months, they are given 14 additional days before disconnection and that the CEB grants payment facilities to those who face financial difficulties on a case-to-case basis.

TRUST FUND FOR VULNERABLE GROUPS - BENEFICIARIES

(No. B/559) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the building materials given by the Trust Fund for Vulnerable Groups, he will, for the benefit of the House, obtain from the Fund, information as to the number of beneficiaries thereof, since January 2009 to date in the regions of –

- (a) Cité La Cure;
- (b) Batterie Cassée, and
- (c) Crève Coeur.

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

In a reply to P Q No. B/490, my colleague, the Vice-Prime Minister, Minister of Finance and Economic Empowerment extensively explained to the House the poverty alleviation projects that have been implemented and those in the pipeline under the various programmes of the Trust Fund for the Social Integration of Vulnerable Groups, the Eradication of Absolute Poverty in collaboration with the NGOs, the Decentralised Cooperation Programme and the National Empowerment Foundation.

In fact, mention was also made that some 1,700 families were being provided with CIS housing units for a total sum of around Rs100.6 m. A listing of these regions where this project is being implemented was also tabled.

Sir, the CIS housing projects, which is financed by the Trust Fund for the Social Integration of Vulnerable Groups, are initiated and implemented through NGOs on the basis of requests from vulnerable families. Once these requests are approved by the Management

Committee of the Trust Fund, funds are released to the NGOs depending on progress made in the project implementation.

In fact, it is the NGO that makes arrangements to provide construction materials to the beneficiaries, whereas the field officers of the Trust Fund are requested to monitor progress of works.

In this respect, NGOs of the localities of Roche Bois, Long Mountain and Terre Rouge are presently implementing three housing projects which also cover Batterie Cassée, Crève Coeur and Cité La Cure. These are ongoing projects which currently cater for 55 needy families. Out of these 55 families, 20 are located in Cité La Cure, three in Batterie Cassée and two in Crève Coeur. The amount approved for the projects stands at Rs3.7m.

Mr Lesjongard: Mr Deputy Speaker, Sir, can I ask the hon. Minister the names of the NGOs covering the areas which I have mentioned, that is, Cité La Cure, Batterie Cassée and Crève Coeur?

Dr. Bunwaree: I don't have the information with me but I'll certainly transmit the question put to my colleague and I will try to give the hon. Member satisfaction to that.

FOOTBALL STADIUMS – CULTURAL CONCERTS

(No. B/560) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Youth and Sports whether, in regard to the football stadiums, he will state if Government has decided on a ban on the organisation of cultural concerts thereat.

Mr Ritoo: Mr Deputy Speaker, Sir, since a long time and in view of high demands from different events organisers, our stadiums have been rented for holding of concerts, shows, etc.

However, it has been noted that, after every event, considerable damage is caused to the pitch, synthetic track and to other infrastructural facilities available at the stadiums, like toilets, irrigation systems, stands and lights.

In view of the above and following complaints received from users, it has been decided that, henceforth, requests for the renting of our stadiums for such events would not be entertained. However, certain football grounds or their parking facilities would still be made available for the purpose.

Keeping in mind that such activities have to be promoted and in order not to cause hardship to organisers, Government has decided to set up a Ministerial Committee to look into the issue in detail and to come up with measures that could be adopted to facilitate the holding of concerts and shows in the best conditions in future.

Mr Lesjongard: I have got a few questions Mr Deputy Speaker, Sir. One, can we know henceforth what are the stadiums where they will be allowed to hold such concerts?

Mr Ritoo: We have got a list of 17 existing stadiums which can be utilized.

The Deputy Speaker: The hon. Minister can communicate it later.

Mr Ritoo: Yes, I can communicate it.

Mr Bhagwan: Can I know from the Minister whether the Ministerial Committee has sought the views of the artists who have made representations and who have raised very valid points? Has the Ministerial Committee or the Minister met the artists, listened to them and taken on Board their suggestions?

Mr Ritoo: Only the Ministerial Committee has met once and we will take up the views of the organisers so that we can come to a solution.

Mr Lesjongard: Since the hon. Minister has stated that there are damages caused to the stadium whenever such concerts are held, can he inform the House whether those organising those concerts have been made aware of the damages? Are there deposits made by the organizers and have those deposits been forfeited in cases where damages have been caused to the football grounds?

Mr Ritoo: We don't take any deposit, we simply ask the payment as it is. They pay Rs25,000 per day for mounting of podium, Rs50,000 on the day the concert is being held and Rs35,000 per day again for dismantling of podium and Rs25, 000 for overtime cost incurred during the whole event, but we don't take any deposit.

Mr Gunness: Can I know from the Minister the composition of that Ministerial Committee? Who is chairing it?

Mr Ritoo: The Minister of Education and Culture is chairing the Committee together with me, the Minister of Tourism, Leisure and External Communications and Attorney-General.

Mr Bhagwan: Can I know from the Minister whether the Ministerial Committee or Government is also looking into the possibility of having a central infrastructure like the one in Wembley where all the international artists will come with all the facilities, not only toilets, but also the modern technical lighting and so on?

Mr Ritoo: We are going in that direction.

Mr Lesjongard: Can I know from the hon. Minister whether any arrangements have been made with the organizers of any eventual concerts in the coming days or weeks?

Mr Ritoo: Yes, of course we have only refused the Anjalay Stadium and the New George V stadium but, we have made arrangements so that they can have a concert.

The Deputy Speaker: Order, hon. Bhagwan! Hon. Jhugroo!

Mr Jhugroo: Can I ask the hon. Minister whether this ban can be extended to the playground at Gymkhana Vacoas because very often they use it for parking of cars and other motor vehicles?

Mr Ritoo: Well, the Gymkhana playground is used for football facilities, but I don't think they use it as a parking, we have got parking facilities separately.

Mr Jhugroo: For the information of the Minister, on specific occasions, they use this playground for parking of cars and buses. He can go and verify and I can even phone him whenever I see such cases.

Mr Ritoo: We will see to it, but anyway Gymkhana playground is the property of the Special Mobile Force.

The Deputy Speaker: The hon. Minister will await the phone call of hon. Jhugroo.

STC - PETROLEUM PRODUCTS - TRANSPORTATION

(No. B/561) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Business, Enterprise and Cooperatives whether he will, for the benefit of the House, obtain from the State Trading Corporation, information as to if the Corporation has entered into an agreement with a local company for the transportation of petroleum products.

Mr Gowressoo: Mr Deputy Speaker, Sir, as stated by my colleague, hon. Bachoo, in his reply to PQ No. B/542 of today, Government agreed in principle to Betonix Ltd, in partnership with Executive Ship Management (ESM) Private Limited, acquiring, operating and registering locally a double-hull tanker vessel, subject to a commercial contract being entered into between the State Trading Corporation and the promoters for the transportation of petroleum products from Mauritius for a period of 15 years as from August 2010.

One important condition for STC to enter into contract with the promoters is that the freight rates to be charged in connection with the transportation of the petroleum products would have to be jointly agreed upon between the promoters and the State Trading Corporation and would be based on rebates available with regard to indicative market rate.

Following a letter of offer to Betonix Ltd, the Board of the State Trading Corporation examined the terms and conditions of this agreement and signified its no objection. The process of consultation is still going on and no contract has been signed yet.

Mr Lesjongard: Can I ask the hon. Minister whether the State Law Office has been involved throughout the whole process?

Mr Gowressoo: Yes, Mr Deputy Speaker, Sir, the State Law Office has been consulted and advice was taken on board.

Mr Gunness: Can I know from the Minister which advice was provided by the SLO? Has the STC Board gone against the advice provided by the SLO?

Mr Gowressoo: Mr Deputy Speaker, Sir, I am not aware whether the Board is against the decision but, as I said, the State Trading Corporation examined the terms and conditions of the agreement and signified its no objection.

Mr Gunness: May I know from the Minister, before the Board gave the no objection certificate to the promoter or whatsoever, whether the advice of the State Law office was sought and whether the advice was positive in their absence?

Mr Gowressoo: Mr Deputy Speaker, Sir, I have said no certificate has been given to the promoters, but there is the agreement that signifies its no objection.

Mr Gunness: I put my question again. The STC Board has written to say it has no objection. Has the STC sought the advice of the SLO before going with that no objection?

Mr Gowressoo: That is what I have said, Mr Deputy Speaker, Sir, that is, the SLO has been consulted and advice has been sought.

Mr Gunness: Can we know what advice was given?

Mr Gowressoo: The advice is for the STC to look into the technical and commercial matters.

Mr Lesjongard: Mr Deputy Speaker, Sir, for the sake of transparency and since we know that this contract amounts to a lot of money, isn't it a good thing for Government to table the advice received from the State Law Office?

Mr Gowressoo: For the time being, Mr Deputy Speaker, Sir, that contract has not yet been signed so how can we do that?

Mr Jhugroo: Can the hon. Minister table a copy of the minutes of proceedings of the State Trading Board when this decision was being taken and also a copy where the advice from the State Law Office was received?

Mr Gowressoo: Mr Deputy Speaker, Sir, I will look into the matter and if it is necessary there is no problem.

The Deputy Speaker: Hon. Ganoo!

Mr Ganoo: How can the Minister reconcile the statement he made to the House a few weeks ago on 21 of April of this year when he replied that there was an expression of interest

launched and there were about 400 applicants? This is contradictory to what hon. Minister Bachoo said today that there were only four applicants who responded to it.

Mr Gowressoo: Mr Deputy Speaker, Sir, may be the hon. Member has not well listened to the answer of hon. Bachoo, because it was 400 firms which were consulted at the MCCI and 6 responded and one was responsive.

Mr Gunness: Can I refer the Minister to the answer he gave on 21 April to a question put by hon. Jhugroo. I quote: “Can the hon. Minister table the names of the 400 people who have been contacted by the STC?” He replied: “There is no problem?” Up to now, it has not been tabled. Can I know why?

Mr Gowressoo: Mr Deputy Speaker, Sir, as it has been said the MCCI sent the letter.

(Interruptions)

I will call the MCCI and then maybe we will table it, Mr Deputy Speaker, Sir.

The Deputy Speaker: Order, please! Thank you!

Mr Gunness: Do I understand from the Minister that again he said there is no problem he is going to table it? Can we know when?

Mr Gowressoo: I will table it.

The Deputy Speaker: Last question, hon. Jhugroo!

Mr Jhugroo: Can I know from the hon. Minister when he is going to table it?

Mr Gowressoo: Mr Deputy Speaker, Sir, I have copy of a letter that has been sent to a member of the MCCI. I can table this copy.

(Interruptions)

No problem! When it will be available, I will table it. I will table 400 copies.

The Deputy Speaker: Thank you, next question, please!

TERTIARY EDUCATION – GOVERNMENT GUARANTEED BANK LOANS

(No. B/562) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Education, Culture and Human Resources whether, in regard to the Government guaranteed bank loans for tertiary education, he will state the number of students who have benefited there from following the 2008-2009 budget.

(Withdrawn)

MADAGASCAR — TALKS BETWEEN NEW REGIME/FORMER PRESIDENT - MAURITIUS CONTRIBUTION

(No. B/563) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to Madagascar, he will state if the Government of Mauritius has contributed to the initiative of carrying out talks between the new regime and the former President.

Dr. Boolell: Mr Deputy Speaker, Sir, Mauritius and Madagascar enjoy very strong economic and historical ties and we share membership in various regional, continental and international organizations.

Since the beginning of the crisis, Mauritius has supported all the initiatives of the international community to help find a peaceful solution and to encourage the concerned parties to engage in talks. It is in the best interest of all the countries in the region that a long term solution is found to solve the political *impasse*, taking into consideration the social, financial and business relations that exist between Mauritius and Madagascar.

A consultative meeting of the International Contact Group on Madagascar was held on 30 April 2009 in Addis Ababa to better coordinate the efforts of the international community to promote the rapid return to constitutional order in Madagascar.

Aware of the imperative of engaging a consensual process, the AU special envoy for Madagascar, in collaboration with representatives of the international community in Antananarivo, was given the mandate to make contact with all the Malagasy parties to agree with them on ways and means for a speedy return to constitutional order.

On 20 May 2009, the international team of mediators comprising the special envoy from the African Union, the United Nations, the Southern African Development Community and the international organization of French-speaking countries (OIF) started multi-party talks. However, the negotiations stalled as various political delegations refused to sign a draft agreement on terms to resolve the crisis and suspended their participation in the talks. I understand that talks which resumed have again been suspended on 12 June 2009 following the withdrawal of the *Haute Autorité de Transition*.

We believe that a suitable venue could facilitate the task of the international team of mediators in bringing the political parties back to the negotiating table. In this respect, Mauritius may consider responding favourably if approached unanimously by the international team of negotiators, including the SADC, with the agreement of all the Malagasy parties involved to provide a venue for the multi-party talks.

Mr Deputy Speaker, Sir, Mauritius aligns itself with the position of the African Union, SADC, COMESA, IOC and the United Nations. We are following the situation in Madagascar closely as well as developments with regard to the efforts of the international community to help resolve the crisis in this neighbouring and friendly country of ours.

In that respect, my colleagues in the House would agree with me that there is a need for a consensual position to be reached within the House with regard to the situation in Madagascar. A rapid return to constitutional order is therefore imperative.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, the Minister may be aware that the COMESA economic bloc has recently stated that it does not rule out a military action to restore political stability in Malagasy. May I ask the hon. Minister what will be the stand of Mauritius in such an event?

Dr. Boolell: Mr Deputy Speaker, Sir, the COMESA has mandated the SADC to carry on with the sending mission of reconnaissance and to interact positively with all the members of the International Community to try to resolve the problem politically and I emphasise the word 'politically'.

Mr Bérenger: Following the question that has just been put, the COMESA summit has just been held in Zimbabwe and Mauritius was represented not by the hon. Prime Minister, but by the hon. Minister himself. At that meeting therefore, the Summit took a stand in favour, if required, of military intervention in Madagascar. Since then, the representative of the United Nations has taken a stand against and France as well. Can we know what stand Mauritius took, if any, at the Summit?

Dr. Boolell: Mr Deputy Speaker, Sir, Mauritius made it quite clear that we want a return to constitutional and legal order and the matter can be resolved politically.

Mr Dowarkasing: The hon. Minister in his reply has just mentioned that there are multi-party talks going on. Do I understand that those talks are geared toward creating a government of national unity there on the same basis as Kenya and Zimbabwe?

Dr. Boolell: It is more than what has been stated by my hon. friend. In fact, they are working toward a *charte de transition* with the objective of moving toward the return of legal and constitutional order. I can highlight the timing and sequencing of events, how they are unfolding, but the main objective is to have presidential elections within a prescribed date.

Mr Bérenger: I heard the hon. Minister say that Mauritius is prepared to host a meeting of the different parties and the representatives of the United Nations, African Union, SADC and Francophonie, he must be aware that what is being discussed these days is for the talks to restart either in Antananarivo or in Addis Ababa, this is being considered now. Has Mauritius made it known to the people in Madagascar and Addis Ababa that we are available also?

Dr. Boolell: Yes, I have stated that Mauritius to us may be the suitable avenue provided, of course, we have the consent of all parties concerned. The matter will be taken up at the Extraordinary Summit Conference which is going to be held in Pretoria on the 20th.

Mr Bérenger: Madagascar is not only a good neighbour, friendly country but *un pays de peuplement*. Madagascar is going to celebrate its *fête nationale* on the forthcoming 26; we have not yet recognised the new regime. Will the Minister agree with me that it would not be nice at all if Mauritius chooses to be absent completely from the *fête nationale* as celebrated here in Mauritius and, therefore, it is not difficult, we should find a way for Mauritius as a State to be present, without implying that we recognise the new regime?

Dr. Boolell: I thank the hon. Leader of the Opposition for putting this question. We will do what is politically and ethically correct and to be in consonance with what we have stated at the SADC, AU and COMESA.

Mr Jugnauth: Would Mauritius envisage taking an independent initiative irrespective of the blocs to which we are members in order to try to see to it that we can, at least, come to a solution?

Dr. Boolell: I have stated very forcefully that since the environment is more conducive here, we believe that Mauritius can be the suitable avenue but, nevertheless, we have to be consonant and consistent with what we have stated within those different blocs.

Mr Bodha: May I ask the hon. Minister whether the Mauritian authorities have been approached for a visit to Mauritius by a representative of the new regime?

Dr. Boolell: Yes, we are studying it, but again we will wait for the outcome of the Extraordinary Summit which is going to be held in Pretoria.

Mr Dowarkasing: Mr Deputy Speaker, Sir, I just want to know from the hon. Minister whether, after the stand of COMESA - the option of an armed solution - this has not pushed the military in the forefront of the battle again in Madagascar, because they are on top alert now?

Dr. Boolell: Mr Deputy Speaker, Sir, we should focus on this issue of military intervention as a last resort. It is a political problem that can be resolved politically, and there is the goodwill of the international community to resolve that problem; hence, the relevance of this *charte de transition*.

CERVICAL CANCER – VACCINATION PROGRAMME

(No. B/564) **Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix)** asked Minister of Health and Quality of Life whether he will state if Government proposes to set up a vaccination programme against cervical cancer for young girls.

(Withdrawn)

ENTERPRISES - TRANSITIONAL SUPPORT

(No. B/566) Mr A. Ganoo (First Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the mechanism for transitional support to the manufacturing sector, he will state the number of firms which have applied and qualified for asset purchase, swap or lease back and, if so, indicate in each case –

- (a) the name of the firm, and
- (b) the amount granted.

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

As the House is aware, the substantive Minister of Finance has, in reply to questions relating to the Additional Stimulus Package (ASP), extensively explained the conditions and procedural requirements for eligibility to assistance under the Mechanism for Transitional Support to the Private Sector (MTSP). The MTSP has been set up under the ASP to examine such requests for financial support.

In fact, enterprises seeking financial support, as a result of the financial crisis, have to submit their requests to either Enterprise Mauritius or the Joint Economic Council. While submitting their requests, the applicants should concurrently inform their bankers of the application for assistance. The applicants should also discuss with their bankers as to how the bank will participate in supporting the enterprise. These companies need to submit a restructuring plan, with the approval of their bankers.

The MTSP carries out a due diligence exercise that involves thorough investigation and analysis by independent consultants and discussions with the companies' bankers as well as the main shareholders. It is to be pointed out that the appointment of consultants must be approved by the banks, and the scope of work defined by the banks.

Mr Deputy Speaker, Sir, the criterion of viability is critical for the determination of as to whether there would be a Financial Rescue Package (FRP) in support of the enterprise. Furthermore, all FRPs are guided by the principles of 'risk sharing' as well as 'burden sharing' on the part of the companies, financial institutions, and Government.

Depending on the merit of each case, financial support may be given in the form of -

- Equity
- Liquidity/working capital including guarantee for bank support

- Asset purchase, swap, or lease back for asset rich but cash poor enterprises

Mr Deputy Speaker, Sir, as at now, there are two companies in the textile sector that have applied for sale and lease back. One is in respect of Beach Wear Ltd, for which an amount of Rs55 m. has been approved, and the second one is AB's Embroidery and Acacia Ltd, for which an amount of Rs4m. has been approved. So far, no disbursement has been made.

Mr Ganoo: In the case of these two companies, can the hon. Minister tell the House the number of employees concerned?

Dr. Bunwaree: For the second one, it is about 17 and, for the first one, I do not have the figure, but it is around 115, as per information I have.

PALMA ROAD – SPEED BREAKERS

(No. B/567) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the new speed breakers fixed along Palma Road, he will state if his Ministry has received a petition from the inhabitants thereof for same to be removed and replaced by humps or traffic lights at critical junctions, in view of the inconveniences and hardships caused to the sick people and the pregnant women.

Mr Bachoo: Mr Deputy Speaker, Sir, my Ministry received a petition letter dated 09 April 2009 from the inhabitants of Palma Road, and some other petitions as well. The representations being made are not considered to be justified.

However, in a spirit of good faith, and taking into consideration the grievances of the inhabitants of that region and to give assurance to the population at large of the suitability of the new devices, I personally effected a site visit on Thursday 11 June 2009 at Palma Road to visually assess the physical impacts of the new speed calming devices onto vehicles. I was accompanied by the technicians of the Traffic Management and Road Safety Unit and even my colleagues, hon. Babajee and hon. Mrs Hanoomanjee who also requested me to look into the issue personally.

So, I have observed on site that -

- (1) the speed calming devices are very visible from long distances;
- (2) the 20mm thickness of the rails is very effective to slow down vehicles, and any decrease thereto will mitigate the effectiveness of the device;
- (3) vehicles are slowing down at speeds similar to the traditional asphalted road humps without having to stop;
- (4) the devices do not show any problems onto the suspensions of vehicles;
- (5) some drivers purposely do not slow down and, therefore, bear strong vibrations;.

- (6) the speeds of heavy vehicles are also decreased, except in cases of some individual buses, whose drivers drive carelessly and at high speeds with the intention to defy the purpose of the rails. Under the circumstances, these buses are subject to high vibrations which are passed on to the passengers. This applies to some car users as well.

In order to render the devices more practical, the two sides of the rails would be chamfered, that is, provided with mild slopes so that the wheels of vehicles are smoothly driven over the rails. The Traffic Management and Road Safety Unit has already instructed the contractor to follow this design for all future installations. The Palma rails were the first ones placed on a trial basis.

