



FIFTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

SECOND SESSION

TUESDAY 01 April 2014

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MAURITIUS

Fifth National Assembly

SECOND SESSION

Debate No. 02 of 2014

Sitting of 01 April 2014

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

The Ag. Prime Minister (Dr. R. Beebeejaun): Sir, the Papers have been laid on the Table –

A. Ministry of Finance and Economic Development –

- (a) The Southern African Development Community Agreement on Assistance in Tax Matters Regulations 2014 (Government Notice No. 45 of 2014).
- (b) The Excise (Amendment) Regulations 2014 (Government Notice No. 48 of 2014).
- (c) The Reform Institutions (Premises) (Amendment) Regulations 2014 (Government Notice No. 44 of 2014).
- (d) The Excise (Amendment of Schedule) Regulations 2014 (Government Notice No. 49 of 2014).

B. Ministry of Housing and Lands –

The Cadastral Survey (Exemption of Fees for Access to Information from the DCDB) Regulations 2014 (Government Notice No. 46 of 2014).

C. Ministry of Industry and Commerce and Consumer Protection –

The Consumer Protection (Export Control) (Amendment) Regulations 2014 (Government Notice No. 47 of 2014).

D. Ministry of Civil Service and Administrative Reforms –

The Annual Report of the Public Officers' Welfare Council for the year 2012.

ORAL ANSWERS TO QUESTIONS

RING ROAD PROJECT – DAMAGES

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

- (a) for the benefit of the House, obtain from the Road Development Authority, information as to –
 - (i) the estimated cost of Phase I thereof, indicating –
 - A. how was the consultant therefor chosen, indicating if his report on the damages caused thereto will be made public;
 - B. who carried out the soil tests therefor;
 - C. how was the contractor therefor chosen;
 - D. how will the repairs to the road and the retaining wall be financed;
 - E. what supervision was exercised by the Authority;
 - F. what measures are being taken to protect the inhabitants living in the vicinity thereof; and
 - (ii) when will Phase II thereof start; and
- (b) state if there has been land speculation in relation thereto.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the Ring Road project has, over these past few weeks, unleashed quite some passion in terms of comments and criticisms from different quarters. The question put into the National Assembly today serves as a platform to shed light on the whole issue, and to dissipate any misconception which the different comments may have provoked.

I wish to inform the House that the estimated cost was established as far back as in 2008, and it stood at Rs950 m. The Central Procurement Board carried out an open international bidding exercise, culminating in the award of the contract to Joint Venture Rehm Grinaker/COLAS on 03 November 2009 for the sum of Rs1,159,766,870.57. The works started in January 2010, and were practically completed on 31 January 2013.

Regarding part (a) (i) (A) of the question, Mr Speaker, Sir, I have to inform the House that the consultant for the review of design and supervision of the Port Louis Ring Road - Phase 1 from Montebello to Guibies was selected by Central Procurement Board as per procedures laid down in Public Procurement Act, namely an advertisement was published for an Expression of Interest to shortlist potential consultants in March 2008, followed by an invitation to the shortlisted consultants to submit proposals. The following consultants were shortlisted by CPB -

1. Egis BCEOM International
2. Gibb (Mauritius) Ltd
3. C. Lotti & Associatti/Luxconsult (Mtius)
4. Arab Consulting Engineers Moharram-Bakhoum
5. KV3-SJPCE Joint Venture
6. GHD Pty Ltd.

The consultancy services contract was awarded to Arab Consulting Engineers on 30 December 2008 for a total sum of Rs34,011,000.

Mr Speaker, Sir, following the practical completion of the project on 31 January 2013, there is a Defect Liability Period of one year during which both the contractor and the consultant continue to fulfil certain obligations. As part of its contractual responsibility, the consultant carried out two inspections of the Ring Road, the first one in September 2013 and the second one in January 2014. During the second visit between 20 and 24 January 2014, he reported that unusual cracks were observed at one specific section of the Ring Road stretching over some 75 metres. The consultant notified the contractor of this observation and requested him to identify the causes and to propose remedial actions.

In the meantime, this same stretch of road showed signs of further deteriorations. Consequently, the consultant was called upon to further assess the situation. On 17 March 2014, the consultant submitted a preliminary report on the road collapse wherein he indicated the possible causes of the collapse and requested that the contractor should do some further soil tests.

The consultant mobilised again from 24 to 28 March 2014 to follow up an action taken by the contractor. He produced and submitted a report to RDA wherein he laid emphasis on the obligations of the contractor to complete the reconstruction works within a given time frame, that is, 31 July 2014. In due course, the report may be made public, that is, as soon as the parties concerned would have agreed on the reconstruction works.

As for part (a) (i) (B) of the question, the soil tests were carried out by Consulting Engineering Services of India in 1998. Subsequently, during the review by Arab Consulting Engineers, further soil tests were carried out in 2009. As in normal practice, confirmatory tests were carried out by the contractor as part of his contractual obligations.