The Police will be requested to place the mobile speed cameras along Palma Road for more speed enforcement, particularly near pedestrian crossings.

As for Palma road, based on felt needs, a set of traffic signal equipment will be installed at the junction of Palma Road and Western Boundary Road. Necessary surveys and designs have already been completed. The present junction will be signalised by the end of this month.

I would like to reassure the House that all efforts of my Ministry are geared towards road safety measures to curb down the incidence of road accidents.

Mr Ganoo: I know that the hon. Minister has, in fact, met the inhabitants of the locality but can I appeal to him to organise another meeting and to inform the inhabitants of the decisions that he is proposing to take?

Mr Bachoo: In fact, on a regular basis, the inspectors of my Ministry are carrying surveys and, at the same time, we are also meeting people of the region, particularly the *Forces Vives*, as I have already mentioned. Slight modifications will be undertaken, and then we will see how things move. As far as Constituency No. 18 is concerned, I have received plenty of letters of congratulations that the device is working wonders.

Mr Bhagwan: Can I appeal to the hon. Minister to, at least, look into the problem in front of Petite Rivière Government School? This new type of hump has been installed in front of the school and it is creating havoc. There are a lot of problems. For the past five years, we did not have a single problem. These humps have been removed and replaced by the new ones. The road markings have disappeared, the *panneau de signalisation* has disappeared, and the whole reinstallation has not been done in a professional manner.

Mr Bachoo: I find it very strange because I have not received a petition. At the same time...

(Interruptions)

The Deputy Speaker: Order!

Mr Bachoo: I will not mind having a look at it.

ST ESPRIT COLLEGE, RIVIERE NOIRE – ROAD SAFETY MEASURES

(No. B/568) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Education, Culture and Human Resources whether, in regard to the Saint Esprit College, Rivière Noire, he will state if his Ministry has received a letter dated 08 September 2008 from the rector of the college and another one dated 06 April 2009 from the Traffic Management Road Safety Unit, complaining about the security of the students of the college in relation to the absence of certain facilities and infrastructural amenities in the vicinity thereof and, if so, indicate the remedial measures that will be taken.

The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

The Rector of Saint Esprit College, Rivière Noire, had addressed a letter on 08 September 2008 to my colleague, the then hon. Deputy Prime Minister, Minister of Public Infrastructure, Land Transport and Shipping. The second letter referred to, dated 06 April 2009, was not addressed by the Traffic Management and Road Safety Unit to the Rector, but was rather written by the Rector and addressed to the Traffic Management and Road Safety Unit.

The House would take note that, prior to the coming into operation of the said college, actions were initiated for the adoption of appropriate traffic measures, and you will further note that the Black River District Council, the Roman Catholic Diocese of Port Louis, the Ministry of Education, Culture and Human Resources worked towards finding solutions to the problem.

However, pending the clearance from the Traffic Management and Road Safety Unit, the Saint Esprit College started operating from January 2008.

Given the pedestrian traffic generated by the school, the following road safety measures have been implemented by the Traffic Management and Road Safety Unit -

- (1) the placing of traffic signs indicating the movement of school children on both directions of the road;
- (2) the setting up of a pedestrian crossing near the school;
- (3) repainting of existing road markings in the surrounding of the school, and
- (4) relocation of bus stops to avoid traffic conflict on the road due to the increased number of pedestrians.

Moreover, upon request, the Ministry of Housing and Lands has initiated action for compulsory acquisition of land on both sides of the road for the construction of bus lay-bys and footpaths. The relevant General Notice has already been gazetted. The Central Electricity Board which has installed several high tension electric poles within the boundary of the land to be acquired has been requested to remove same as these would impede on the implementation of the

road safety measures to the extent of putting at risk lives of school children and other persons in that area. The Road Development Authority has been requested to monitor the situation closely.

I would like to assure the House that, once the land is obtained, the road safety measures will be implemented without any delay.

Mr Ganoo: Can I appeal to the hon. Minister to see to it that, when the relocation of bus stops are carried out, bus shelters are constructed?

Mr Bachoo: Of course, that will be included in the project.

KYOTO PROTOCOL - CARBON CREDITS - SALE

(No. B/569) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Environment and National Development Unit whether he will state the projects which have benefited from the proceeds of the sale of carbon credit under the Kyoto Protocol, indicating where the funds have been credited.

Mr Bundhoo: Mr Deputy Speaker, Sir, as at to date, there is no project in Mauritius which has benefited from the proceeds from the sale of carbon credit under the Kyoto Protocol.

However, I would like to inform the House that my Ministry, as the Designated National Authority for the Clean Development Mechanism, has issued Host Country “Letters of Approval” as required under the Kyoto Protocol to two projects.

More recently, that is, on 23 December 2008, the Designated National Authority has issued “Letters of No Objection” for the Britannia 25 Mega Watt Wind Farm and the Bigara Wind Farm Projects. Both projects were submitted through the United Nations Development Programme on 17 December 2008 under their Millennium Development Goal Facility.

Mr Ganoo: Mr Deputy Speaker, Sir, since the Kyoto trading period only applies for five years ending in 2012, can I ask the hon. Minister what are the hopes that ultimately we will be able to benefit from the sale of carbon credits?

Mr Bundhoo: It is quite, unfortunate, Mr Deputy Speaker, Sir, that those which have been submitted were not qualified so the hopes depend on the future negotiations under the new criteria.

WASTEWATER MANAGEMENT AUTHORITY- TOTAL DEBTS, OVERDRAFTS

(No. B/570) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in

regard to the Wastewater Management Authority, he will, for the benefit of the House, obtain from the Authority, information as to the –

- (a) total debts thereof as at the end of April 2009;
- (b) total bank overdrafts thereof since 2005 to date, and
- (c) operational losses incurred since 2005 to date.

The Deputy Prime Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebejaun): Sir, I am informed by the Wastewater Management Authority that, as at April 2009, total debts owed by various debtors amounted to Rs184,456,223.06. This amount includes a sum of Rs8,317,395.59 owed prior to the WMA coming into operation on 01 September 2001.

As for part (b) of the question, I am informed that the WMA has never had recourse to bank overdrafts.

Sir, with respect to part (c) of the question regarding operational losses since 2005, according to the audited accounts, WMA registered surpluses of Rs38.8 m. in 2005/2006 and Rs66.3 m. in 2006/2007 and a deficit of Rs6.6 m. in 2007/2008 due to the taking over of the entire funding of the operation and maintenance of St. Martin Treatment Plant in May 2007 and Montagne Jacquot Treatment Plant in January 2008.

Mr Bhagwan: I don't know if the hon. Deputy Prime Minister has the figure. Concerning the outstanding debt, can he give the figure of the loan contracted by the WMA for the development projects?

Dr. Beebejaun: I will find out and convey the information to the hon. Member.

Mr Ganoo: Has the hon. Minister got the figures for the wastewater rates which are owed by the companies/enterprises, the amount of debt?

Dr. Beebejaun: We have got domestic companies with MEDZA, parastatal bodies, charitable institutions and Irrigation Authority. I'll circulate the list.

The Deputy Speaker: Time is over!

MOTION

SUSPENSION OF SO 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, Minister of Renewable Energy and Public Utilities rose and seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

On motion made and seconded the DNA Identification Bill (No. XII of 2009) was read a first time.

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

At 4.16 p.m. the sitting was suspended

On resuming at 4.48 p.m. with Mr Speaker in the Chair

Second Reading

THE PROBATION OF OFFENDERS (AMENDMENT) BILL

(No. VIII of 2009)

Order for Second Reading read

The Minister of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions (Mrs S. Bappoo): Mr Speaker, Sir, I move that the Probation of Offenders (Amendment) Bill (No. VIII of 2009) be read a second time.

Mr Speaker, Sir, on Tuesday 12 May 2009, we recall how the House voted unanimously the Community Service Order Bill and the objectives of these amendments were to give a better shape to the national policy for the rehabilitation of the juvenile offenders, also to allow for community service as an alternative to prison and to position Mauritius to ride over the current modern international trend.

Mr Speaker, Sir, the new Bill before the House today, that is, the Probation of Offenders (Amendment) Bill will further consolidate the spirit of reform procedures in the rehabilitation sector. As such, we want to review the concept of probation as a sentence treatment in the open, to make it more humane.

M. le président, c'est la première fois depuis 1946 que ce texte de loi fasse l'objet d'amendements aussi fondamentaux. Ce projet de loi constitue donc un tournant dans le cadre des réformes dans le domaine réhabilitatif de la délinquance.

Mr Speaker, Sir, probation itself is a term that was coined by John Augustus, a Boston shoemaker, who later became known as the Father of Probation. The term comes from the Latin verb “probare” which means “to prove” or “to test”. The test is that an offender must prove that he is capable of reforming himself if he is accorded a suspension of his sentence by a criminal court. Probation comprises of three essential elements as follows -

- (i) Selection of offenders. This is effected by a court through a social enquiry carried out by the probation service.
- (ii) Conditional suspension of punishment. This requires an offender to be of good behaviour for a certain duration failing which he will have to return to court and be subject to punishment.
- (iii) Supervision of offenders. This is carried out so as to ensure that the offender does not re-offend during his period of probation.

Mr Speaker, Sir, history brings us as far back as 1946, that is, 63 years ago when the Probation of Offenders Ordinance was introduced in the Legislative Council with the objective of providing an alternative and rehabilitative form of sentence to offenders. The first Probation Officer was posted to Rose-Hill Court. The Probation Service extended its activities and by 1949, the whole island was covered. The service was extended to Rodrigues in 1961.

Today, the Probation and Aftercare Service is headed by a Commissioner. The resources available combined with a good work accomplished as at date has, indeed, restored credit to this service. I am confident that the new amendments will add to these efforts and that the Commissioner and his staff will continue to play a fundamental role in the rehabilitation of probationers who have benefited from probation sentences.

Since the promulgation of the Probation of Offenders Act, a large number of offenders have benefited from probation sentence. Between 1955 and 2008, around 30,000 probation orders have been made by our courts. In the year 2000, a total of 523 persons have been given probation orders by the courts among which 396 male adults, 28 female adults, 89 juvenile male and 10 juvenile female. The number peaked to 586 in 2002 and thereafter began to take a downward trend up to 2008 whereby a total of 365 persons were awarded a probation order. They were 276 male adults, 45 female adults, 44 juvenile male and 3 juvenile female.

Mr Speaker, Sir, two main reasons could explain the slowdown in the number of probation orders granted by courts. Firstly, there is an increasing number of cases which are diverted from the criminal justice system through pre-trial mediation work carried out by the probation service upon referral of cases by the Director of Public Prosecutions. A number of these cases could well have been eligible upon conviction for probation orders. There is an average annual number of 1500 cases referred by the DPP and dealt with by the Probation Service.

Secondly, and most importantly, since the advent of the Community Service Act in 2002, there has been a tendency for courts to grant community service orders instead of probation orders. Between 2003 and 2008, a total of 1300 offenders have benefited from community service orders. The compounding of these two reasons could have borne an impact upon the

traditional five-year average of 3,000 cases. Certainly, the decline cannot be attributed to the lack of faith in probation as a rehabilitating method. As a matter of fact...

Mr Speaker: I am sorry to interrupt at this stage. This is an amendment to an existing legislation. I think the hon. Minister has been given enough latitude to make an introduction. She must come to the amendments now, otherwise if she opens the debate, everybody will do so. Carry on!

Mrs Bappoo: Mr Speaker, Sir, I just want to say that coming with the amendments, we have had a thorough consultation with the different stakeholders like the Judiciary, the Ombudsperson for children, the Attorney-General, the Police, the Prison Department, and various Ministries and other organizations. So, the object of the Bill is, therefore, to enable the courts to deal more efficiently with probationers by imposing an attendance centre requirement, a curfew requirement for minors, a resident requirement, and a drug and alcohol treatment requirement.

Nous voulons à travers ces amendements explorer d'autres possibilités pour mieux soutenir l'adolescent afin qu'il ait plus de chance d'être réhabilité en dehors de la prison après un rajustement de sa peine par la cour.

Mr Speaker, Sir, the need for these amendments arises also for progressive reasons. First, the probation order, though maintaining its traditional rehabilitative orientation is, however, reframed to make it a more dynamic sentencing option. The owner will provide the Court with a clearer way of dealing with a specific category of offenders. Accordingly, the order will have two parts. Now, the core part will contain standard conditions applicable to all probationers, such as to be of a good behaviour, not to associate with bad company, not to consume illicit substances and to reside at a particular address. The other part will contain optional requirements. These can be imposed by the court upon the offender depending on the nature of his problems; these requirements could be an attendance centre requirement, a curfew requirement, a drug and alcohol treatment requirement, a residence requirement and any other requirement deemed necessary by the court to desist the offender from re-offending.

Mr Speaker, Sir, an attendance centre will be a centre run by the probation service. Its primary role will be to deliver life skills programmes to offenders. The services of probation officers, psychologists and such other appropriate resource persons will be sought for these activities which have become a regular method of educating offenders in many developed countries and which are reportedly successful.

The objective of these programmes aims at offering offenders with tools the application of which in their daily lives will enable them to address their problems, meet conflicts and lead crime-free lives. For instance, offenders will benefit from such skills as anger management, communication, conflict resolution, parenting, victim awareness, etc. Such values as respect for the law, good citizenship, responsible living and family living will be taught in group on a session basis of a six-month duration.

Mr Speaker, Sir, curfew means an obligation for people to stay inside and not to venture outside during a specified period for a controlled purpose. In our proposed amendment, a curfew will be applicable to minors and will compel them to remain indoors on specified days and time as determined by the court, the purpose being to restrict their movement and, therefore, control their propensity to get involved in delinquent activities. I need to emphasise that the rehabilitation process is, in itself, a joint partnership work between the State and the family. This requirement will also remind parents of their responsibility vis-à-vis their children. *Il faut encourager le développement d'une bonne culture parentale. Plus qu'il n'en faut, c'est de créer un contrat familial stipulant que les parents se responsabilisent davantage et s'engagent à la protection de leurs enfants.*

In these days of rising juvenile delinquency, Mr Speaker, Sir, it is important that along with rehabilitating measures, some degree of control be exerted over delinquents. Those, who after school hours, form gangs, hang around bus terminals or smoke cigarettes, drink beers, engage in vandalism and other kinds of delinquent behaviour need to be subject to a tougher approach which, in the long run, would be beneficial to the offender and the society in general.

Of course, the monitoring of curfew requirements will be through unexpected visits by Probation Officers to these offenders. Phone calls at homes will also be effected. Furthermore, the assistance of the Police will be sought whenever appropriate. *Selon le caractère du délit pour lequel les délinquants ont été appréhendés, ils ne pourront pas sortir à certaines heures spécifiques. Ce sera aux parents de faire respecter le couvre-feu et, au cas où l'adolescent montre des signes d'agressivité ou de comportement répréhensible envers la société, la collaboration de la police et autres structures d'encadrement spécialisées sera recherchée. Dans ces cas précis, il lui sera accordé d'autres moyens de se ressaisir afin qu'il ne tombe pas non plus dans le cycle infernal de la récidive.*

Mr Speaker, Sir, the possibility for offenders convicted of possession of dangerous drugs to follow detoxification treatment in prescribed institutions such as Centre de Solidarité, Centre Idriss Goomany, Deaddiction Centre and the Centre d'Accueil de Terre Rouge already exists under Section 34 of the Dangerous Drugs Act.

However, what is missing is that the offender does not benefit from supervision of a Probation Officer to facilitate a better social reintegration. Although with the existing Probation Order, it is possible now for the court to add an additional condition as to detoxification treatment, it is, however, felt that an explicit requirement in this regard would provide the court with a clearer alternative to channel drug-addict offenders to both supervision and treatment. Obviously, the Probation Service will have to deepen its already-existing collaboration with the detoxification centres to generate better results.

Concerning the residence requirement, it is applicable only to minors in conflict with the law. Depending on the nature of the minor's deviant conduct, he may be accorded a Probation Order with the additional requirement that he stays at the Probation Hostel for Boys or the Probation Home for Girls for a period not exceeding 12 months.

This requirement already exists as a condition in our Probation of Offenders Act. However, in order to separate it from the core conditions of the Probation Order, it has been devised now as a requirement. Moreover, because it has been found that some cases necessitate extra care and longer residence, the extension of the period of residence beyond the normal 12-month period is, therefore, proposed in these exceptional cases in order not to jeopardize the successful rehabilitation of the probationer.

The second reason necessitating revision of the Act is that some provisions are now outdated, inappropriate and out of context. They need to be reorganised to reflect the evolution of the service. The amendments are as follows, Mr Speaker, Sir.

The first amendment to section 2 will give legal coverage to the existing work structure whereby the Commissioner of Probation and Aftercare is the head of the department. Accordingly, the term “Commissioner of Probation and Aftercare” replaces “Principal Probation Officer”. In the definition of Probation Officer the word “section 16 (1)(b)” is replaced by the word “section 16(1)” because in the amended version of the Act, reference is made to Probation Officer in section 16 (1). In the definition of ‘Probation Order’, the words “and in the form set out in the Schedule” are inserted, as a schedule including Probation Order has been added to the Principal Act. The following new definitions are also added: attendance centre requirement, attendance centre, Commissioner, curfew requirement, drug or alcohol treatment requirement, guardian, institution, Minister, minor and residence requirement.

Mr Speaker, Sir, Section 3 is amended to make it a duty upon the court to ask for a probation report before deciding on whether or not to grant an offender a Probation Order. It has always been the practice for the courts to request for social enquiry reports in cases where a community sentence is contemplated but here the duty is made explicit for two reasons. Firstly, the report will allow the court to have a whole range of personal, family, social information about the offender, upon whom better decision-making could be taken.

Secondly, when the offender is on probation, the Probation Service will beforehand have diagnostic information upon which a treatment plan for the offender could be worked out appropriately. For example, for the good application of an attendance centre requirement in a Probation Order, it is necessary that a proper assessment be made on the offender beforehand.

Section 3A is amended to include the term “minor” that is defined as a person under the age of 18.

Section 4 is amended to provide for additional requirements with regard to the Probation Order. These requirements are either new or reorganised forms of existing ones. They are termed attendance centre, curfew, drug or alcohol treatment and residence requirement upon which I elaborated earlier.

We come to section 5 which deals with the power of the court to impose compensation or damages by probationers to victims of crime. This section is quite progressive in the sense that it goes in line with restorative justice philosophy. Restorative justice which seeks to promote the rights of victims also is practised in many parts of the world such as UK, USA, Canada. In a

Supreme Court judgment (Mandhub & ors v The State in 2006), our Learned Judges expressed their support for restorative philosophy in our criminal justice system when they wrote, I quote –

“A good criminal justice system within an enlightened and humane society must provide equally for conflict resolution and repairing harm in appropriate cases. It is therefore hoped that new criminal legislations in Mauritius do provide more possibilities for such type of sentencing process.”

In this regard, it is necessary to increase the amount provided under this section from Rs2000, which has become insignificant, to Rs50,000 in order to adequately compensate victims who often suffer heavy losses or serious injuries as a result of offences committed against them.

Section 7 is amended to replace the term “provision” by the terms “condition or requirement” and also to increase the amount of fine. Thus, in subsection 1(a) and subsection 3(a), replacement of the term “provision” by “condition or requirement” is made and in subsection 3(a)(i), the fine Rs100 has today become insignificant and in order to align it with the same amount of fine applicable in the case of a bridge of a community service order, it has been increased to a maximum of Rs10,000.

Section 9(2) is amended by adding the terms “or requirement” after the word “condition”. Section 11(3) deals with the procedures to be adopted when the probationer has changed or is about to change his address from one district to another. Actually, an application has to be made before the release in court to amend the order. The procedures are quite complex in terms of paperwork and time. Simply allowing the Commissioner of Probation and Aftercare, instead of the court, therefore brings about simplification of procedures to transfer authority of supervision from one Probation Officer to another when the probationer moves from one district to another district.

Section 14(1) gives power to the Court to select Probation Officers to supervise probationers. The whole of this section is repealed to vest in the Commissioner of Probation and Aftercare the power to select Probation Officers to supervise probationers and also to make it easier for the replacement by other Probation Officers whenever the circumstances so warrant as, for example, when a Probation Officer dies or retires from the service. Towards this end, provision is already being made in the Schedule.

Subsection 14(2) provides that where a probationer is a female, the Probation Officer shall be a woman. This subsection is also being repealed to avoid discrimination in probation practice.

Section 15 is amended to replace the word ‘homes’ by the word ‘institutions’, the reason being to make way for a larger definition of ‘institutions’ as proposed in the revised version of Section 2.

The approval of the Minister instead of the President is necessary for contribution made from the Consolidated Fund. The amendments of Section 16 are proposed firstly, because the Head of the Probation and Aftercare Service is no longer the Principal Probation Officer, but the

Commissioner of Probation and Aftercare and secondly, the appointment of the Probation Committees is done by the Minister instead of the President.

Section 17 of the existing Act is, therefore, amended because the Commissioner of Probation and Aftercare is the Head of the Service instead of a Principal Probation Officer.

A Schedule also is made to amend the Probation Order so that it includes the four requirements already mentioned.

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

The Deputy Prime Minister rose and seconded.

(5.12 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, as the hon. Minister just observed, *en passant*, on 12 May last, we amended the Community Service Act and, today, we are amending the Probation of Offenders Act. Indeed these are the two sides of the same coin, if I may say so. When we were discussing the Community Service (Amendment) Bill on 12 May, I pointed out that probation had been introduced in Mauritius in 1946, that is, two years before the first general election worth the name where everybody, who could write his or her name in any language including Creole or Bhojpuri, got the vote.

Allow me to quote another part of the debate then. In those days, the Governor presided over the debates and although we had been a British colony since 1810, we are in 1946 and still it was *le Procureur Général* who introduced the Bill. I find his words to explain what the probation system is and we are improving that system today. We are in favour of that amendment although one thing which the Minister said disturbs me and I'll come to that later on. *Le Procureur Général*, therefore, on 08 October 1946, said the following –

“The Probation System is founded upon the assumption that there are certain offenders who have brought themselves within the compass of some provision of the criminal law, not because they are hardened or vicious criminals but because they have either yielded to temptation or been the victims of misfortune or some unfortunate circumstances. It is thought that by placing this type of offender under the care of a Probation Officer, he will be spared the stigma of going to prison and running the risk of possible contamination there.”

I think it is a very nice way of presenting the probation system and we improved, we moved further when we came forward in 2002 with the Community Service Order Bill which has since, of course, become an Act. This is, therefore, the philosophy behind the probation system and behind the amendments that we are bringing today to improve that probation system.

Before, we amend the Probation Act today; the Probation Act was amended on 08 November 1955. It was an important amendment to do two things: one, to align our legislation to the Criminal Justice Act which had passed a few years earlier, in 1948, in UK. Therefore, there was a need to align our probation legislation on the amendments brought in the House of Commons in London. Secondly, I find the second amendment not only interesting but very humane. The second amendment was brought forward because, I quote –

“The Chief Justice - of those days, of course - expressed the opinion that it would be fairer if the law provided that the Probation Officer’s reports were communicated to the accused in order that he might have an opportunity of rebutting any statement contained in such reports.”

The intention was to have as much fair play towards the person on probation as possible. Therefore, today, we are amending for the second time the Probation of Offenders Act of 1946.

We agree with the amendments being proposed essentially because they give power to the courts to impose four requirements. I won’t go into the details the Minister has just said that, but the Bill spells out in what circumstances, under whose control, how renewed and so on, four - and only four - requirements can be imposed by the court: an attendance centre requirement, a curfew requirement, a drug or alcohol treatment requirement and a residence requirement.

The Bill before us does protect those on probation and, therefore, those requirements imposed by the court are limited to four. I don’t know whether the Minister meant to say what I heard her say, but I listened to her and I heard her say that, apart from those four requirements, the court can impose any other requirement. I don’t find that in the Bill at all. I think there is need to clarify that one. If it is there, I would wish to know where it is and with what safeguards because, in the case of the four requirements that are spelt out, all the safeguards are there. The Minister, I repeat, said: apart from those four requirements, the court can impose any other requirement. I think that is wrong. If it is in the law, it is hidden somewhere, I have looked for it all over the place and it is not there. What disturbs me is that elsewhere, in other countries, you have other requirements imposed by the courts or by Probation Officers. I’ll go to the extreme, in certain countries, you have GPS monitoring requirements, that is, for certain people who are on probation, they are tracked. The courts or the Probation Service tracked them through, what is called, GPS monitoring. I was going to raise it anyway, but those three or four words *en passant* from the Minister are disturbing and I would expect her either to tell us where in the law this is to be found or to confirm that no, there are four requirements and four requirements only.

Having said that, I repeat, we are in favour and I am sure this won’t be the last amendments, with experience, as we move forward, whatever Government is in power, we’ll keep on improving and moving forward.

The only other remark I’ll make is the following: yes, indeed, it was provided in the law that a victim or somebody who is on probation can claim damages up to a total of Rs2,000. I suppose that figure goes back to 1946. Well, if it does, purely statistically, it should not be Rs50,000; it should be much more. I ask myself the question: granted that somebody on probation can be not rich - we put it that way - but does serious damage, physical or what have

you, to a victim, and the maximum that the victim can claim from that person in terms of damages - costs are another matter for the court to decide - is a maximum of Rs50,000. I tend to believe that this is not enough. I think we should have a higher figure and leave it to the Magistrate or to the Judge. Now, we are saying that it's up to an aggregate of Rs50,000, and that if the Judge finds that it is a small quarrel, it will be Rs10,000 damages. All right! Fair enough! But, if it is vicious injury caused to a victim by somebody on probation, I tend to feel that this figure of Rs50,000 should be raised, and it should be left to the discretion of the courts to decide.

Thank you, Mr Speaker, Sir.

(5.22 p.m.)

Mrs M. Martin (Second Member for Curepipe and Midlands): Mr Speaker, Sir, the amendment that has been brought today in this House deals with allowing the court to deal more efficiently with probationers, namely by imposing an attendance requirement, a curfew requirement, a drug or alcohol treatment requirement, and a residence requirement. Indeed, time has changed; the offenders' patterns of crimes have changed, and so have their behaviour towards society and their rationale.

Today, problems such as alcoholism and drug abuse have been cited as factors which lead to misbehaviour and to offence committing. It is, therefore, imperative that new laws be passed to set a more modern pace to the dispense of justice. Although, today's justice system and more and more our Mauritian justice system has a tendency to favour the restorative side of justice, perceived to be, unfortunately, more in favour of the offender than the victim, it is imperative that a sense of fairness and equity between preservation of the interest of the public at large and that of the probationer, that is, the person under Probation Order, be observed. What do I mean by that? There should be equilibrium between the offender's sentence and the preservation of the interest of the public, including that of the victim. Indeed, as judiciously pointed out with the presentation of this amendment, Probation Orders are but one of a range of disposals available to courts when considering offending behaviour. Those probationers, under such an order, are supervised usually by social workers, but Probation Orders are but community-based options of a sentence not fixed by law. Even though those are usually minor offences, they are crimes nevertheless.

Like the Leader of the Opposition said a few weeks before, the Community Service Order (Amendment) Bill, which is now an Act, was presented. What I had said then was that aside from contributing to the community, the community service had to be a means of rehabilitation, a way to help the offenders to take stock of the gravity of the offence committed and its ensuring consequence for them and for the victim as well. I believe the same thing should apply for Probation Orders. It should be used as a means of helping the offenders in taking cognizance of their mistakes.

The amendments, which have been brought into this House today, advocate to help the courts to do just that, that is, it gives possibility to the courts to impose drug or alcohol treatment,

attendance to a centre requirement. This is where, concerning the curfew requirement, I would ask why is it for minors only? True, there are wayward minors, but there are also adults who are offenders and, perhaps, because of their age, they might fall prey easily to temptation, namely when their problem is drugs and alcohol or because they have the money to do this if they do not have the willpower, and they can relapse. Why, therefore, do we impose curfew on children only?

Secondly, how do we ensure that the curfew will be respected? What are the methods put in place? Has there been a mechanism to monitor same? One could hardly expect the parents to reveal to the authorities that the minor has broken curfew knowing what the minor might risk if he is caught. I would be grateful if the Minister could clarify how she intends to monitor this situation.

Mr Speaker, Sir, although most of the amendments, here, are in relation with sentencing position, some also relate to update of fine amounts. This is a particularly pertinent issue and helps to prevent re-offending, and we concur with this amendment.

With the passing of time, of course, the value of money has changed and, here, I see in sections 5 and 7, that are being amended, that the sum of Rs2,000 is being amended to Rs50,000 when it concerns court, where the courts may order offenders to pay damages and, subject to non-compliance with Probation Order, the probationer who has failed to comply with any provision has to pay a fine or can pay a fine not exceeding Rs100 then, which is now Rs10,000. Since that sum of money had lost relevance in time, the fines that have been imposed now, modified and increased are, I think, more consistent with the reality to act as deterrent for those who might think of the possibility of breaching the court Probation Order and paying for it but a meagre amount. No doubt those measures have been designed with a view to help the probationer avoid repeating his mistakes. But most of the measures listed above constitute repressive methods through fines and threat of sentence imprisonment, but when we talk of real rehabilitation of probationers, Mr Speaker, Sir, there are also softer options. Here I will make a few suggestions if you would allow me. This is nothing new; it has been applied before in other countries often with positive results.

Indeed, a whole range of methods, and not only cited under this amendment, can be applied. I was happy to hear the Minister talk about Attendance Treatment Centre and the activities to be held in there. I had thought along the same line that psychological and psychiatric counselling and treatment were one method that could be largely applied with repressive measures in many countries. I strongly feel though, that this option should formally be stated in the law. It should be included in the law as an imposed measure because the core issue with behavioural problems and anti-social offensive acts is that they are often of psychological origin. The realisation comes through therapy and preventing re-offending results from realisation of one's mistakes.

As such, psychological therapy should be a strong option with offenders. It should be considered necessary because too often in Mauritius people tend to equate the psychological and psychiatric treatment with madness or psychological disorder. Along with the stigma that this entails, we know that a whole range of benefits can be derived through the mental follow-up of

the offender who, clearly, has strong conflicts with the society resulting in illegal behaviour. Often here these methods are considered as a secondary option. To have it formally entrenched in the law would help destigmatise such treatment.

Secondly, in some countries probation comes with the requirement to lodge security, that is, to ask the offender to pay a sum of money which is kept in a place and returned to the offender at the end of the period of his probation, provided that the offender has not breached the conditions of the order. This also can be a deterrent and a form of soft options that I was mentioning. Mr Speaker, Sir, no mass rehabilitation can succeed if it is not part of a holistic approach. Again here, I am happy to hear from the Minister that she is considering the attendance centre requirement, the drug and alcohol treatment requirement, the resident requirement, the curfew requirement for minors. She is planning for a holistic approach because in Mauritius often we don't find this.

It would be good to introduce a kind of participative action plan that constitutes of a nationally accredited program which would develop a detailed plan to avoid offending in the future. It would help the participants to reduce the likelihood of being involved in further offending by helping the way they behave and they think. Where can they learn practice methods of problem solving? Where can they learn a number of skills to reduce the risk of re-offending? Learning and practising conflict solutions traits such as assertiveness, dealing with conflicts and resisting peer group pressure can prove to be a strong weapon against behavioural deviance. This will indeed help in the implementation of the law and impose measures to construct a better society focused on helping the legally deviant to change the aspect of his behaviour so that he does not relapse.

Thank you.

(5.33 p.m.)

Mr M. Dulloo (First Member for Grand' Baie and Poudre D'or): Thank you, Mr Speaker, Sir. On this side of the House, we have already indicated that we welcome this Bill as being a step forward insofar as probation treatment is concerned. *Faute de mieux*, of course, we welcome this Bill.

We would have expected, after having debated the Community Service Order (Amendment) Bill on the last occasion, in the light of what the hon. Minister said, a holistic approach regarding the treatment of offenders, especially the young ones. Probation orders would involve all offenders. After they are convicted, it is to the discretion of the magistrate, after considering all the circumstances of the case, to decide whether to pass a probation order or a different penalty. What is important is that we should try to distinguish between all criminals and young offenders. This is why it is very important to come with specific sentencing policy as far as young offenders are concerned. This is very important at this time. What do we see is happening? Criminals and offenders are getting younger and younger these days. We see

teenagers now committing offences which one could not have thought of few decades back. Not only should we have this holistic approach regarding young offenders, but offenders generally.

The hon. Minister, whilst presenting the Bill, has said that we are trying to follow current, modern and international trends. This is very good. She has referred to the various purposes of sentencing. We know that the main purpose is not just to punish because too often we have laid emphasis on the question of punishment. Punishment in itself can make society worse off and even the individual would not be able to be rehabilitated, so we should always keep in mind the question of deterrence, reformation, rehabilitation and reinsertion. It is good that the hon. Minister also referred to the pre-trial mediation. What happens as far as probation order is concerned is that the court should first find the person guilty, he is convicted. Once he is convicted, therefore, he has a previous conviction and he may not have a certificate of morality, he may not have a job and he may even lose the job in which he was already working. The reference to the Madhub case is very pertinent because it indicates that even our courts are indicating to us that we need to have a global approach at our sentencing policy and even at our sentencing process. What we are doing right now is that we are not looking at the sentencing policy; we are looking at the sentencing process, of course, giving other possibilities as far as conditions and requirements that can be imposed by the court. Mr Speaker, Sir, in Opposition we have done it, in Government we have pressed for it, that we look at the whole sentencing policy.

Regarding the amendments that are being made, once we had the previous Bill of 12 May concerning Community Service, we knew that this Probation of Offenders (Amendment) Bill would come. What is the policy of the Government right now? You will be surprised; when you go to the website of the Ministry, little importance is attached to the treatment of young offenders. By way of publications we have each year the report on the treatment of offenders in Mauritius. The last one was in 2006 and when you look as far as young offenders are concerned, you don't see much. The report is of 79 pages, 5 pages concern the Correctional Youth Centre for boys, not for girls and not even the Rehabilitation Youth Centre is mentioned there. As far as probation is concerned, there is nothing much. I went to different sites of the Ministry of Social Security, National Solidarity and Senior Citizens Welfare & Reform Institutions. I looked for the Probation and Aftercare Service, the Central Probation Committee. When you download, it dates back to 30 May 2003. There is the mission statement as far as probation is concerned; then, you are given the organization chart and all that, but there is nothing much concerning the policy and the plan because now, we have entered the days of programme-based budgeting. There is no plan as far as the treatment of offenders is concerned. This is why, Mr Speaker, Sir, we have said that probation is a good thing, it helps to rehabilitate, it will give an extra treatment and eliminate altogether the stigma that is attached to prison detention. Then I would invite the Government to look again at this pre-trial mediation aspect. Very often, after listening to the case, the Magistrate will hesitate to convict that person. The least recourse that he can have, as far as sentencing is concerned, is either probation or an absolute discharge. We have here legal persons, parents, social workers, and I'll just ask them to consider this situation. I will relate an incident which happened just after cyclone Gervaise. A case was brought before Magistrate Moosun; he is someone with a long experience and he serves this country in various capacities. A few youngsters/teenagers, during that cyclone, went and picked up a few iron sheets and poles in order to rehabilitate, to repair their house. It so happened that these were their neighbours' poles and iron sheets. They were prosecuted for larceny and PSP before the court. They were young

students, and one was doing his School Certificate. So, the Learned Magistrate got annoyed, and took the prosecutor to task: "I am minded to give an absolute discharge, but then this would go in the Certificate of Morality of these youngsters". He asked the prosecutor to refer the case back to the DPP for reconsideration, and the DPP decided a *nolle prosequi*. Those students have now probably a beautiful career.

Hon. Mrs Martin has referred to various possibilities of treatment that could be given to young people, especially those acting under peer pressure. There were cases of youngsters - young students of well-off families - who had dabbled in dangerous drugs and taken a few *pouliah*. There was a debate in this House. When the DPP decided to have a *nolle prosequi*, there were lot of questions about this in this House. These days, we have a lot of young people from humble families who may be tempted by gadgets which are advertised on the television. I can quote another case about two young IVTB students; one of them is an orphan and the other is following courses in electronics. They have one computer, but it broke down. So, they were tempted to just take a few parts from their school in order to repair their computer, to be able to use it to train themselves. Of course, they sneaked out one piece at a time - almost of no value - but they had to confess the whole thing. They were prosecuted with a series of charges, of Counts - not before the district court - before the intermediate court. Just imagine those young students now! One has obtained a job in one of the best hotels in Mauritius. So, if he is convicted, he is going to lose that job. The hon. Minister has done well by indicating to us the various purposes of this Bill and how this Bill will give greater scope to our courts when dealing with offenders or young ones. I would make an appeal to the hon. Minister to pay a special attention to the present trend of criminology in Mauritius so that we may especially take care of our young people.

In the Bill, itself, it is said that we want to spare especially young offenders the stigma of certain sentencing. Maybe, we need some clarifications from the hon. Minister about certain technical aspects. Clause 3 is being amended so that we are now asking the court, when making a probation order, if it is minded to consider a probation order. We are saying that the court, after considering the report, would then decide. After the court has heard the case and taken a decision to go for a probation order or not, then it will ask for the report. But here, we are inverting the chronology. We are saying that, where a court, by or before which a person is convicted on an offence, not being an offence, the sentence for which is fixed by law is of opinion that - we are adding this - after considering any report etc, make a probation order. The court has to discuss with the accused to give him/her the choice whether he/she wants to go for a probation order, and then when the report will come. Maybe, after considering any report, as made under subsection 3A, it should come at the end of this clause but not at the beginning. So, there is a question of drafting; I am suggesting this to the hon. Minister.

Mr Speaker, Sir, there are two terms that are being used, that is, the "curfew requirement" - curfew is military, curfew is state of emergency. I know that we got this term from the international and modern trend, as the hon. Minister has said. I went on the website of various countries like the United States, UK and others, and I see that they are reconsidering the whole aspect; the zero tolerance, especially those who have been given probation order. We are increasing the penalty here. This has been referred to by the hon. Leader of the Opposition, that is, when the person will not comply with the conditions imposed and all that, therefore, he will

be sentenced or he could be guilty of other offence/penalties that would be passed. So, what is zero tolerance for committing new offences? Many countries are reconsidering the term. Once you say that you are under curfew, your friends or everybody for that matter will say that you are under curfew. Why don't we say "to be kept indoor" and thus avoid the term 'curfew' - though it is a state-of-the-art expression to be put under curfew?

The second point is the drug and alcohol treatment. Once we put it this way in the legislation, when the magistrate would issue the probation order, he would refer to the drug and alcohol treatment. I think we should only refer to treatment because that, in itself, is a stigma. Once the order is passed, the person is known as being under drug and alcohol treatment, and that would be the order of the magistrate. Mr Speaker, Sir, that, in itself, carries a stigma that the person is either a drug addict, drug peddler, trafficker or whatever. I think we should purely put medical treatment or whatever qualifies it, but we should not use the term 'drug and alcohol treatment', because that would carry the stigma. Also this would appear in the Certificate of Morality as such.

Mr Speaker, Sir, at clause 6 (3b) it is said, I quote –

"The place where a probationer is required to remain indoors shall be designated by the Commissioner and shall not include an institution."

Why is it designated by the Commissioner? It is for the court to decide, on the basis of the report submitted by the Probation Officer or by the Commissioner. Of course, for designation of the institution, it is the Commissioner who would designate the institution, but, it is for the court to decide on the basis of the report or upon recommendation of the Commissioner. It is as if, once the Commissioner has decided that this should be the institution, the person can object. The accused can still have a say when sentence is being passed. The accused can decide whether to accept probation or not. The accused can decide whether to go to an institution or for curfew or whatever it is, but then, the magistrate will have, after submission by the accused or his/her counsel, to decide which institution. If the institution is not appropriate, the magistrate can still ask the Commissioner to reconsider and suggest other places, because this or that place does not seem fit to him as a magistrate or is not agreeable by the accused, because there is a question of consent by the accused. This is why I believe that this clause should be looked at again.

Of course, I think the Minister was well inspired at the end of this Bill regarding appointments to ensure that our Probation Officers are themselves put under probation for a certain period. Training is very important, because there are the questions of psychology, sociology and so on involved in executing a probation order.

To end, Mr Speaker, Sir, I would have wished that we, Members of Parliament, be more enlightened when we were discussing a Bill of this sort because it represents the future of our society, of our children, of people protecting the society; and, at the same time, rehabilitating and encouraging people to go on the right path. We would have expected a good report from the National Economic and Social Council or other authorities to guide us as Parliamentarians in order to take a reasoned approach to such legislation. It is not too late. I am, therefore, suggesting to the hon. Minister and, through her, to Government that we should have a national

committee set up very quickly, perhaps a Select Committee of the House. Perhaps another Law Review Committee should sit and look at the whole sentencing policy and, especially more important, the treatment of young offenders in Mauritius.

Thank you.

(5.51 p.m.)

The Attorney-General (Mr J. Valayden): Mr Speaker, Sir, I will be very brief. It is clear that there is more than a soft consensus on this Bill. The House will recall that on 12 May, the Committee Service Order (Amendment) Bill was passed unanimously and it is a good sign that we are now having another amendment in order to consolidate furthermore the sentencing powers of the Judiciary.

Let me inform my learned friend, hon. Dulloo, that the Juvenile Offenders (Amendment) Bill is presently under preparation and one of its objects - to answer to the criticism - is to make provision for mediation between the interested parties to determine whether or not in the case of an offence other than a serious one, a diversionary measure is not a satisfactory alternative to prosecution. We are working on it, we will be consulting each stakeholder in order to come as soon as possible before the National Assembly. Let me also quote, in order to support what I am going to say briefly, what the Chief Justice has said in the case of *Mandhub & Ors v. The State* 2006 SCJ 191. I would not quote the same lines, but I will refer to the alternative to custody. I quote the Chief Justice –

“We believe that alternatives to custody should be resorted to by the Courts in all possible cases, especially where young persons are involved. Indeed imprisoning them can have a thoroughly detrimental effect upon their future life prospects(...)”

Mr Speaker, Sir, I seize this opportunity to congratulate my colleague, hon. Mrs Bappoo, for introducing this Bill. Furthermore, today, I seize the opportunity - I am sure all Members of the House will join me - to wish Mrs Bappoo a happy birthday.

I would like to point out that the amendments of the Probation of Offenders Act will allow the courts to deal more efficiently with offenders and, more particularly, with young offenders. The courts can, depending on the circumstances of the case and the report prepared by the Probation Officer, impose on a probationer an attendance centre requirement, a curfew requirement, a drug or alcoholic treatment or residence requirement. I wish to draw the attention here to the point raised by the Leader of the Opposition and I think my friend, hon. Mrs Bappoo, was referring to - she was not referring to other points, but she was referring to what exists under Section 4 of the probation order that the order shall contain such provisions as the court considers necessary for securing the supervision of the offender and she was not travelling outside the four pillars of what we are introducing today. I think that by that I have allayed the fear of the hon. Leader of the Opposition.

I wish to draw the attention of the House by imposing any of the above requirements, that we have been referring, the Legislature is, in no way, interfering with the powers of the Judiciary to sentence a convicted person. On the contrary, in my humble opinion, the amendments give the court more wisdom and an alternative to sentence a convicted person. The court shall, before making a probation order, have in its presence, a comprehensive report - this is what we are referring to, not to Section 3 of the Act, but to 3A on the personal and social background of the offender - and shall use its discretion to decide whether to make a probation order or not. The final decision remains in the hands of courts. This is why I beg to differ with the hon. Leader of the Opposition on the question of the Rs50,000. In the case of the Rs50,000, my humble opinion is that the court will not even consider it in case, for example, of vicious attacks. The person will not even be fit for that, therefore, we have to refer again under the conditions of Section 3.

Mr Speaker, Sir, I will like also to point out that a new feature of this Bill which, in my opinion, will be again beneficial to a young convicted person, is a curfew requirement. On the term, there has been a lot of debate whether to use curfew or not. Here, let me pause to say what we are trying to do. On one hand, we want also to give alternatives to the court, to have alternative types of sentencing, but, on the other hand, we will fail in our duty if we do not send the right message to the young people. If we try to get all types of new terms, at the end of the day, we are not sending the right message to the young persons; we are not telling them what we have to do. There has been debate in England and I beg to differ again, because I have also been on the Internet. I know that my friend, hon. Dulloo, has more time than me now to check on the Internet. I have checked whether there has been debate on the term, but, in fact, they are using the same argument that I am using, that is, you have to send the message and the message must be sent to the youngsters; that if you fail, under certain circumstances, you will have a price to pay, because some people are really tempted to do many things and you have to draw the lines very clearly. Therefore, a curfew requirement will compel a young convicted person to stay indoors on specified hours of the day as determined by the court. I come from Stanley and I am sure that many people know that I, myself, was outside till very late. I was compelled by my family, by my uncle to stay inside to learn. If I was free, I would have done other things. I have done other things. In this case, coming back to the Bill, you have to confer that young person to the Police and this will control his propensity to get involved in delinquent activities and the payments will have better control on him. A Probation Officer shall, from time to time, visit the probationer, while under curfew and the system allows the State and the family members to work hand in hand to rehabilitate the young convicted person.

One point that has been raised by hon. Mrs Martin was: how do you do that? This is one of the areas where a heavy onus will be on Probation Officers to control. One of the things is to have, for example, a sort of intermittent visit; a second one is a phone call' a third one is to rely on the parents; a fourth one, maybe, is to rely on the NGOs in their areas where people have followed courses together. Therefore, this means that in this type of cases, you will need, not only the Probation Officers, but also the society, *l'environnement complet* in order to rehabilitate this young person.

Allow me also, Mr Speaker, Sir, to say that the Bill allows the courts to order the probationer to pay compensation for the damages, injury or loss support by the victims up to Rs50,000. There also, on the one hand, I refer to the question of viciousness, whether he will be

qualified for probation - instead of sentencing him/her he/her is given a probation order - but, on the other hand, if you go further than that, you are, in fact, penalising the parents, not the person. Therefore, we must bear also into account what has been said by the hon. Leader of the Opposition. I believe it will be used as a deterrent, but we must be careful not to go over the board.

To conclude, Mr Speaker, Sir, let me say by allowing a young convicted person to benefit from a curfew requirement or an attendance requirement, we are rehabilitating them in the society and, at the same time, giving them all the necessary support in terms of services, of psychologist and, at the same time, supervising them in their own environment and making the parents more responsible. Let me end up by saying that we are also amending the laws to include for adults the issue of compensation, but we have to look at it very closely before coming before the National Assembly.

I thank you for listening to me.

(6.00 p.m.)

Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East): Mr Speaker, Sir, let me also congratulate and wish ‘Bon Anniversaire’ to the Minister of Social Security. I want also, as a former Minister of Social Security, to congratulate the Commissioner and the staff of the Probation Service for the excellent work they have been doing. It is a profession qui est très méconnue. Ils travaillent sous l’ombre du judiciaire mais, en fait, ils ne travaillent pas dans l’ombre, ils travaillent au soleil, ce sont des field workers. Je vais intervenir sur les amendements globaux de ce projet de loi, mais seulement avec bias, if I may say, towards restorative justice which the Minister, hon. Mrs Martin as well as hon. Dulloo mentioned, but within the spirit of the Bill to prevent re-offending. It is, in fact, very difficult, Mr Speaker, Sir, to strike a right balance between the need for rehabilitating the young offenders and the community safety and security surtout, comme l’a dit la ministre, dans le contexte d’une augmentation de la violence parmi les jeunes. There is an increase in teenage violence, juvenile violence, gang violence and the new phenomenon of gang rape. Je disais lors de mon intervention sur le budget que les lois régissant le ministère de la femme veillent évidemment aux rights of the child, rights of the family, protection of the child and protection of the family, mais au vu de ce qu’on voit, c’est à dire, minors aggressing minors and minors aggressing adults, il y a lieu d’inclure aussi des notions, des modules de responsabilité; responsabilité des jeunes que ce soit au ministère de la jeunesse et des sports; au ministère de la sécurité sociale ou au ministère de la femme, de la protection de l’enfant et du bien-être de la famille.

We must make children be responsible for their choices, responsible for their decisions and responsible for their actions, in fact, for their behaviour as a whole. Je voudrais également attirer l’attention sur ce qu’on est en train de découvrir aux Etats Unis, en Europe. On ne s’est jamais vraiment intéressé à voir plus profondément dans les cas de young offenders. On met tout simplement sur le compte de leur mauvaise conduite, le mauvais background, leur enfance difficile. Des recherches récemment ont démontré que roughly about 75% of cases of young

offenders ont eu des problèmes de dépression. Sous leur dépression ou autres mental disorders, ils commettent des délits parfois très graves. Mais comme les signes et les symptômes de la dépression s'apparentent d'une façon très proche des problèmes de comportement d'un jeune, il n'y a pas de grande différence, il n'y a que les spécialistes qui peuvent les déceler. La différence c'est que nous permettons aux jeunes de vivre avec leur dépression et ils arrivent éventuellement à commettre des délits assez graves. Je voudrais faire ressortir qu'il n'est pas question pour moi d'être *complacent*, au contraire, je suis d'accord qu'il faut consolider, qu'il faut mettre les chances de notre côté pour *prevent re-offending*. Des fois nous voyons que ces enfants ont été victimes. Cela a été prouvé worldwide. Des enfants, qui ont été victimes d'agression sexuelle, en grandissant, commettent des agressions sexuelles. Des enfants, qui ont été victimes de violence domestique, en grandissant, en tant que parents, font usage de violence envers leur propre enfant et leur propre famille. À une question parlementaire, il y a deux ans de cela, j'avais demandé au Premier ministre si on avait les chiffres, le pourcentage d'agressions sexuelles, d'inceste commis sur les enfants par des parents, par des membres de la famille, par un étranger. Ces résultats nous ont démontré que dans 78% de cas, l'agression sexuelle est commise par quelqu'un qui est connu de la famille. Donc, lorsque nous disons dans le projet de loi que le Probation Officer va visiter aussi les parents, les familles, on peut aussi effleurer la question parce que, il y a aussi beaucoup de cas où les enfants sont issus de dysfonctionnel families.

En ce qui concerne le curfew requirement, si on oblige - parce que c'est imposé - l'enfant à rester dans la famille, il faut faire attention parce que parfois le problème se trouve au sein même de la famille et l'incompréhension se trouve au sein même de la famille. We have also seen cases of children with educational deficit et aussi des enfants qui commettent des délits sous l'influence des produits illicites. Là je voudrais tout simplement faire un appel pour que dans les cas où ces probationers sont référés dans les centres de traitement, ne pourrait-on pas faire des arrangements - comme cela se fait ailleurs - pour qu'à certaines heures, il n'y ait que des probationers, qu'ils ne soient pas mixed avec des adultes, hard core addicts. Il se peut que ces probationers aient un problème de glue sniffing ou d'alcool, alors les faire rencontrer dans le même groupe les heroin addicts, c'est risquant. Donc, je voudrais tout simplement et humblement suggérer - si ce n'est pas le cas déjà - de voir un peu le curriculum dans les probation homes, problem hostels et autres institutions en incluant des éléments de life skills development. Au ministère de la jeunesse et des sports, on le fait déjà. Decision making skills - parfois c'est une mauvaise décision qui fait que l'enfant bascule, l'enfant commet un délit - problem solving, stress management, interpersonal relationship, anger management - c'est très important que dans ces institutions-là, on inculque aux enfants les techniques de anger management pour éviter qu'ils ne passent à l'acte même dans les moments de conflits, évidemment conflict resolutions as mentioned by the Minister. Quant aux parents, il faudrait aussi faire leur éducation parce que le projet de loi prévoit des visites chez les parents. J'ai eu l'occasion de rencontrer les représentants d'une organisation aux Etats Unis, c'était en 1987. Alors cette organisation-là s'appelait 'tough love' c'est-à-dire, aimer les enfants, mais avec fermeté. Leur symbole est absolument le même que celui du parti socialiste français avec un poing et une rose à la main. Lors de ce forum, ils ont réalisé qu'avec le laissez-faire attitude il faut quand même une notion de fermeté.

Pour terminer, je dis qu'il faut aussi aider les parents en leur inculquant des new parental skills. Je suis content d'entendre que mention est faite de pretrial mediation. Donc, il faudrait

aussi voir la médiation parents/enfants, children and peers parce que souvent les parents poussent les enfants à faire l'escalade. S'il y a une petite contravention ou un petit problème, les parents interviennent et les annulent. Les enfants se disent: papa et maman sont là; donc, pas de problème. A ce moment-là, ils font l'escalade jusqu'à ce qu'ils commettent des délits assez graves.

Je voudrais attirer aussi l'attention sur une étude qui avait été faite en 2002 ou 2003 par le Mauritius Research Council qui, en allant en profondeur sur la psychologie, le fonctionnement de ces jeunes, le family background, a trouvé qu'au lieu de parler trop facilement de child beyond control, ces enfants, au contraire, sont passés par des moments, des circonstances qui étaient beyond their control.

Un mot sur la question des fines. Je comprends que pour des séquelles traumatisantes - comme l'a dit l'honorable Leader de l'opposition – il serait souhaitable d'avoir une somme plus importante. Pour moi, la somme est importante certes, mais je me pose la question globalement. Connaissant leur profil, ces jeunes, qui font des délits graves, finiront par ne pas payer l'amende, et atterriront en prison. Ils vont defeat the purpose. C'est pourquoi j'avais dit que it is very difficult to draw the line between this restorative justice, and the security and safety of the community

Je terminerai en disant qu'il faudrait prendre ces amendements comme une transition vers plus de restorative justice. Je souhaiterais quand même, pendant ces placements dans les institutions, qu'on pense aussi au *victim support*, la seule organisation qui s'occupe des victimes à Maurice. Même si à Maurice on n'est pas prêt à faire une confrontation entre the offender and the victim pour le moment; il serait souhaitable qu'on arrive à le faire à l'avenir, mais on pourrait quand même faire les offenders rencontrer les victimes des autres offenders pour qu'il y ait plus de compassion et plus de empathy.

Je vous remercie, M. le président.

(6.12 p.m.)

The Minister of Social Security, National Solidarity and Senior Citizens & Reform Institutions (Mrs S. Bappoo): Mr Speaker, Sir, I would like, first, to thank all the hon. Members who have intervened in this debate. It is clear that both Government and Opposition sides want to have a much more progressive sort of legislation, as far as probation of offenders is concerned.

Mr Speaker, Sir, in fact, various points have been raised, requesting clarification on a few provisions in the amendments. I am very thankful to my colleague, the Attorney-General, who has tried to clarify issues about the court procedures and the reports prepared by the Probation Officers for conciliation, etc.

I would like, maybe, to mention only a few points. First, I have listened, of course, to the hon. Leader of the Opposition, but I do believe that he has, maybe, misunderstood what I said. In fact, I mentioned that part of the Act contains standard conditions. In addition to these, we are, in these amendments, coming with four requirements, which are being added to the standard conditions. I don't think there is any conflictual point on that.

Concerning the fine brought to a maximum of Rs50,000, for consistency purposes among the various courts, we have tried to put up this quantum. Of course, if any victim wishes to claim more compensation, I do believe that they can have a civil case entered and request for more compensation.

Lots have been said on curfew. Of course, it is a new element to the Probation of Offenders Bill. As it has already been pointed out, it is a matter of giving a strong signal to our youths. Every day we hear, Mr Speaker, Sir, about so many problems concerning juvenile delinquency, etc., but I want to assure everyone that the law also specifies about ways of monitoring this curfew requirement on account of minors, especially by the Probation Officers. There will be lots of surprise checks and phone calls to enable them to know whether that child is at home. Under this curfew requirement, there will be, at times, more difficult cases that request assistance from the Police, and the element of parents also is very important.

At times, we feel that, as far as parental care is concerned, there is a weakness in their responsibilities. I think this will give the right possibility and responsibility also to parents to be able to take care of their child at these times and during day time which will be, of course, pronounced by the court and not by the Probation Officers.

Hon. Dulloo has spoken about a holistic approach to the amendments. I would like to say also that we came with the Community Service Order Bill. We are now dealing with the Probation of Offenders Bill today, and shortly the Attorney-General will start consultations with the stakeholders where the Minister of Education, myself and many others will be involved concerning the Juvenile Offenders Act. This will add up to the problems that we are facing today in society. We are not putting this issue of juvenile delinquency aside; we are coming with new amendments to that piece of legislation as soon as we complete the consultation.

The purpose of a Social Enquiry Report is to give to the court all the personal, family and social circumstances about the offender before taking a decision about issuing the Probation Order. Either the report comes first or the Probation Order comes first, but the report needs to be presented to court so as to enable the Magistrate to take a decision about the issue of a Probation Order.

I have already spoken on the issue of curfew. *Je suis entièrement d'accord avec l'honorable Lauthan quand il dit qu'il faut veiller à ce que ces jeunes qui sont mis on a drug and alcohol centre requirement ne se mêlent pas avec les adultes. Naturellement, c'est quelque chose qu'il faudra prendre en main, et non pas laisser la situation empirer.*

Curfew can be at any other place apart that of the family. This also will be decided when the social enquiry report will be done. It will be specified in the probation report, and then the Magistrate will decide.

As far as the review of the curriculum is concerned, we welcome this proposal, of course, and we are embarking on the process of reviewing the whole thing. This will be, of course, taken into consideration. In a way, we are all satisfied about the concern shown by everyone to bring these amendments to this very old legislation of our country.

Pour terminer, j'aurais aimé citer ce que Yves Roumajon a écrit dans une de ses collections, titrée – « Ils ne sont pas nés délinquants ». Il dit –

“La délinquance est une terre largement visitée, mais toujours par les mêmes chemins. »

Ce que nous faisons, M. le président, avec les amendements proposés, c'est de justement visiter la délinquance, mais par d'autres chemins.

Merci M. le président

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE PROBATION OF OFFENDERS (AMENDMENT) BILL

(No. VIII of 2009)

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4 (Section 3 of principal Act amended)

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

Mr Dulloo: On Clause 4, I just wish to make a point to which I hinted in the course of the Second Reading debate. It is just to remove doubts and also for clear drafting purposes because we are saying that “after duly considering any report made under section 3A and”, should come after the words ‘is of opinion that’ so that if we have the text of the main Act before us, it would read like this –

“Subject to paragraph (b), where a Court by or before which a person is convicted of an offence, not being an offence the sentence for which is fixed by law, is of opinion that after duly considering any report made under section 3A and having regard to the circumstances (...) make a probation order.”

It is as if we are binding the discretion of the Magistrate. It is for the Magistrate to decide a Probation Order first and then he will rely on the report as to whether go ahead or not on the conditions and requirements to be imposed. This is why I am suggesting that the words “after duly considering any report made under section 3A and” should come at the end of Section 1(a) so that it reads “the Court may, instead of sentencing him, make a Probation Order after duly considering any report made under section 3A and”. This would be better drafting and, at the same time, remove doubt that we are not pre-empting on the discretion of the Magistrate before passing sentence. This is my suggestion.

Mrs Bappoo: I have been advised by the State Law Office that the amendment, as it is presented, is clear enough.

The Chairperson: Is hon. Dulloo insisting on the amendment?

Mr Dulloo: No.

The Chairperson: Carry on!

Clause 4 ordered to stand part of the Bill.

Clauses 5 to 16 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill

The title and the enacting clause were agreed to.

The Bill was agreed to.

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

Third Reading

On motion made and seconded, the Probation of Offenders (Amendment) Bill (No. VIII of 2009) was read a third time and passed.

Second Reading

THE MAURITIUS INSTITUTE OF TRAINING AND DEVELOPMENT BILL
(NO. X OF 2009)

Order for Second Reading read.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Mr Speaker, Sir, I move that the Mauritius Institute of Training and Development Bill (No. X of 2009) be read a second time.

Mr Speaker, Sir, now more than ever it is time to invest in our people. The importance of the quality of the workforce in order to sustain economic and social development cannot be emphasised enough. Indeed, this is widely recognised by all stakeholders throughout the world. World correlation exists to show that countries that have succeeded economically are those that have invested massively in their human resources. Besides, globalisation warrants that for a nation to be productive and competitive and thrive on the world market, its people should have world standards competencies - knowledge, skills and attitudes.

Technical Vocational Education and Training (TVET), Mr Speaker, Sir, is increasingly resorted to as a policy instrument to address the need for skilled manpower in both existing and emerging economic sectors to be able to compete globally. It reduces the skills gap that exists in many countries both developed and less developed between the labour market needs of the countries concerned, and the number and type of work-related skills possessed by their citizens.

However, as the world of work becomes more complex and more changeable under the influence of global trends; training and education for the world of work has to adapt accordingly. Changing technology and work organisation call for continuous upgrading of knowledge and skills in a lifelong learning environment. Besides, the target population is increasing in diversity and encompasses both labour market entrants and in-service members, with wide ranging educational and social characteristics. Hence the TVET system needs to respond to all these challenges.

Mr Speaker, Sir, I wish to examine the status of TVET in Mauritius. It has to be underlined though, that human resource development has been high on the agenda of any succeeding Government in Mauritius. In that context, TVET has been very closely associated with the economic development of Mauritius in one way or another, most particularly, with the creation of the Industrial Trade Training Centre (ITTC) in 1967, the School of Industrial Technology of the University of Mauritius in 1968 (now the Faculty of Engineering), the first Hotel and Catering Training School was created under the then Ministry of Economic Planning and Development in 1971 with a view to train manpower for the hotel industry in Restaurant and Bar Service, Hotel Front Office (Reception), Kitchen Service (Assistant Chef), Housekeeping and Hotel Management, the Lycée Polytechnique de Flacq in 1982, the IVTB in 1988 and the TSMTF (Technical School Management Trust Fund) in 1990. The setting up of the IVTB marked an important milestone in the evolution of TVET in Mauritius. The IVTB then became

operational in January 1989 with numerous challenges such as the need to ensure quality of training dispensed by the private training centres; resolve the equivalence and validity of certificates being issued; ensure access to a greater number of people to be trained, etc.

Tremendous effort has been there since the beginning but we are far from the situation prevailing in developed nations. The percentage of the young members of the labour force (age group between 20-24) who have formal vocational training is generally very high in industrial countries varying from 60% and 80%. That percentage for Korea, for example, which has been categorised as an industrialised country is exceptionally high at 96% since 1998. On the contrary, the developing countries have percentages significantly lower than the developed countries. Here, in Mauritius, figures show that every year on average for every 2.7 applicants, one is accepted within the IVTB Training Centres besides other prevailing problems.

Therefore, Mr Speaker, Sir, this Bill is an important landmark in TVET reform in Mauritius. We need a new and innovative paradigm shift in thought process planning to realise the importance of TVET as a major determinant of our future rate of economic growth as well as the type and number of jobs that we create. We want to give TVET its due recognition. We want Mauritians to understand the value of TVET. We want Mauritians to realise that TVET is an alternative route to professionalism where somebody can start from the lowest certificate level and achieve a professional qualification. We want TVET to have parity of Esteem with Academic studies. We want to further increase access to TVET so that every applicant can have a seat. We want all those people who have been working for long years and developed tremendous experience and skills to be recognized.

Consultation, Mr Speaker, Sir, has taken place with all the staff of both the IVTB and the TSMTF as we want all the staff concerned to be on board this fundamental process. Visits were held in different training centres in order to meet the staff on their site of work to explain clearly the TVET Reform concept.

The setting up of the Industrial and Vocational Training Board (IVTB) in 1988, Mr Speaker, Sir, constituted a major landmark in the development of technical and vocational education and training in Mauritius. The necessary regulations and institutional framework were put in place for the registration of private training institutions, part-financing of training through the one percent levy on payroll, and the planning and development of publicly-funded training institutions. This resulted, *inter alia*, in an increase in access to TVET, greater diversity and levels of training on offer. This strengthened public-private partnership in policy making, programme design, delivery and evaluation.

The Technical School Management Trust Fund, set up in 1990, has also contributed in promoting and in increasing access to technical education through the three polytechnics, operating under its aegis, namely Lycée Polytechnique Sir Guy Forget de Flacq, Swami Dayanand Institute of Management and the Institut Supérieur de Technologie. In that whole development stage, some of the training programmes offered by the IVTB and the TSMTF have ended up with the same objectives and lead to more or less comparable qualifications, thus leading to duplication of facilities and resources. In addition to the two main public providers of TVET (IVTB and TSMTF) there are about 400 private training institutions, registered with the

Mauritius Qualifications Authority, which offer training mainly in management and information technology.

Mr Speaker, Sir, the Government Programme (2005-2010) stated that, I quote –

“The educational reforms must include skills enhancement and vocational training as part of the universal provision of world-class education.”

It also mentioned the setting up of IFETs (Institut de Formation et d'Education Technique) which will provide the post-SC training leading to a Higher National Diploma in areas like tourism, agro-industry, electronics and information technology. In the same light, it was emphasised that the current training system will be reviewed to give new directions to Technical, Vocational and Educational Training. Mr Speaker, Sir, this is exactly what is being done today through the MITD legal framework.

Mr Speaker, Sir, in order for Mauritius to ensure its capacity to compete on a level playing field and become a stalwart world competitor, a critical mass of technically qualified human resource capacity must be readily available. Gone are the days when TVET was considered as the back seat of human resource development and only as an alternative to academic mainstream. The House would wish to note that, in his closing remarks of the 15th IVETA International Conference held in Moscow from 21st to 23rd August 2006, the President of IVETA (2005/2006) said that –

“After a period of marginalisation (from around 1980 to 1996), the importance of Vocational Educational Training has once again become apparent in the world, especially since both globalisation and technology have become significant drivers of education reform.”

According to the World Bank, 80% of the jobs in the whole world necessitate TVET competencies and the figure is still higher in developing countries. Yet, in Mauritius there is still a stigma attached to TVET. It is still perceived by a large majority of the population as being restricted to those who do not succeed at CPE level. It is paradoxical to recognize that human assets are the prime mover of the competitiveness of enterprise and yet expect these human resources to be those who have failed in the mainstream.

The world environment, Mr Speaker, Sir, is undergoing a rapid change. Among the many changes taking place, there are “factors of upheaval” that are evident. One of these changes is the dawning of the information age at an unprecedented rate of transformation. For Mauritius not to be left on the lurch, it must follow suit in this new wave of technology dependent economy and invest tremendously in training of its people and produce highly qualified engineers and technicians in sufficient numbers as well as a competent flexible workforce. In addition, since unskilled jobs will gradually disappear and existing jobs would inadvertently be needing different skills and knowledge to perform, opportunities and facilities for consistently skilling, re-skilling, up-skilling and lifelong learning must be prevalent.

Technology is also impacting on the way in which technical and vocational training is delivered. Innovative and flexible technology-based delivery systems are gradually being introduced. In years to come students/employees will be able to access training in the workplace, home and training centres. Technology will play an important role in increasing access to training.

In line with the Government Programme 2005/2010 and with the different budget speeches where it was clearly mentioned that mergers of parastatals would be considered with a view to improve performance and reduce contingent liabilities, the setting up of the MITD as a result of the merger of the IVTB and the TSMTF would go towards addressing many of the issues raised above.

Mr Speaker, Sir, the Mauritius Institute of Training and Development (MITD) will also allow us to render Technical and Vocational Education and Training delivery relevant, efficient and effective and also to make lifelong learning a reality. The MITD will be one central organization which will take over the functions of the Industrial and Vocational Training Board and the Technical School Management Trust Fund and will have as objectives -

- (i) to promote excellence in technical and vocational education and training;
- (ii) to promote research and enhance knowledge in technical and vocational education and training;
- (iii) to increase access to technical and vocational education and training through the setting up of training centres;
- (iv) to promote exchange programmes and courses with other institutions in technical and vocational education and training, and
- (v) to assist in the apprenticeship of persons who are, or will be, employed in commercial, technical and vocational fields.

The functions of the MITD are clearly laid down at section 5 of the Bill and I wish to highlight that one of its most important features will be its role as an awarding body for technical and vocational education and training.

At this point in time, Mr Speaker, Sir, Mauritius needs a qualified labour force to cope with the immense competition on the global market. We have reached a point where we can no longer tolerate any fault and we have to produce qualifications in TVET that are recognized and harmonized on the world market. The recognition of all our qualifications is an essential determinant in ensuring the success of the reforms, given our wish to transform the country into a knowledge hub to attract regional students in both the mainstream academic and the technical education sectors. The recognition of all our qualifications is an essential determinant in ensuring the success of the reforms, given our wish to transform the country into a knowledge hub to attract regional students in both the mainstream academic and the technical education sectors.

Currently, the awarding bodies for the Technical, Vocational, Education and Training (TVET) sector are the Mauritius Examinations Syndicate in collaboration with the IVTB and the Mauritius Examinations Syndicate in collaboration with the Technical School Management Trust Fund (TSMTF). These awarding bodies award qualifications only for public institutions. The

Mauritius Institute of Training and Development (MITD) will converge all these awarding bodies into a single centralised Technical Vocational Educational & Training body for the qualifications as developed under the National Qualifications Framework.

It is to be underlined that, as at now, no local full-fledged TVET awarding body exists in Mauritius. An awarding body is a body issuing qualifications (certificates or diplomas) formally recognizing the achievements of an individual, following a standard assessment procedure.

In order to resolve the issue of certification of training courses at the inception of the IVTB, it was first proposed to issue a national certificate of proficiency for all courses organised under the aegis of the IVTB so that they are properly accredited and recognised by employers. The National Trade Certification System (NTC) was gazetted as GN 1254 of 1993 which made the IVTB, I quote: “responsible, *inter alia*, for administration, control and operation of training programmes and for implementation of the National Trade Certification System (NTC). The NTC examinations would be conducted jointly by IVTB and Mauritius Examinations Syndicate.”

Mr Speaker, Sir, I would like to inform the House that there are more than 450 private training institutions which are registered with the Mauritius Qualifications Authority. In the wake of the national qualifications developed under the NQF, MITD will become the central awarding body. Therefore, both private and public institutions will be able to offer courses as developed under the NQF and these qualifications will then be awarded by MITD. I wish to inform the House, Mr Speaker, Sir, that MITD will award qualifications for all TVET courses, falling under the NQF.

I would also like to inform the House that Recognition of Prior Learning (RPL) was launched on 04 June 2009 in 4 sectors, namely Tourism, Construction, Plumbing and Printing. Such an initiative will promote qualified labour force and mobility of labour.

De ce fait, M. le président, le MITD viendra combler cette lacune si criante et va aussi faciliter la mise en place du projet de la Valorisation des Acquis d'Expérience (Recognition of Prior Learning). Since the IVTB has developed tremendous experience in conducting examinations for the past twenty years, it would not be difficult to introduce a seamless Quality Assurance system, so essential for a credible awarding body.

As regards powers conferred upon the MITD, provision has been made under Section 6 of the legislation for the reinstitute to enrol students who wish to follow technical and vocational education and training programmes and courses, to charge fees, to receive grants and donations, to operate in partnership with other institutions, to manage its assets, and to enter into agreements with other institutions.

We want, Mr Speaker, Sir, to make sure that, in our current system, all institutions have their place in a rational and harmonised way. By the Institut Supérieur de Technologie (IST) joining the UTM, the existing international linkage between the IST and the University of Limoges will be rationalised within the higher education framework in line with the requirements of the European Higher Education Framework. The Swami Dayanand Institute of

Management (SDIM) will also benefit from this connection with UTM since it already has top up programmes with this institution. To streamline technology training, provision has been made in the legislation for the IST and the SDIM to be detached and to be integrated to the University of Technology (UTM).

In view of the numerous advantages obtained from the French Government under the existing Protocol, it has been deemed appropriate for the Institut Supérieur de Technologie to be anchored within a university framework as well as the other polytechnic falling under the aegis of the TSMTF, that is, Swami Dayanand Institute of Management (SDIM). The TVET reform under way thus also aims at ensuring that pathways are strengthened between the university sector and the world of work. While the MITD will have a specific focus on the development of technical and vocational programmes, the IST and the SDIM falling under the UTM will ensure a link between professional and university programmes.

In collaboration with its respective international partners, the UTM will take the opportunity to provide not only diploma level courses, but also later extend these through easier pathways to professional degree programmes, of the *Licence Professionnelle* type in the French system. All existing international partnerships will thus not only be maintained, but also strengthened.

The importance of diversifying our portfolio of professional programmes, both through the MITD and at university level, cannot be under stressed since recent studies, such as the HRDC Plan of 2007, indicate that there are skills gap mostly in the professional sector rather than in the academic mainstream sector. The establishment of the MITD and its extended provisions will contribute to alleviating this skills gap.

I wish to inform the House, Mr Speaker, Sir, that once the MITD Bill would have been enacted, both the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management will be integrated within the framework of the University of Technology, Mauritius. A draft Memorandum of Understanding between UTM and these two institutions, the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management, will be prepared to enable them to operate under the aegis of this University. The MOU will also make provision for the running of top up programmes (third year) at UTM which will lead to the award of a degree by UTM. It is necessary to point out that students already registered with the Institut Supérieur de Technologie and Swami Dayanand Institute of Management will not be charged any additional fee as is presently the case.

Mr Speaker, Sir, the MITD would have its own Board for its administration and management. The Board would comprise, *inter alia*, representatives of the parent Ministry and of the Ministries responsible for employment as well as finance and representatives of the private sector. It will also include members having experience in technical and vocational education and training. The Board would be able to set up any committee which it thinks could assist in the performance of its functions as well as the exercise of its powers.

The Board, Mr Speaker, Sir, would appoint the Director of the Institute and such Director would, *inter alia*, be responsible for the execution of the policy of the Board, and the control and

management of the day-to-day business of the Institute. The MITD Board would also be able to appoint its employees and make provision to govern the conditions of service of such employees.

As regards the staff of the IVTB and the TSMTF, transitional provisions have been made at Section 28 of the legislation for their employment except for those at the Institut Supérieur de Technologie (IST) and the Swami Dayanand Institute of Management (SDIM). As such, every person employed on the permanent and pensionable establishment of the IVTB or the TSMTF would be transferred to the permanent and pensionable establishment of the MITD on terms and conditions which would be not less favourable than those of their present employment. Moreover, there would be continuity in the period of service of such employees. Furthermore, any employee on the permanent and pensionable establishment of the IVTB or the TSMTF who does not wish to be transferred to the MITD could be redeployed to another statutory body where vacancies in similar positions are available or may opt for retirement on ground of abolition of office.

As far as the assets of the IVTB and the TSMTF are concerned, these, Mr Speaker, Sir, will be vested in the new institute, except, of course, for those of the Institut Supérieur de Technologie (IST) and the Swami Dayanand Institute of Management (SDIM), which will, at the commencement of the Act, be vested in my Ministry.

Provision has also been made for all the rights, obligations and liabilities of the IVTB and the TSMTF to be taken over by the MITD, except for the Institut Supérieur de Technologie (IST) and the Swami Dayanand Institute of Management (SDIM). As regards these two, that is, the IST and the SDIM, their rights, obligations and liabilities will be transferred to the UTM. The MoU between the Ministry and the UTM will take care of the modalities of this transfer.

Mr Speaker, Sir, the Mauritius Institute of Training and Development (MITD) will herald a new era. There will be streamlining for technical and vocational education and training in Mauritius to operate under a single institution, the MITD. There will be rationalising of resources to give a new drive and a new orientation to technical and vocational education, strengthen governance and management of technical and vocational education also. The MITD, Mr Speaker, Sir, will pave the way for enhancing skills to meet our needs for the development and growth of our country.

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

Mr Valayden rose and seconded.

(6.51 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, the idea of setting up a new institution through the integration of the Industrial and Vocational Training Board (IVTB) and the Technical School Management Trust Fund has been in the pipeline for quite a while.

In the past, it has been recommended – because this is rationalisation, there is logic in it - by the World Bank and others. Today, in fact, we are doing two things. We are creating a new institute through the integration of the IVTB and the Technical School Management Trust Fund and, at the same time, we are placing the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management under the University of Technology. We go along with that. We can quarrel on details and we can quarrel on the name. I must say I am not happy with the name. We all love development, we all want development. Where does that word 'development' fit in?

I know there have been lots of discussions, including the IVTB staff union proposing the name that we are adopting. You can tell me what's in a name! All right! We better choose the right name to send the right signal. Honestly, I do not think that this word 'development' should fit there. I listened to the speech to the hon. Minister. Mauritius Institute of Training and Development! Development of what? All right! As I said, we all love development; we all agree that vocational training is vital for the development of the country but I honestly do not think that this is the proper appellation - the Mauritius Institute of Training and Development.

In fact, when we look at the objects - I also listened to the hon. Minister - what does the first object say? The objects of the Institute shall be to - at every paragraph, you have the expression, which I think should be the name of the Institute – (a) promote excellence in technical and vocational education and training. That expression: 'technical and vocational education and training' appears in every sub-paragraph, because it is the proper appellation. It describes what the Institute will do. This Institute will deal in technical and vocational education and training. The Minister himself referred repeatedly to the need for one institution to promote technical and vocational education and training. Therefore, what's in a name! I think it is important. I think that the new Institute we are setting up, instead of being called 'The Mauritius Institute of Training and Development', should pick up what the objects are about and what the Minister talked about, that is, it should be 'The Mauritius Institute of Technical and Vocational Education and Training'. There is logic in it; in every sub-paragraph this is the expression; it is a complete expression and describes well. Whereas for the term 'development', you'll have to go and explain to people that the idea is to have this new Institute to promote better training; technical and vocational education and training and, therefore, that will result into development. I know that Government will stick to the name that Cabinet has agreed to, but, I think, if we had given the name of 'The Mauritius Institute of Technical and Vocational Education and Training', it would have been the proper name and the correct definition of the institution that we are setting up.

There has been a big issue for a while, and the polytechnic directly concerned is in our Constituency at Camp Le Vieux and, some time back, it caused quite an amount of problems for the previous Minister of Education. The youngsters following the courses there were worried about *la valeur du brevet de technicien ou de technicien supérieur* or qualification that they would obtain. Would it be really recognised here in Mauritius, at regional and international levels? They were worried sick that the linkage to the Université de Limoges would be broken and that, therefore, this would be to their detriment, both in terms of the value of the *brevet*, of the certificate that they would finally have, and also *les ouvertures que cela permettait*.

Now, we are told that both the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management - I hope with the linkage to the Université de Limoges and others because the more help we get from outside the better - will fall under the aegis of the University of Technology. I hope that does reassure those youngsters who are following at present and who have been following the courses concerned. I wish well to the new Institute that we are setting up, and I also wish well to the Swami Dayanand Institute of Management and the Institut Supérieur de Technologie that will now be under the aegis of the University of Technology.

I have one or two more remarks. I think it should be pointed out that I was quite impressed by the Memorandum submitted by the IVTB Staff Union to the Minister. I must say it was in despair that they submitted a very good Memorandum. They tried desperately to meet the Minister but apparently the Minister could not find time for them, and they submitted a very well prepared Memorandum. I think there is need to point it out when a trade union does its work like that and submits a well-researched Memorandum. I do not agree with everything that they are saying there, but it is a good, excellent work done by the IVTB Staff Union.

They raised a few points that I'll raise also. They take offence - if that is the word - that, instead of having a Council like the University of Mauritius or the IVTB, they will have a Board. They take offence to that because they feel that it is downgrading. Again, what's in a word this time! Not what's in a name what's in a word, but I think they have got a point. The IVTB had a Council; the University of Mauritius has a Council and others. Why should they have a Board instead of a Council? I think they have got a point there. They also take offence to the fact that elsewhere the employees - of different categories - of the University of Mauritius, of the University of Technology and so on elect representatives on the Board or Council, not in this case. They have, therefore, made the request that this should take place.

The next representation which they made - I am not sure that this is not the first time that a trade union makes that request - they point out that as far as the IVTB is concerned, on its Council, the public sector and the private sector are at par. They have an equal number of representatives whereas, in the institute that we are setting up, the private sector will have two representatives and the public sector three representatives. So, the suggestion comes from the trade union this time that the public and private sector should be put at par, but from their point of view for good reason. I quote paragraph 4 of their Memorandum -

“We believe that this ...”

Not putting at par the public sector and private sector.

“... difference in representation to the disadvantage of the private sector (...).”

They also say, I quote -

“We believe that this could result in reduced support from the private sector to training provided by the IMTD in terms of attachment opportunities for future

trainees and our trainers of equipment sharing and donations, of sharing of resources and facilities, etc.”

The paragraph goes on, I quote again -

“A key contributing factor to the success of the IVTB has been the close collaboration and strong support of industry in its various training endeavours like the apprenticeship scheme. We make an appeal to you – the Minister – to revise the representation of the private sector upwards so as to maintain parity of representations between the public and the private sector.”

It is worth taking note that this is a case where the trade union makes that representation, but, as I said, they put reasons for that. They think that it is to the advantage of their members in general.

Finally, they made a representation which I did not hear the Minister make reference to. They wish to continue to fall within the purview of the PRB whereas the Act, as it stands, clearly does not provided for. So, I think that it is worth keeping in mind this worry from the staff, from the union representing the staff of the IVTB as it stands at present.

Thank you, Mr Speaker, Sir.

(7.04 p.m.)

Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne and Phoenix): M. le président, nous sommes en présence d'un projet de loi qui propose la mise sur pied de la MITD, une institution qui désormais chapeautera les deux institutions majeures d'enseignement technique et professionnel, à savoir l'IVTB et le Technical School Management Trust Fund, afin, paraît-il, de mieux gérer et de mieux coordonner le secteur, un secteur dont l'importance devient de plus en plus crucial, car il est étroitement lié au développement économique et social du pays. Le projet de loi permet la fusion – a merger – entre le Technical School Management Trust Fund et l'IVTB et, en même temps, permet à ce que l'Institut Supérieur de Technologie et le Swami Dayanand Institute of Management, pour leur part, passent à l'Université de Technologie de Maurice.

La MITD sera responsable de promouvoir l'enseignement technique et professionnel, d'installer de nouveaux centres de formation, de développer des programmes d'étude, de dispenser des cours, d'être un *awarding body* et, en plus, de promouvoir la recherche dans le domaine de la formation technique - démarches que je considère fort louables - car nous sommes tous conscients de l'importance de la formation technique et de la qualité à tous les niveaux dans notre système éducatif.

M. le président, j'allais, avec votre permission, demander la possibilité d'ouvrir une petite parenthèse pour aller dans l'historique des *vocational colleges* à travers le monde et au niveau national mais le ministre a fait une très bonne description de ce que cela a été à Maurice, donc,

je ne vais pas le faire, mais malgré tout, je voudrais quand même dire que dans la plupart des cas à travers le monde, les Technical and Vocational Schools ont existé depuis le Moyen Age, mais ont toujours été promus surtout pour pourvoir aux besoins de la société.

In fact, it has been most of the time to meet the growing needs of the industrial society. There have been various forms of institutes ranging from vocational schools, technical schools, polytechnics, community schools, institutes of technology in different parts of the world and they have been operating as a wide range of learning institutions at various levels in the educational system.

Vocational and technical institutions became very popular after the Second World War when, with the industrial revolution, the shortage for skilled labour was strongly felt. In Mauritius also, we have passed through the same stages with the setting up of the Hotel and Catering Unit.

Il y a différentes institutions telles que les écoles hôtelières, les lycées polytechniques, entre autres à diverses étapes dans notre développement. Peut-être que ce serait bon de citer, qu'en France, pendant le Moyen Age, en 1794, l'école polytechnique de France était une des plus vieilles institutions, qui était par contre là pour l'éducation of the French élite, pas poussée par le besoin de l'industrialisation comme ailleurs. Les *vocational and technical schools or institutions*, M. le président, ont quand même changé avec le temps. Ils ont évolué et, de nos jours, certaines de ces institutions sont en position d'émettre des degrés et ont été reconnues *upgraded*. Par exemple, en Angleterre, les polytechniques ont été *upgraded* en 1992 et *validated* par le Council of National Academic Awards et maintenant tous les polytechniques d'Angleterre sont désignés comme universités. A Maurice, comme le ministre l'a bien décrit, nous avons eu toute une série d'institutions. Après l'IVTB, il y a eu le Technical School Management Trust Fund, et les écoles polytechniques ont formé, comme on le dit, un *prominent landscape in our educational set up*.

M. le président, aujourd'hui personne ne peut nier l'importance des lycées polytechniques, de la formation technique, surtout si nous prenons en considération les grands changements qui ont eu lieu au niveau international, au niveau mondial. Il est devenu de plus en plus important d'assurer la qualité au niveau non seulement de l'enseignement académique, mais surtout au niveau de la formation technique et professionnelle de nos jeunes.

Mr Speaker, Sir, we have followed the same path of the developing countries after which les polytechniques on a eu la chance d'avoir le Swami Dayanand Institute of Management et l'Institut Supérieur de Technologie. On this, Mr Speaker, Sir, we can show the importance that has always been attributed, as the Minister has rightly pointed, by successive Governments to what we call technical formation. Perhaps the best words to describe its importance would be those of the President Roosevelt of the United States who mentioned that technical education must be considered as a means to provide "industrial intelligence" to meet the demand of a growing industrial sector.

Mr Speaker, Sir, technological changes, changes in financial institutions, the emergence of global markets for goods and services, international competition, new business strategies, new

management practices, new forms of business organisation, new forms of organisation of work are among the significant developments which are now transforming the world of work. These developments have offered both opportunities and challenges to enterprises, individuals as well as to countries. However, some workers have, through these developments, managed to get better career opportunities or successful self employment, improvement in their living standards and prosperity. For others, these have resulted in job insecurity, unemployment, declining standards of living, and even poverty. Education, training, human resource development are the only tools available which will allow us to rise to the challenges of this evolving world as well as to take the advantages that they are providing to us.

This is why, Mr Speaker, Sir, we, on this side of the House, believe that the overall improvement of technical and vocational education are the keys that would lead us to quality, technical and vocational training institutions. Due to the fierce competition in the workforce, it is important to raise the standard of our training so that it is recognised not only at local level, but also internationally to increase employability of our people. Mr Speaker, Sir, we know that we will more and more depend on the versatility of our people to meet these changes. The role of these institutions would, we hope so, bring up that level that we are trying to achieve in technical education. We are trying to increase occupational competencies so that learners manage to become masters and the novice can become the expert. However, Mr Speaker, Sir, we do have a big problem. For too long, technical training and vocational training have been considered to be a second class training by some people and it is unfortunate that this has been the case. Most probably this is linked to the fact that, initially, vocational training was meant for jobs, careers which were mainly in terms of manual workers, electricians, automotives, technicians, masons so people tend to have a low esteem for such training. However, things should change, and things are changing, Mr Speaker, Sir, because more and more we realise that we will have to be more innovative in the type of education we are offering our children. In fact, in Mauritius, we have reached other *étapes*, if I may put it so, because we have been talking of training in tourism and hospitality *qui sont de nouveaux créneaux si on peut le dire ainsi, M. le président, pour s'assurer que le développement et l'éducation technique prennent un nouvel essor.*

M. le président, il y a eu aussi l'innovation dans la façon qu'on présente ces institutions. C'est vrai que l'IVTB a atteint aujourd'hui un niveau qui est reconnu à travers la région et même à travers le monde, parce qu'il y a eu des Memorandum of Understanding entre l'IVTB et certaines institutions tertiaires à l'extérieur. Aujourd'hui, l'école hôtelière est considérée comme étant un bijou dans le système. Bien sûr, on a fait du progrès, mais il y a encore du progrès à être fait. Il faudrait qu'on arrive avec d'autres *innovative courses*. Il faut prendre l'exemple de l'Inde. L'Inde a été un pionnier dans l'éducation technique, dans le domaine de *film and television productions*. Aujourd'hui le Asian Academy for Films and Television est reconnu à travers le monde. Ce n'est qu'en 1993 que l'Inde est arrivée avec ce créneau et, aujourd'hui, *it is known à travers le monde, et it is a field which is developing very rapidly.*

Mr Speaker, Sir, we have mentioned earlier this low esteem for technical education, this stigmatisation of technical education and, in Mauritius, like in many other parts of the world, we know that the preferred path, the preferred route is the six-year primary education, followed by the five-year secondary education plus the two years sixth form education, and the University. This is the preferred route. However, with ISTD and the Swami Dayanand Institute of

Management now being associated with the University of Technology maybe we can do away with this stigmatisation. What is interesting to note is that, even around the world, we have noted that very advanced countries, like the Minister had put it earlier, Canada, Switzerland, Finland and Japan, are having higher and higher levels of registration in the vocational fields rather than in the usual academic mainstream education. What is also interesting is that people, after going through the mainstream academic education, are opting for technical training after that. This is a new trend. In fact, we have more and more people who, having completed the academic mainstream, are now looking and asking for technical training to ensure their employability. Mr Speaker, Sir, it is also important to note that, at the UNESCO conference in Hangzhou, China, in 2005, there was a decision taken to ensure that technical education be taken up to Masters level now, and that this would ensure that, apart from technical education that we have been used to, we will be able to bring engineering, scientific knowledge, and other forms of training to the benefit of the people of Mauritius.

Mr Speaker, Sir, we know that, for long, people have considered technical training as to be meant for those who are academically, intellectually and financially challenged, but this, I hope, will now change with the new set-up, especially as the hon. Minister has reassured us *que le niveau sera maintenu et que les liens avec les universités étrangères vont aussi être maintenus.*

Mr Speaker, Sir, we must not forget that the potential of our children is multifaceted and that it is important for us to provide them with more educational opportunities, new educational routes and models, and not just to consider routes and models that we have had as success paradigms. We must also offer alternative routes to broaden the educational horizons. Technical and vocational education is capable of introducing our youth to the world of work, to provide them with means of enhancing their aptitudes and potentials. This is why I believe that placing the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management under UTM is a good step forward, Mr Speaker, Sir. It would certainly help to build up the self concept and the self esteem of students who, having been formerly considered to be from the vocational stream, will be able to move on to university education.

Mr Speaker, Sir, we also know and have noted that the new MITD will be able to promote research in technical education. This is very important because it will allow market research as well; it will allow people to link up the education system that we are providing our children to the needs of the market which have not always been properly matched in Mauritius. In fact, we have noted also that, with the changes, with globalisation, people are losing their jobs, they can no longer think of maintaining a career throughout their life and, therefore, we will have to cater for all the people who would like to train and recycle in a new career. These institutions should also open their doors after the hours that they are normally run to ensure that a maximum number of people get the chance of being trained and, again, increase their employability.

Mr Speaker, Sir, we have already mentioned the stigma. We have already mentioned that technical studies will now have a new chance, and that people will be able to get the possibility of training themselves further at higher levels. We must, once again, ensure that whatever we have achieved till now be maintained because previously examinations were conducted by the MES, and we know that the MES has a reputation - now, a bit dwindling, but still it has a

reputation. We have to ensure that these courses are recognised in Mauritius and elsewhere, as it used to be.

Mr Speaker, Sir, I will now turn to the Bill itself. I have noted at section 7, again talking about the Board, that, unlike the Board of the Technical School Management Trust Fund, there is no employee representative on the Board, and this has been a major apprehension of the staff. It is true that when we are bringing a change it is good to have all stakeholders on board and, maybe, this is one aspect that we need to consider because it is always good to have all the people with you when you are bringing a change.

Furthermore, I will reiterate their fears regarding the problem of conditions of services which would now be decided at the level of the Board but then, there seems to be a small confusion because somewhere in the Bill it is mentioned that they will be treated as public officers and that they will have the protection that public officers normally have when we talk about their liabilities. Is it so? Will they retain their position as public officers or will they now be governed by another set of rules and conditions as they fear? Maybe this is another point that we need to consider.

Mr Speaker, Sir, Governments in Mauritius and elsewhere have always ensured that they take the responsibility for training and education for fear that people get denied the chance for training or a seat in any institution due to financial problems. They may be denied access due to financial problems.

Mr Speaker, Sir, when we consider the objects and functions of the Board, we find that they can levy fees. We would like to know whether the students, who were at the Lycée Polytechnique Guy Forget and at the IVTB; who were paying nominal fees if ever, would now be asked to pay a fee for the training that they would undergo. Furthermore would the Institut Supérieur de Technologie and Swami Dayanand Institute of Management, when being tied to the University of Technology, be asked to pay fees for their education? These are points that tend to cause lots of worries to the young students and their teachers who are accompanying them.

Mr Speaker, Sir, this particular Bill is full of good intentions and we, on this side of the House, do support it. However, we would like the Minister to ensure that all the rights of the students are safeguarded and that the quality of education dispensed is improved if not maintained at what it was.

Thank you very much, Mr Speaker, Sir.

(7.25 p.m.)

The Minister of Industry, Science and Research (Mr D. Gokhool): Mr Speaker, Sir, let me start by commending my colleague, the hon. Minister of Education, Culture and Human Resources for introducing this Bill to the House. I have listened to previous orators and, on this side of the House, except for a few reservations and request for clarifications, we are happy that

there is a consensual tone with regard to the proposal which is contained in the object of the Bill. This is basically, as spelt out in the Explanatory Memorandum, the integration and merger of the Industrial and Vocational Training Board and the Technical School Management Trust Fund into a new institution, that is, the Mauritius Institute of Training and Development.

As explained, I think the backdrop to this new institution was given by my colleague, namely that we are in a context of fundamental changes in the economy and also the profile of the labour market profile is changing, and that there is a great need for schemes, which will respond to the needs of the market now and the emerging ones. This institute, as we have explained, is intended to give a new impetus to the technical, vocational and education sector.

Mr Speaker, Sir, therefore, the proposal contained in this Bill is essentially a restructuring of the technical, vocational and education sector to respond more effectively to the present and emerging needs for skill manpower in different sectors of the economy.

As pointed out by my colleague, hon. Dr. Bunwaree, the proposal of this Bill forms part of the comprehensive reform programme in the education and human resources sector. This has been spelt out in the Government Programme. I have often referred to our commitments on this side of the House in the Government Programme. Having held the portfolio of education and human resources, I am once again happy to say to this House that we are, once again, honouring a commitment that we have taken in the Government Programme. My colleague has referred to the relevant paragraph, to which I would like to refer. It is paragraph 160 of the Government Programme where it is mentioned –

“The current training system will be reviewed to give new directions to the Technical, Vocation and Educational Training.”

We are, in fact, honouring another commitment that we had taken on this side of the House.

Mr Speaker, Sir, the first leg of the reform for the education and human resources sector took place in July 2005. In fact, it was a very important decision, which our Prime Minister took, to bring education and human resources under one umbrella. In fact, this is the trend. For too long a time - if we look from a historical perspective - technical education has been hosted either by the Ministry of Finance or the Ministry of Employment or the Ministry of Skills Development and Productivity or even, at some point, the Ministry of Education. In July 2005, Government took the decision that these two vital functions should be under one umbrella, under one Ministry. I am happy that this is continuing even after the Cabinet reshuffle and my wish is that this continues even in future.

Mr Speaker, Sir, there is an organic link between education and training. They support each other. We cannot put these two important functions in different quarters. This is a point which has been canvassed. Why is it today that there is some kind of a stigma, that is, we look down upon technical and vocational education? It is precisely, because of this fragmentation, this demarcation; that it has been separated for too long from mainstream education. So, people look at mainstream education as being more important, and technical and vocational education as being less important. This is being changed worldwide. If we look at the Scandinavian

countries, to which hon. Mrs Dookun-Luchoomun had referred, and even to UNESCO and IVETA, they have all been recommending that there must be a link between technical and vocational education and training which should be re-established.

Mr Speaker, Sir, the first leg of the reform is putting both education and human resources under one umbrella, and the second leg was the formulation of the NHRD Plan. This also was a commitment which Government had taken to produce the national human resource development plan. The plan has been published and we have updated it. It is a valuable document because this is a reservoir of information as regards our labour market's situation in Mauritius. I think it is the first time that we have a National Human Resource Development plan which has been achieved. It was a commitment. It provides a lot of information about human requirements and projections for the short and medium terms. Besides, it is a basic document for planning training strategies. The third leg of the reform agenda of Government in the education and human resources sector is that the Government has approved recently the Education and Human Resources Strategic Plans for 2008 and 2010. The fourth leg is today, when we are creating a new central institution to look after training, technical and vocational education and training.

Mr Speaker, Sir, I listened to the Leader of the Opposition. In fact, as I said there is generally consensus about this proposal, but he was commenting on why the term the 'Mauritius Institute of Training and Development'. The core function of this Institution will be skills development and skills development is all about training. So, let us not quarrel about the term, about semantics, because the core business of this institute will be skills development and skills development is equal to training. That is why we have opted for this terminology 'The Mauritius Institute of Training and Development'. Mr Speaker, Sir, I need to point out that technical and vocational education has a history and there is a *fil conducteur*. What a Labour-led Government is trying to do and what, in the past, Labour had done for this country, *il y a un fil conducteur* and I would like to comment on that. The *fil conducteur* is how our founding fathers dealt with the challenges of development posed immediately and a little bit before Independence, and the approach which they adopted as far as human resource development was concerned. This was recognized by the founding fathers of the Labour Party and that's why they leveraged education and training to promote the development of every child, every citizen.

If you go back to the days of SSR. Why did SSR give much priority consideration to education and training? He believed that people are our most valuable resources and that we must invest in our human resources. Investment in human capital is the bedrock of the Labour Party philosophy and today, in 2005-2009, that philosophy continues. We are consistent. We believe in the development of our human capital and even today we stick to this philosophy.

Mr Speaker, Sir, the education needs and the skill gaps remain a constant concern for this Labour Government and today, we are repositioning technical and vocational education. In fact, we are adapting and we are innovating. In the past, there had been a lot of models, a lot of steps taken to develop this sector. We have to agree that the two institutions – the IVTB and the Technical School Management Trust Fund - have established a fairly good track record. They have delivered. Both institutions are catering for technical and vocational education. At a given point, they were created, but now it is important to rationalise and while I pay tribute to the successive management of these two institutions, the time has come to bring out this merger so

that the technical and vocational education sector can be better managed and can respond to the needs for skills development for the new and modern Mauritius.

Mr Speaker, Sir, this Institute will also take on board a few new and emerging issues. Today, we cannot talk of a job for life or one career for life. We are in an era of lifelong learning, and, therefore, the Institute will have to look at its functions in terms of how to upgrade and continuously provide training to people who access its services. The second consideration is multi skilling and polyvalence. Today, you cannot survive with one skill, in fact, you have to go for several skills and this is the requirement in the work organisation. So, multi skilling and polyvalence will also be on the agenda of this Institute of Training and Development. The other issue which has been flagged - my colleague has mentioned that and I would like to briefly comment on this - is the issue of creating pathways and raising the status of technical and vocational education. In fact, on that issue there is consensus. I am happy to say that this is one of the ideas we are implementing through a pilot scheme - the knowledge-based training centre. It's not just a change in appellation. In fact, it is a new philosophy that we have incorporated in the knowledge-based training centre which is now operational in the ex-BAT premises. What is happening, Mr Speaker, Sir, is that the technical and vocational education and training learners should have the opportunity to switch between different types of education and training. There must be *passerelles*, pathways and this has not existed. It has not been there in a big way and we have to create those *passerelles* like in Singapore. Somebody can be from the academic mainstream, but he can go to the technical stream and come back to the academic mainstream. This is what we are trying to develop. The TVET learners should have the opportunity to switch between different types of education and training and the training should establish a knowledge foundation for learners who wish to pursue higher education or other type of further education. In fact, what we are trying to do in the knowledge-based training centre is to give every trainee a sound academic foundation because if that training has to progress in life the trainee needs that sound academic foundation. Very often we find the technical training too technical and, therefore, it does not provide the opportunity for people to go beyond to higher level of studies or even up to university. In fact, there are a few interesting cases. Trainees, who started with technical and vocational education and training, went to do Diploma programmes and eventually they even completed their PhD. Do you know in which area Mr Speaker, Sir? In Curriculum Design, which is both very technical and academic, but they were able to reach there because their academic foundation which was in-built in the training system was sound. That is what is being experimented with the knowledge-based training centre.

I need to say also a couple of words about the project which did not go through for La Gaulette. Mr Speaker, Sir, there were a lot of controversies but when people will look back to the project they will see that it was a missed opportunity. La Gaulette SSS, since it was created, welcomed only up to 40% to 50% of its student capacity. It was never having the full complement of students. When we examined the profiles of the students, we found that they could do well in terms of technical and vocational education, but we did not wish to split it into academic and technical and vocational education. What we proposed to them is a fusion, that is, they could continue with their academic studies, but those, who wanted to do technical and vocational education, would be given the opportunity. It is the same model as we have started with the knowledge-based training sector at ex-BAT. There were a lot of controversies and finally we had to abandon. But, if that project had worked in La Gaulette SSS, I am sure, in

terms of quality training, future prospects, jobs prospects, our students would have been much, much better off, but that is history now. We have to leave it and, I hope, after the success of the knowledge-based training centre in Port Louis, the model can be replicated elsewhere. Mr Speaker, Sir, these are some fundamental issues that the new institution will address.

There was a remark made by the hon. Leader of the Opposition about l’Institut Supérieur de Technologie in Rose-Hill. In fact, when I was handling this dossier, the issue was that the University of Limoges was insisting that the IST should award degrees to continue the agreement, but at that given point in time, the status of IST did not allow it to confer degrees. We discussed with them and we said: “Look, we will have to work out an agreement either with the University of Mauritius or UTM”. This is what has been done. In fact, we solved the problem. The problem was the insistence on the part of University of Limoges. Let me put it that other Governments or institutions cannot come and dictate to us. We made them understand that IST, at that point in time, was not yet a University and could not award degrees because degrees are awarded by the Senate. We discussed and we solved the problem. I wanted to clarify that point. We did not create the problem, in fact, we solved the problem.

Mr Speaker, Sir, the other issue that has been raised by hon. Mrs Dookun-Luchoomun is about innovative courses. In fact, the whole idea is to reposition technical and vocational education. A number of new courses are already being offered and this Institute is looking to the future. We want to develop those skills in a proactive manner so that there is no skill shortage or skill gap. This is the fundamental idea of the Mauritius Institute of Training and Development.

I am very happy that my colleague has brought this Bill to the House. It is going to create a new institution with the same values that we have promoted in the past. We have to build our human capacity and this has made the success of Mauritius. I have no doubt that this Institute will make a tremendous contribution to the future development of our country.

Thank you, Mr Speaker, Sir.

(7.42 p.m.)

Mr G. Gunness (Third Member for Montagne Blanche and GRSE) : Mr Speaker, Sir, while listening to the previous orator, the Minister of Industry, I feel that he is getting the *nostalgie* of being Minister of Education, but I better go with the speech of the Minister of Education who has been very consensual in his approach.

(Interruptions)

I prefer to go with the way the Minister has approached it, because he, himself, said that different Governments have come, and he pointed out in his speech how, since the creation of the ITTC, we came with the IVTB, the Technical School Management Trust Fund; how different Governments have endeavoured in that direction in promoting technical and vocational training

in our country. Therefore, I better go with the way the Minister presented it instead of trying to argue with the previous orator.

We all agree that it was high time because, since years, this idea of merging the IVTB and the Technical School Management Trust Fund was around and, today, the Bill is in front of the House. I think there is more or less consensus on the Bill, apart from a few observations to which I'll come later on.

Mr Speaker, Sir, what we are seeing today is that, on the one hand, we have the Technical School Management Trust Fund which basically consists of three "institutions", namely the Lycée Polytechnique Sir Guy Forget, the Institut Supérieur de Technologie (IST) and the Swami Dayanand Institute of Management. On the other hand, we have the IVTB. So, the merger that we are dealing with today consists, in fact, of the IVTB, the Lycée Polytechnique Sir Guy Forget and the staff of the Technical School Management Trust Fund, because the two other institutions falling under the TSMTF, that is, the IST and Swami Dayanand Institute of Management, will go under the University of Technology about which I will talk later on.

In fact, when I went through the electoral manifesto of the present Government, I see that there were very good intentions at paragraph 4.1, 4(b), I quote:

"L'établissement d'un nouveau pôle d'éducation supérieure et de formation professionnelle, la création de huit à dix instituts de formation et d'éducation tertiaire délivrant des diplômes équivalents, tels que BTS et HND de niveau international".

Very good intention! But I am afraid that we have not attained this target. Apart from the ex-BAT which - we have just heard - has been converted into a knowledge centre, we must work towards attaining this target of setting up these institutions. Since we are dealing with the merger of the Lycée Polytechnique Sir Guy Forget of Flacq, I think it has done a very good work. It was set up under *un accord de coopération française*. It has done good but we know that it has a limited capacity of only 400 seats since years now. Fortunately, it offers very good courses like *génie électrique, génie électronique, génie civil et bâtiment, génie fabrication mécanique*. I think the model of the Lycée Polytechnique ought to have been replicated in different regions of the country on geographical region. One is in the East, but we could have thought about one in the North, South and West so that we can increase the intake of students. What we must target today - when we are talking about pathways, about the academic, technical and vocational training – is for people to move from one to another; we must offer the space just like when there was problem of space in the colleges where we had to create the necessary space with the necessary infrastructure and programme. With the new institute that will be set up, that is, the MITD, I think that one of the works that probably it will have to do is the setting up of similar institutions like the Lycée Polytechnique Sir Guy Forget on a decentralised basis which will offer more space because actually this Lycée has only 400 seats available.

We can think about new programmes, for example, like working on courses in fields like Agro-Industry, Electronics and Information Technology, Tourism, etc. These are the fields where we can provide courses to the children of this country. Mr Speaker, Sir, at the same time,

when we are talking of the IST, that is, the Institut Supérieur de Technologie and the Swami Dayanand Institute of Management, the Minister said that he will be working out a Memorandum of Understanding. The actual staff of the IST, I am afraid, are concerned about that, because we are bringing a Bill. There has been no Memorandum of Understanding between the Government and the employees.

There has been no Memorandum of Understanding between the Government and the employees of these two institutions. What will happen if, tomorrow, after the Bill, they are as if *devant un fait accompli*? The law would already have been passed and they would have had no time to make their representation. So, their worries are: who will be the employer of the staff, will they become the employees of the University of Technology eventually, and what will be the terms and conditions as lecturers? We also have a question of relativity between the basic salary of lecturers and trainers who are actually employed by the TSMTF. I would like to know whether this will be solved before the integration process of the IST and the SDIM to the University of Technology. All these queries and concerns about the staff of these two institutions, I think, ought to have been dealt with before we come with this law. It is good that the Minister has said that it will be coming. I hope he will have full discussions with the unions of the staff concerned whose proposals would be taken on board while drafting the Memorandum of Understanding with the staff of these two institutions.

Mr Speaker, Sir, one thing which worries me in the Bill is the levying of fees, which is one of the objects of the new institution. It seems there is doubt, because I went through the recent Parliamentary Question asked by hon. Mrs Labelle, to which the Minister, himself, answered on 10 April, and I quote –

“Mr Speaker, Sir, may I ask the hon. Minister whether it is not a very subtle way to get the fees payable because the fees under the University of Mauritius are free while under the University of Technology the fees are payable. Actually, fees at l’Institut Supérieur de Technologie ne sont pas *payants*, but once the Institut will be under the University of Technology what will happen to the fees?”

The Minister answered –

“Mr Speaker, Sir, we are looking into the matter at this point in time. I discussed this with my technicians in the course of the week, and we are trying to do our level best for these fees not to be paid in this particular aspect because we are being helped financially by the French Government, and also the TEC will be awarding a budget for it to the University of Technology Mauritius. The whole framework of university fees is being looked into.”

Later on, he said –

“The renewal is going to take place in a matter of days, as I said, and recruitment is going to follow the same pattern as last year for the time being, and then we are going to look into the matter for later years.”

When we put in the Bill the question of levying fees, and we got such an answer from the Minister, I think, the parents, the population and everybody are a bit worried. I say this mainly because we must make sure that fees are not payable in these institutions. Let us see what the Education and Human Resources Strategic Plan of 2008-2020, which the previous orator mentioned, says at page 14 in that particular case. I quote -

“TVET is more and more relied upon as a policy instrument to address the need for skilled manpower in both existing and emerging economic sectors to be able to compete globally. It is also called upon to play an active role in the fight against poverty. On the other hand, changing technology and work organisation call for continuous upgrading of knowledge and skills in a lifelong learning environment.”

Therefore, Mr Speaker, Sir, it is already mentioned here that TVET will play an active role in the fight against poverty and, today, if we go ahead with the levying of fees, I am afraid that we will not be attaining the objective that we have set.

Mr Speaker, Sir, I come to the Bill itself. The Minister put a lot of emphasis on the status of awarding body that the Institute will become. I tend to agree with the union that all awarding bodies, be it the MIE, the University of Mauritius or any awarding body, have a Council. I think that the unions are right in saying that, instead of a Board, it ought to have been a Council, mainly because this Institute will become an awarding body in the future. The Minister emphasised that, even for the private institutions which are actually delivering courses, it is this new Institute which will award certificates and diplomas. Therefore, I feel that the unions are right when they are asking for a Council instead of a Board, as is the case for MIE, the University of Mauritius and the University of Technology. Everywhere, awarding bodies have a Council, and it ought to have been a Council here also.

When I went through the two previous Acts, that is, the IVTB Act and the Technical School Management Trust Fund Act, I found that we had a representative of the Ministry of Industry. I think there is logic in that, because when we are talking about industrial, technical and vocational, I think that the representative of the Ministry of Industry is important. I don't think that it was just like that in both Acts. The IVTB and the Technical School Management Trust Fund Acts had representatives of the Ministry of Industry, but, this time, when I go through the Bill, unfortunately, I do not see any representative of the Ministry of Industry on the Board. The point has been well canvassed. I think it is important that we have a representative of employees as well as a representative of the Ministry of Industry on the Board.

Mr Speaker, Sir, concerning the other sections of the law, we have the point which has also been made that, in the transitional section, employees are being given 28 days only to decide and to opt for what they will do. It is not clear as to whether the employees will be under the remuneration order or whether they will be in the PRB, because it is said that the Board will decide and will work out the remuneration which will be paid. Conditions of service and everything will be decided upon by the Board. Therefore, I think the employees have the right to know whether they will continue to benefit from the advantages that they were getting under the PRB. In many other bodies, where there has been merger or transfer from one body to another, at

least, as an incentive, the employees have been granted one or two increments in addition so as to encourage them to join the new institution being set up.

Mr Speaker, Sir, I think I have made my point on the Bill and, therefore, I would also like to wish this new Institute all the best, so that it can work in the interest of our children, of the future of this country. This Institute has a great role for the advancement and the fight against poverty, and for the training of our children in the future.

Thank you.

Dr. Bunwaree: Mr Speaker, Sir, let me start the summing-up speech by thanking all the Members on both sides of the House who have participated in the debates. In fact, there seems to be consensus. How could it be otherwise? In fact, as I mentioned - and I wish to repeat it - insofar as training is concerned, all the succeeding Governments have been trying to do their utmost best for the progress of training in the country. We have reached the stage where we are today, thanks to the efforts of one and all. I cannot but thank my colleague, the Minister of Industry, for having given a very beautiful and enlightened speech. In fact he has been involved right from the beginning with the work, and we are continuing, of course, in that direction. I would like to thank him and congratulate him for the good work he had been doing and which I am continuing.

Mr Speaker, Sir, in fact, the setting up of the MITD marks another important milestone in the need to establish Mauritius, as I have said in my speech, as a knowledge hub in the region. We have listened to the speakers, especially on the other side of the House, and I wish to make certain comments or respond to certain of the points that have been raised by, first of all, the hon. Leader of the Opposition. In fact, my colleague, Minister Gokhool, has already explained as to why the word 'development' has been introduced. The Bill has been called MITD, 'D' standing for development. In fact, it is development, because we are talking of skills development, which, in fact, means training in itself. I have discussed on that quite a lot when the matter was presented to me, and I was convinced that was the best definition that we could give, but, what's in a name, as the Leader of the Opposition, himself, said!

The question of maintaining the Council and not the Board has been mentioned by some hon. Members. I want to tell the House, Mr Speaker, Sir, that, insofar as the IVTB is concerned, it has got the name Board in its name, and this is probably why it had a Council. The SLO has advised that it was better to have a Board - and we have gone accordingly - with representatives, persons with experience, knowledge in technical and vocational education. That also is a bit of semantics. I can assure the House, Mr Speaker, Sir, that the MITD will continue to be governed by the PRB. In fact, after the proclamation of the Act, action will be taken for the MITD to become an approved service, that is, to be governed by the PRB. So, the House can rest assured insofar as this is concerned.

As for the question about why there is no representative of the staff or employees on the Board, we have also looked into the matter. Here also, I can assure the House that members can

be co-opted when the need arises. The point has been made by the Leader of the Opposition of some sort of disequilibrium, but I have been advised that the vice Chairperson can be from the private sector, which could re-establish the equilibrium between private and public sector. I can also assure the House that we have had lengthy discussions with all stakeholders and essentially the unions. In fact, before I took over the Ministry, when my colleague Minister Gokhool was there, the Permanent Secretary had started going around. When I took over the Ministry, the Permanent Secretary was still going around and explaining. He did it so well that the unions have been involved. I am going to meet them again, as soon as the Bill is passed, when the question of Memorandum of Understanding comes. There is always, in such circumstances, Mr Speaker, Sir - and we know it from experience - *une petite inquiétude, mais nous sommes là pour calmer les esprits et pour rassurer les* stakeholders. We had a meeting with the IVTB staff union itself last year, when the Bill was in preparation - I have the specific date of 19 September 2008 – and they have been taken on board again at other stages. As I have said I am going to meet them again.

A very important point also Mr Speaker, Sir, is the linkage between the IST and the Université de Limoges. The linkage will not be at stake. I think it has already been made clear in the House through my speech and also through what has been mentioned by my friend, the hon. Minister of Industry, that there was a difficulty at one point in time, but this has been solved and is now behind us. A decision has already been taken for a provisional agreement with the Université de Limoges, up to 01 September 2009, to be signed between the Université de Limoges and TSMTF for extending the provision for the current *protocole de collaboration et de partenariat* with IST. Once the MITD Bill will be passed, the Université de Limoges will then be signing a further agreement with the UTM for a period of two years, which is, of course, renewable.

The question of recognition, Mr Speaker, Sir, is to be maintained by preserving the linkage with the Université de Limoges. I will go further to say that, in fact, partnership has been established under the knowledge-based training centre framework for students to follow diploma. There also, I don't want to enter into details. My colleague has explained very clearly how we can move in the new system, from the academic side to the vocational side horizontally and vertically by progressing. He gave a beautiful example of one student who ended up with a Ph.D, which, in fact, is praiseworthy. Some students are following courses in Canada, with the assistance of the Université de Limoges. After completing the second cycle, as we said, there is possibility for them to move to the *troisième cycle* and also to finish up by becoming properly trained professionals.

We have already mentioned the question of diploma, Mr Speaker, Sir. I wish to reassure also the Member who raised the question - I think it is hon. Mrs Dookun-Luchoomun - on the quality of TVET, on the moving up to diploma; on the training of trainers to be organised through pedagogical training and professional qualifications. The linkage with the private sector exists and is being strengthened. We have the question of ISO certificate, strategic alliance with international institutions. Hon. Mrs Dookun-Luchoomun also raised the question of innovative courses. This is what we are doing. The new MITD Board will address the issue, in fact, training in emerging sectors would be seriously and urgently considered.

It is good to inform the House that, insofar as effect is concerned, in the first phase, three effects are being set up, but others would be gradually set up. One of the Members raised the point of increasing access. The new MITD Board would, in fact, look into it. This is one of our major preoccupations; it will certainly take shape in various forms - the use of modular approach, the use of ICT to enhance delivery, an increase of training officers to 20 to 1 has already been taken in light engineering, where there is enough physical capacity. Other possible facilities would be explored, for instance, unutilised physical facilities. The possibility to work with private training providers will also be explored along the same line as with the academy, the notion of incubators at the KBTC. The building opposite the main one will, in fact, be explored.

Mr Speaker, Sir, there is also the question of working after normal working hours. Part-time courses will be offered after normal working hours to allow in-service employees to benefit from facilities available as is the case with IVTB now. In fact, I am here, Mr Speaker, Sir, to reassure all stakeholders, including the question of fees that have been raised. In fact, I gave the reply and I also mentioned in my speech that the students who are there can rest assured, they are not going to pay. Insofar as the Institut Supérieur de Technologie is concerned, they are helping financially and we will see to it that the same system continues. What will happen in the medium and long terms? We will have to sit down and continue the follow-up, but, for the time being and for the years to come, we are going along the same lines insofar as the studies are concerned. They are already organised by these two institutions and will continue in the same way. Of course, those going under the UTM for the third year, can have other possibilities, but that third year will be decided by the UTM itself; for the first two years we are for the time being continuing along the same lines.

This is what I wanted to say, Mr Speaker, Sir. In fact, it is high time that this new innovative paradigm shift be realised. TVET needs its due recognition. The Mauritius Institute of Trading and Development Bill - the IMTD - Mr Speaker, Sir, will give a new dimension to training and development. We agree on both sides of the House on this, and as we are faced with a situation of reduction of employment in certain sectors, it is important to give a new reorientation to training. It is necessary to tap the potential of our human capital, to enhance and develop skills. We need to have trained professionals to seize the opportunities in new emerging sectors. The MITD will, I repeat again, Mr Speaker, Sir, pave the way. It will prepare our country to have trained, technical and professional staff to exploit opportunities to take us to new heights of development.

With these comments, Mr Speaker, Sir, I again commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Mauritius Institute of Training and Development Bill (No. X of 2009) was considered and agreed to.

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

Third Reading

On motion made and seconded, the following Bills were read the third time and passed –

- (a) The Mauritius Institute of Training and Development Bill (No. X of 2009)
- (b) The Supplementary Appropriation (2008-2009) (No. XI of 2009).

ADJOURNMENT

The Deputy Prime Minister, Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebejaun): Sir, I beg to move that this Assembly do now adjourn to Tuesday 23 June 2009 at 11.30 a.m.

Dr. Boolell rose and seconded.

MATTERS RAISED ON ADJOURNMENT

Mr Speaker: I have got eight Members on the list. I have to tell them, they will have to take three minutes.

SCHOOLS – ALCOHOL PROBLEMS & SEXUAL VIOLENCE

Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West): M. le président, le problème qui sera évoqué concerne le ministre de l'éducation. Je voudrais interroger la Chambre sur deux problèmes très graves, deux fléaux qui sévissent actuellement parmi les jeunes, élèves et étudiants de nos institutions scolaires.

Le premier, M. le président, concerne le problème de l'alcool parmi nos jeunes étudiants. Je vais citer deux cas. Il y a eu d'abord le cas de ce jeune étudiant de dix-sept, d'un collège des Plaines Wilhems, qui, avec un groupe de camarades à bord d'un autobus, s'est précipité hors de

l'autobus lorsque le chauffeur de l'autobus a fait un demi tour vers un poste de Police à la demande d'un piéton sur qui l'étudiant en question aurait lancé une canette vide. Il y a eu également le cas de ces étudiantes qui étaient déjà ivres alors qu'elles s'apprêtaient à se rendre à une excursion du collège. Elles auraient même été violentes à l'égard des professeurs qui leur demandaient de vider leurs cartables. La direction a dû faire appel dans ce cas précis au SAMU. Il paraît, M. le président, que l'alcool est devenu un véritable fléau dans nos institutions scolaires. Il est donc impératif de prendre les mesures nécessaires le plus vite possible.

Le deuxième problème, M. le président, concerne la violence sexuelle qui connaît actuellement dans nos écoles et nos collèges une recrudescence. Des violences sexuelles filmées sur des téléphones cellulaires sont devenues presque un jeu d'enfant dans nos écoles. Cela implique non seulement les étudiants, les adolescents, mais également des élèves des écoles pré-primaires. Le dernier cas en date est celui d'une école primaire des Plaines Wilhems où des élèves ont cette fois simulé un acte sexuel. Le ministre est au courant puisqu'il a intervenu ce matin à la radio. Mais la plupart de ces cas, M. le président, restent cachés, secrets. La direction de l'institution concernée convoque les parents en catimini. Ceux-ci refusent de reconnaître que leurs enfants puissent être mêlés à des actes sexuels. L'affaire est étouffée car il y va de la réputation de l'institution en question. Le résultat est que la pratique continue de plus belle sans qu'aucune action ne soit prise. Je ne suis pas en train de suggérer que les élèves soient punis, mais il faudrait prendre les mesures nécessaires. Il faudrait aller à la source des problèmes et les résoudre. Le problème est sérieux, M. le président. La situation est urgente. Le problème se propage et devient une mode de vie dangereuse pour nos jeunes et la société.

Merci.

The Minister of Education, Culture and Human Resources (Dr. V. Bunwaree): Je remercie l'honorable membre pour son intervention. Je dois dire que c'est un problème qui intéresse tout le monde. Donc, il ne faudrait pas le voir de façon partisane. Le ministère est tout à fait conscient. Je peux ajouter aux problèmes d'alcool et de délit sexuel qui ont été mentionnés par l'honorable membre.

De toutes les façons, au sein du ministère, nous avons mis sur pied une cellule avec les représentants du ministère, bien entendu, ceux qui sont impliqués, des psychologues du ministère et aussi les psychologies du *Child Development Unit* avec la Brigade des Mineurs. Je dois dire qu'ils sont en train de faire un travail remarquable, mais seulement on vient de commencer. Ce qu'il faut retenir aussi c'est qu'il y a la possibilité maintenant, je le sens, de faire sortir des choses qui pouvaient rester cachées. C'est peut être cela qui crée un petit peu ce qu'on est en train d'entendre mais beaucoup de problèmes avant cela restaient cachés, étouffés. Il faut aussi penser au rôle des parents là-dessus, M. le président, ce qui est extrêmement important, parce qu'il ne faut pas que les parents sentent que l'enfant est envoyé à l'école, donc la responsabilité est pour l'école. C'est une question où tout le monde doit s'asseoir ensemble. Donc, je remercie l'honorable membre et on va venir avec des propositions beaucoup plus concrètes et valables. Je pense que c'est l'affaire de tous que ce problème soit résolu; que l'école soit un endroit où les enfants vont effectivement pour apprendre non seulement sur le plan académique, mais pour devenir les meilleurs citoyens du pays.

Merci, M. le président.

(8.20 p.m.)

TAGORE LANE, ST. PAUL – CREMATORIUM

Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne and Phoenix): Mr Speaker, Sir, with your permission, I'll raise a matter which concerns the Minister of Local Government.

I have received representations from my constituents in St. Paul regarding a **crematorium** found at Tagore Lane, St. Paul. It seems that the crematorium ground does not have a gate and stray dogs manage to enter in the crematorium ground picking up bones and other remains from the crematorium and carrying them around in the surroundings, not only on the roads, but even in the yards of people. This is creating a lot of inconvenience to the people living there. I would make a request and appeal to the Minister if he could look into the matter and get a gate fixed for the crematorium at St. Paul.

Thank you, Mr Speaker, Sir.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Speaker, Sir, I am not aware of the problem as such, but if this is the case, it is very serious. I usually look at the Vacoas/Phoenix as a reference in Local Government. I'll certainly talk to the Chief Executive tomorrow morning. Thank you, Mr Speaker, Sir.

(8.22 p.m.)

JEETOO HOSPITAL – GYNAECOLOGY WARD

- (1) STILL BIRTH**
- (2) PREGNANT WOMEN - DEATH**

Mrs S. Hanoomanjee (Second Member for Savanne and Black River): Mr Speaker, Sir, I feel that it is my duty as a woman Parliamentarian to address an issue which concerns the Minister of Health and which has been in the limelight during the past week.

Je regrette que le ministre de la santé ne soit pas présent, mais il est sans doute au courant du cas d'une dame qui a accouché d'un bébé mort né à l'hôpital Jeetoo le vendredi 05 juin. Ce cas nous interpelle M. le président, dans la mesure où, à part les parents concernés, le papa et la maman, qui allèguent qu'il y a eu négligence médicale, le rapport de deux experts du service médico-légal sont parvenus à la même conclusion que le bébé est décédé des suites d'asphyxie après avoir aspiré ses selles dans le ventre de la maman. Ce qui a conduit le médecin du service

privé, dont les services ont été retenus par la famille concernée, à déclarer sans l'ombre d'un doute qu'il s'agit bel et bien d'une erreur médicale et qu'il est prêt à aller en Cour pour témoigner ce fait.

I have learnt that the Minister has already opened an inquiry and I do not prejudge the outcome of that inquiry, but as a woman Parliamentarian, ce cas m'interpelle, M. le président, because I received several complaints from women, who, when admitted to hospitals for delivery, are not given the care and attention required. In this case, apparently, the gynaecologist, who had to attend to the delivery, never came in spite of several calls from the hospital by the nurses.

Mr Speaker, Sir, I have the case of another lady who informed me that when she called at the hospital for treatment - she was in her ninth month of pregnancy and was expecting at any time - *sa poche d'eau s'est rompue* and she immediately asked for permission to use the hospital phone to phone her husband, she was bluntly refused that permission. She was requested to walk to the far end of the hospital to make her phone call. *Dans l'indisposition où elle se trouvait, imaginez qu'elle a eu à marcher pour aller téléphoner à sa famille.*

There is also the case of another woman who was two months pregnant. She died at the age of 35 in April last in Jeetoo Hospital where, instead of providing her urgent care and attention *parce qu'elle saignait abondamment*, she was requested when she called at the casualty *pou alle tire carte toujours*. When she was brought to the casualty ward, it was too late, she had already passed away.

Mr Speaker, Sir, the Minister may say that inquiries have been opened in these cases, but what about those who have gone through this traumatic experience. I will concede that out of hundreds of cases of delivery which are reported to our hospitals everyday, there may be some five or six cases like the ones I have just mentioned. You will agree with me that one more case is one too many. *Enfanter, M. le président, est un processus compliqué*. The staff of the Gynaecological Department has to bear in mind that, once a patient is admitted for delivery, her state of mind and that of her family are in a state of anxiety until the baby is born and both mother and baby are in good health. The patients need attention, professional care and most of all the presence of a gynaecologist. So, I would appeal, Mr Speaker, Sir, to the hon. Minister of Health to have a fresh look at the gynaecological ward and its functioning.

Il est grand temps que le personnel hospitalier soit *briefed* en ce qui concerne l'accueil, la prise en charge, y compris l'approche clinique. C'est à ce prix que la base même du concept de soins en milieu hospitalier public pourra retrouver sa popularité auprès de la population. J'espère, M. le président, que mon appel sera entendu. Merci.

The Minister of Environment (Mr L. Bundhoo): Mr Speaker, Sir, hon. Dr. Jeetah has been taken up because of a tragic incident in the family, I would certainly pass on the message to him and he will surely make a statement afterwards. Thank you, Sir.

(8.27 p.m.)

ROSE HILL MARKET – RATS PROLIFERATION

Mrs F. Jeewa-Daureeawoo (Third Member for Stanley and Rose Hill): Mr Speaker, Sir, I will raise two issues which are of public concern. They concern my Constituency. The House can rest assured, I'll be very brief.

The first issue relates to the proliferation of rats in Rose Hill market. Rats rule in the market of Rose Hill. Recently, one Sunday, I reached the market very early in the morning and I was very shocked to see rats, not only on the floor of the market, but rats were jumping on the fresh vegetables which the sellers have displayed for sale. It was so disgusting; this scene really put me off that I had no alternative than to leave. Today I leave it to the imagination of the hon. Members to visualise rats jumping on the vegetables. I think that the situation is really bad inasmuch as it creates health hazards.

There is an urgent need, Mr Speaker, Sir, for the concerned Minister to look into the matter for the eradication of rats, be it in Rose Hill or elsewhere. I do hope that immediate action will be taken for their eradication and, at the same time, there will be a proper monitoring so that we can have a rat-free market.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Speaker, Sir, as the hon. Minister of Environment has just said, the Minister of Health is not around for personal reasons. I will pass it on to him.

CAMP LEVIEUX POLICE STATION – LAW & ORDER GRIEVANCES

The second issue concerns the Police station of Camp Levieux. The problem seems to be of major concern. It is the slow intervention of the Police in case of law and order grievances. Police officers fail to reach in time whenever a problem arises and sometimes they never turn up. When queries are made, most of the time the answer is that the Police officers do not have at their disposal vehicle to move. Can I, therefore, press upon the Minister concerned to look into the matter so that the Police station of Camp Levieux can have at its disposal, at least, two vehicles, of course, of good running condition. These will enable the Police officers to attend to the grievances of the inhabitants of Camp Levieux, when needed.

May I also seize this opportunity to ask the Minister concerned to see to it that there are frequent patrols at Camp Levieux, because women and children are frequently attacked by violent persons circulating on motorcycles during day time.

Thank you, Mr Speaker, Sir.

The Deputy Prime Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebejaun): Mr Speaker, Sir, concerning Police Stations and Police patrol, I will transmit it to the hon. Prime Minister.

Mr M. Dowarkasing (Third Member for Curepipe and Midlands): Mr Speaker, Sir, the fact that the hon. Minister of Public Infrastructure, Land Transport and Shipping is not in the Chamber, I rest my case.

ST MARTIN TRANSFER STATION – DUMPING GROUND

Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière): Mr Speaker, Sir, I will address my question to the hon. Minister of Local Government. Concerning the situation at St. Martin Transfer Station, *je me fais le porte-parole des habitants et je demanderai au ministre de faire un site visit le plus rapidement.* The situation is very alarming. There was a dumping ground which had been removed. In 1990, there was a transfer station, but now it has been converted into a dumping ground. I know that in the Budget Speech mention has been made for a new transfer station at La Chaumière, but the inhabitants cannot wait for the new transfer station. I can say that the operator is not to be blamed, but the problem is that *il y a trop d'ordures.* There is only one crushing machine and the other one is sometimes out of order or not sufficient. There is need for urgent action, especially these days when Government is doing spraying because of the problem of mosquitoes and so on. The situation is such that I am asking the hon. Minister, who knows this region, to go and visit this transfer station urgently with, at least, the Minister of Environment. We have a *Police de l'Environnement* which I have not seen in the region these days and also the Municipality of Beau Bassin/Rose Hill which is responsible for the waste management in that particular region. My plea to the hon. Minister would be to act urgently.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Speaker, Sir, I have read as well the article which appeared in one of the papers today and, as we mentioned in the Budget Speech, we are going to upgrade La Chaumière and then there will be a transfer from St Martin to La Chaumière. Since there is an immediate problem, I will certainly attend to it by tomorrow.

BLACK RIVER - CAMP LACOLLE PROJECT - MUSICAL CENTRE

Mr A. Ganoo (First Member for Savanne and Black River): Mr Speaker, Sir, I would like to raise an issue concerning the Ministry of Public Infrastructure, Land Transport and Shipping. Unfortunately, the hon. Minister is not here, but I am sure the Deputy Prime Minister will lend his ears to my intervention. It concerns the request of the inhabitants of Rivière Noire,

especially the youth, regarding a project which is the setting up of a musical centre in the village of Black River, more particularly at Camp Lacolle or Le Tamarinier village as it is known now.

The Camp Lacolle Project was a social housing project, Mr Speaker, Sir. It was a showcase of public, private and NGO partnership. Under the previous Government, the NHDC had built about 40 houses on a plot of land belonging to a private owner, who had graciously put at the disposal of the Government about two *arpents* of land which several modest families had occupied for many years. This dream was only realised when the NGOs, which are led by sincere and devoted people, had collected an important sum of money which enabled them to kick-start this project. The fund-raising was even carried out in Reunion Island.

Dans le cadre de ce projet, the Ministry had decided to purchase a plot of land belonging to a neighbouring private owner. At that time, the issue was whether to build a couple of houses more on that land, but then, with the passage of time, there was unanimity among the *Forces Vives*, the NGOs and the inhabitants. They reached a consensus to set up a music centre on this plot of land which is at the heart of the village of Rivière Noire. This music centre would have been an invaluable asset in the well-being and *épanouissement* of the youth of this area.

What is more interesting, Mr Speaker, Sir, is that the *Forces Vives* have already mustered the funds to erect the centre so that there would be no additional costs to Government. They have also attended to the question of who will take care of the centre. It is a question of human resources and *l'encadrement des jeunes artistes*. A reputed artist living in Tamarin, who is already responsible for running such a centre in Tamarin, has agreed to run the centre on a voluntary basis, but, unfortunately, the problem is that – from my information – the NDU and the Ministry concerned are not yet agreeable to give their support to this project. This land has been acquired since a long time from a private owner: it is lying idle and we all know how our youth, unfortunately, when left on their own especially in the rural areas, falls preys to social evils and other pitfalls.

I appeal to the hon. Minister and the hon. Deputy Prime Minister now present to revisit this file and urge him to respond positively to this earnest wish of the youth of Rivière Noire, the NGOs and the social workers; to release the land in order to allow the project of setting up a musical centre at Black River to see the light. Let a hundred flowers bloom; the inhabitants, more particularly the youth would be grateful to Government. They finally see their dream come true.

Thank you.

The Deputy Prime Minister, Minister of Renewable Energy and Public Utilities (Dr. R. Beebejaun): I take good note of what has been said and I'll follow it up.

RODRIGUES AND RODRIGUANS – GOVERNMENT QUARTERS

Mrs M. Martin (Second Member for Curepipe and Midlands): Mr Speaker, Sir, being the last intervener, I will be quick. I would like to draw the attention of the hon. Minister

responsible for the question of Rodrigues and Rodriguans. It concerns the state of the Government quarters put at the disposal of hon. Members of Parliament who come from Rodrigues island to attend National Assembly sessions. Mr Speaker, Sir, the state of their accommodation with its leaking roof is deplorable to say the least.

Mr Speaker: Can I stop the hon. Member? I have just received a letter from the four hon. Members from Rodrigues. I am attending to this. I am going to see what are the Ministries that are involved and that the houses are restored.

Mrs Martin: I rely on your usual co-operation, Mr Speaker, Sir. I know you will do the needful.

Thank you.

At 8.37 p.m. the Assembly was, on its rising, adjourned to Tuesday 23 June 2009 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

PRESIDENTIAL COMMISSION - COURT OF APPEALS

(No. B/534) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the recommendation contained in the Report of the Presidential Commission chaired by Lord Mackay for the creation of a Court of Appeal Section at the Supreme Court, he will state the reasons as to why it has not yet been implemented.

Reply (Attorney General): The objective of the Presidential Commission (chaired by Lord Mackay of Clashfern) was, as Members of the Assembly would recall, to examine and report upon the structure and operation of the judicial system and legal professions of Mauritius, with a view to improving the administration of justice in Mauritius.

The Presidential Commission thus recommended not only the division of the Supreme Court into 2 sections, that is, a Court of Appeal Section (the jurisdiction to which appeals from every level of court in Mauritius, that is, the High Court Section of the Supreme Court, the Intermediate Court and the District Court should be taken) and a High Court Section (which should retain all the present first instance jurisdiction of the Supreme Court, including the supervisory jurisdiction analogous to that available under the prerogative by way of judicial review), but also the following, amongst other things –

- the new High Court should (for expediting its business) be constituted in a number of divisions, like the Commercial Division, the Civil Division, the Criminal Division, the Family Division;
- any party aggrieved with any final decision of the Court of Appeal Section of the Supreme Court should be entitled as of right to appeal to the Judicial Committee;
- those who support the Director of Public Prosecutions (DPP) in the State Law Office should constitute a separate department, reporting to and managed by the DPP, and with no responsibilities except those relating to prosecution;
- changes in the constitution of the Judicial and Legal Service Commission (JLSC).

As regards the creation of a Court of Appeal Section and a High Court Section of the Supreme Court, it must be noted that this entails a number of amendments to various pieces of legislation. My Office has accordingly been working on a series of Bills and is in the process of finalizing those draft Bills, which will give effect not only to the creation of the Court of Appeal and the High Court, but also to a number of other reforms recommended by Lord Mackay. The Bills in question are as follows –

- (A) the Constitution (Amendment) Bill - which amends various provisions of the Constitution so as to provide for the recommendations made by Lord Mackay, to which I referred earlier;
- (B) the Judicial and Legal Provisions Bill – which amends a number of enactments to give effect to the proposed changes in the Constitution, is consequently being prepared not only to provide for the division of the Supreme Court into a Court of Appeal and a High Court, but also to implement certain other recommendations of the Presidential Commission relating to proceedings before the Master's Court, divorce proceedings, service by registered post in civil proceedings, the composition and powers of the Rules Committee, and the issuing of warrants of arrest against witnesses who fail to attend Court. Some of the various enactments which are thus being amended by the Judicial and Legal Provisions Bill (JLPB) in order to cater for the above matters include the following –

Bankruptcy Act

Code Civil Mauricien

Courts Act

District and Intermediate Courts (Civil Jurisdiction) Act

District and Intermediate Courts (Criminal Jurisdiction) Act

Divorce and Judicial Separation Act

Interpretation and General Clauses Act

Law Practitioners Act

Registration Duty Act

Sale of Immovable Property Act.

The repeal of a number of enactments is also being provided for in this Bill. Moreover, consequential amendments will have to be made to not less than 80 enactments.

As already pointed out, the reforms we are envisaging do not limit themselves to the creation of a Court of Appeal. Those reforms are definitely wider and concern various aspects of our judicial system and administration of justice in Mauritius. Indeed, it is also to be pointed out Mr Speaker, Sir, that the Government will also be coming up with the following pieces of legislation –

- the Courts (Amendment) Bill – which amends the Courts Act in so far as qualifications to serve as a juror are concerned and which provides for an extension of the category of persons who cannot be summoned as a witness before any court in any matter unless a Judge in Chambers grants leave to do so upon being satisfied that any such person has material or relevant evidence to give in the matter.
- the Court Ushers (Amendment) Bill – the object of which is to liberalise the profession of usher by enabling suitable persons who are not public officers to perform the functions of a Court usher and be known as registered ushers.
- the Institute of Judicial Studies Bill – the object of which is to provide for the establishment of the Institute of Judicial Studies for the purpose of promoting proficiency and ensuring the maintenance of standards in the judiciary with a view to enhancing the justice system in line with what obtains in advanced jurisdictions.

It may also be noted that the Law Practitioners Act, under which the Council of Legal Education (CLE) is established, is also being reviewed in so far as the functioning of the CLE and courses conducted by the latter are concerned. Moreover, our law relating to divorce is also being reviewed in order to provide for divorce by mutual consent.

Once the different Bills are finalised, Mr Speaker, Sir, Government intends to circulate them so that the views and comments of all relevant stakeholders may be obtained, in view of the numerous implications of these Bills. Indeed, the financial implications for instance (in terms of infrastructural facilities and staff etc.) will also need to be given due consideration, especially in view of the difficult economic situation which not only Mauritius, but the whole world is presently facing.

Members of the Assembly will also note that at the level of the Supreme Court, a number of reforms have already taken place, administratively. Indeed, there is presently a Family

Division and a Commercial Division of the Supreme Court which respectively deal with family matters and commercial matters. The number of Judges of the Supreme Court has also been increased from 13 to 20. Furthermore, the Courts Act was also amended in 2007 to enable the Supreme Court to hold sittings, throughout the year, for the despatch of criminal business, as it is the case for other business. This has, in fact, resulted in a drastic reduction in the number of criminal cases pending trial before the Supreme Court.

As regards other recommendations made by Lord Mackay, which have already been implemented, they are as follows –

- Small claims (1999)
- Procedure to swear affidavits (no longer before Master and Registrar or Deputy-Master and Registrar)
- Wasted Costs Order (1999)
- Administration of Courts and Tribunals –
 - Director of Court Services
 - Digital Recording of Proceedings in Supreme Court
 - Prosecuting Counsel (reactivated)
 - Bail and Remand Court (1999)
 - Community Service Order (2002)
 - Facilities to record confessions on audio tape or by video (1999)
 - Setting up of the Mauritius Law Society (2005).

LINE BARRACKS POLICE STATION – STUDENT – STATEMENT

(No. B/537) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) 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 group of students, from a private college of Port Louis, made a statement at the Line Barracks Police Station, Les Casernes, Port Louis, on 22 May 2009, to the effect that a bus conductor and a bus driver allegedly refused to take them onboard and, if so, if an inquiry has been carried out thereinto and the outcome thereof.

Reply: I am informed by the Commissioner of Police that no case of students having been refused access to a bus on 22 May 2009, has been reported at Line Barracks Police Station.

However, on the same day, a college student travelling from Pailles to Victoria Square made a declaration at that Police Station, as a precautionary measure, to the effect that the bus conductor had requested him to pay for his fare although he was in possession of a memo issued by the management of his college, which enables him to travel free of charge on that route.

The matter was settled at Line Barracks Police Station and the student did not pay the fare.

CASSIS ROAD – TRAFFIC PROBLEM

(No. B/538) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) 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 he has received representations from the inhabitants of Cassis Road, Cassis, Port Louis, to the effect that the main road near the Islamic School is prone to accidents inasmuch as vehicles park on both sides and, if so, where matters stand.

Reply: I am informed by the Commissioner of Police that on 06 June 2009, he received a petition signed by 16 inhabitants of Cassis Road, Cassis. They complained that, since a few weeks, they are facing a major traffic problem caused by disorderly parking on both sides of Cassis Road near a mechanical workshop which is opposite an Islamic school. They requested that parking be prohibited on both sides of the road near the school.

Following the petition, the Police have taken up the matter with the Traffic Management and Road Safety Unit of the Ministry of Public Infrastructure, Land Transport and Shipping for appropriate remedial measures. I am given to understand that the Traffic Management and Road Safety Unit will carry out a survey with a view to finding a solution to the problem.

I am also informed by the Commissioner of Police that the region in the vicinity of the Islamic School is not considered to be an accident-prone area. In fact, since 2000 to date (11 June 2009), no road accidents have been reported near the mechanical workshop and the school. However, in view of the fact that traffic becomes congested during peak hours, foot and mobile patrols are performed by the Police during such hours. In addition, a Police Officer is posted near the Islamic School from 0800 hours to 0900 hours and from 1430 hours to 1600 hours daily during school days to help children cross the road.

NOUVELLE DECOUVERTE – DRAINS

(No. B/565) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the problems faced by the inhabitants of Roussette Road, Nouvelle Découverte, during heavy rainfall and, if so, will he, for the benefit of the House, obtain from the Moka/Flacq District Council, information as to if consideration will be given for the urgent construction of drains thereat.

Reply: I am informed by the Moka/Flacq District Council that in view of the fact that Roussette Road at Nouvelle Decouverte slopes away from the main road, surface run-off water coming from the main road and both sides of the road accumulates therein.

I am further informed that it will not be possible to construct an open drain along Roussette road due to the fact that it is a “No-through” road and is surrounded by privately owned properties. However, the Council has indicated that it will consider the construction of an absorption drain on that road in the next financial year, in order to remedy the problem of flooding in that region.

ALBION FOOTBALL GROUND - UPGRADING

(No. B/571) Mr M. Allet (Second Member for Beau Bassin and Petite Rivière) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether he will state if the National Development Unit has handed over to the Tourism Fund the design and scope of work for the construction of the change room and exterior toilet block of the Albion Football ground and installation of flood lights and, if so, when, indicating when works are likely to start.

Reply: I wish to refer the hon. Member to the reply I made to Parliamentary Question No. B/283 at the sitting of the House on 15 April 2008 in which I stated that the Community Development projects at Albion would be implemented in phases.

Accordingly, following consultations held with the representatives of Albion Village Council, it was agreed that my Ministry would implement the “Upgrading of the Albion Beach” project on a priority basis. As the hon. Member is aware, the project is already being implemented and is expected to be completed in July 2009.

I am further informed that the “Upgrading of the Football Ground” is one of the projects that was identified to be implemented in the region of Albion. Mega Design Ltd was accordingly requested to submit a cost estimate in respect of that project. The Consultant submitted a concept plan together with a cost estimate of Rs5.5 m. in August 2008. My Ministry subsequently requested him to proceed with the preparation of the necessary designs and drawings on the basis on that cost estimate.

However in March 2009 when the Consultant submitted the designs and drawings, he estimated the final project to cost Rs17,535,430. This amount appears to be on the high side having regard to the numerous other priority projects which the *Forces Vives* have proposed to be implemented in the region and to the limited amount of funds presently available at the Tourism Fund.

My Ministry considers that it might not be worthwhile to invest such a large amount in only one project and is accordingly having consultations with the *Forces Vives* to decide on the components of the project that should be undertaken on a priority basis.

I wish to add that the Tourism Fund has financed the construction of a Fish landing Station at Albion. The project has already been completed in August 2008.

MINISTRY OF ENVIRONMENT & NDU - HEALTH TRACKS

(No. B/572) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Minister of Environment and National Development Unit whether, in regard to the Health Tracks constructed by his Ministry since 2000 to 2005, he will state –

- (a) their locations;
- (b) the cost thereof in each case, and
- (c) if he has received complaints for the upgrading thereof, indicating the actions taken.

Reply: The information sought is being tabled.

DR. HASSEN SAKIR STREET, PORT LOUIS – ROAD HUMPS

(No. B/573) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the setting up of road humps along the Dr. Hassen Sakir Street, Port Louis, between its junction with the Diego Garcia and the Paul & Virginie Streets, he will state where matters stand.

Reply: The Traffic Management and Road Safety Unit of my Ministry has carried out the necessary surveys for the placing of the new Traffic Calming Device along Dr. Hassen Sakir Street, Port Louis between its junction with Diego Garcia and Paul & Virginie Streets. The humps based on the normal mode rail and pedestrian mode rail, as appropriate, will be placed soon.

ST. JULIEN D'HOTMAN – FOOTPATHS & HANDRAILS

(No. B/574) Mr S. Dayal (Second Member for Quartier Militaire and Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether he will state if he will consider the advisability of constructing footpaths and putting up handrails, along the main road of St Julien d'Hotman, from upper Kalimaye to the Restaurant Sanju and on the right hand side, from the Rama Krishna Mission to the Inattendu factory.

Reply: The Road Development Authority will consider the construction of footpaths and the installation of handrails, wherever necessary at St. Julien d'Hotman to ensure safety of pedestrians.

PROVIDENCE, QUARTIER MILITAIRE – FOOTPATHS

(No. B/575) Mr S. Dayal (Second Member for Quartier Militaire and Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether he will state if he will consider the advisability of constructing footpaths at Providence, Quartier Militaire, from the football playground up to Bombay Road.

Reply: I am informed that the Road Development Authority is looking into the proposal to construct footpaths at Providence, Quartier Militaire.

MOUNT ORY – CREMATION GROUND

(No. B/576) Mr S. Dayal (Second Member for Quartier Militaire and Moka) asked the Minister of Housing and Lands whether, in regard to the acquisition of land at Mount Ory for a cremation ground, he will state where matters stand.

Reply: I would like to refer the hon. Member to the reply I made on 25 November 2008 to PQ No. B/1335 where I indicated that a site was being identified in the region of Le Bocage, Moka for the construction of a cremation ground. However, the site is located within view of human habitation and is, thus, not appropriate for a cremation ground. In the circumstances, an alternative suitable site is being identified in consultation with the relevant authorities and the stakeholders, prior to the acquisition of the land for the cremation ground.

PROVIDENCE, QUARTIER MILITAIRE – LEVELLING OF ROAD

(No. B/577) Mr S. Dayal (Second Member for Quartier Militaire and Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the levelling of the road at Providence, Quartier Militaire, near Bombay Road, he will state where matters stand.

Reply: The levelling of the road at Providence, Quartier Militaire is scheduled to start in August this year.