Mr Speaker, Sir, in respect of part (a) (i) (C), I wish to inform the House that the contractor for the Construction of Port Louis Ring Road – Phase 1 from Montebello to Guibies was selected by the Central Procurement Board as per procedures laid down in the Public Procurement Act, namely an International Specific Procurement Notice was published for prequalification of potential contractors on 12 June 2009 followed by an invitation to the prequalified contractors to submit bids. Five contractors were prequalified by the Central Procurement Board.

Thereafter, on 07 August 2009, bids were invited from five prequalified contractors by the Central Procurement Board. Three bids were received, namely from -

- Joint Venture General Construction Co. Ltd./Group Five (Mauritius) Ltd.
- Joint Venture Rehm Grinaker/COLAS, and
- Joint Venture Gamma/BCEG

The Central Procurement Board approved the award of the contract to the Joint Venture Rehm Grinaker/COLAS. It must be emphasised, Mr Speaker, Sir, that the firm Rehm Grinaker and COLAS constitute a Joint Venture and therefore, they are jointly and severally bound to honour the contractual obligations. I am informed that Rehm Grinaker is the lead partner of the Joint Venture.

Mr Speaker, Sir, it must be pointed out that the damaged section of the road, containing a reinforced earth wall, was designed and built by the contractor. Therefore, clauses 49.2(b) and 49.3(b) of the FIDIC Conditions of Contract apply when it comes to the party which should bear

the cost of the repair works. In this case, the contractor should bear the costs. The consultant has already notified the contractor of the latter's responsibility under the contract.

Mr Speaker, Sir, as for part (a) (i) (E), it is to be noted that the Road Development Authority has two contracts for the Ring Road project. The first one is the consultancy contract concluded on 21 January 2009 between RDA and the Arab Consulting Engineers acting as Engineer for the project on behalf of RDA. The second contract is the works contract, dated 15 January 2010, entered into between RDA and Joint Venture Rehm Grinaker/COLAS and the RDA acts as the employer.

Under the consultancy contracts, Arab Consulting Engineers have the following main responsibilities -

- To assume entire responsibility for tender documents of the project.
- To carry out full supervision of the construction as the Engineer (and not Engineer's Representative) on behalf of the Road Development Authority as per practice where complex projects are involved.
- To delegate a competent and experienced Resident Engineer on a full time basis in Mauritius with full powers to administer the contract on his behalf (ACE).
- To ensure that the construction of the works is carried out in accordance with the contract drawings and documents.
- To ensure that the contractual clauses, whether related to quality or quantity of the work, are respected.
- To ensure the necessary measurements and control of quality of works.
- To take all engineering decisions required during the implementation of the contract.
- To certify and recommend payments.

The responsibilities of the Road Development authority are the following -

- To act as coordinator with various stakeholders such as Ministries and service providers.
- To provide land for construction and solve land acquisition issues with private owners and even in court.

- To attend meetings and follow progress of works and solve bottlenecks wherever applicable.
- Upon recommendations of the Engineer (ACE) to approve additional costs, extension of times, variation orders and fixing rates and prices.

Mr Speaker, Sir, a tripartite meeting was held on 04 March 2014 involving RDA as employer, Arab Consulting Engineers as consultants and Joint Venture Rehm Grinaker/COLAS as contractor, RDA stressed on the need to properly protect the inhabitants in the surrounding area. For that matter, RDA directed the contractor to arrange for appropriate safeguards to be placed and even for security services to be provided on the subject site. As at date, that part of the Ring Road is closed to traffic and pedestrians and security services are being provided round the clock.

Mr Speaker, Sir, as for part (a) (ii) of the question, I have to inform the House that, Phase II of the Ring Road is a component of the Road Decongestion Programme earmarked for implementation under a Public and Private Partnership mode. The procurement process for the project has reached a very advanced stage and as at date the final decision to award has not yet been taken.

Mr Speaker, Sir, of late the world has witnessed dramatic changes in climatic conditions which have given rise to numerous calamities such as flash floods, landslides and so on. This being the case and reckoning with the fact that Government's prior responsibility is to protect human life and property, and notwithstanding the fact that Government has already invested billions of rupees in drainage infrastructure, further funding may need to be redirected to such projects as construction of drains, widening and dredging of rivers, etc., to ensure protection and security of population.

This is bringing Government to consider reviewing the Road Decongestion Programme Project as conceived because of the heavy financial investment required, which could burden the country financially.

However, Mr Speaker, Sir, notwithstanding the outcome of the review, I can assure the House that Government will, without fail, implement Phase II to enable Government to meet its decongestion objective as well as provide an alternative southern entrance to Port Louis which

will prevent a repeat of what happened in March 2013, by allowing traffic to enter or leave Port Louis without hindrance.

Works may start this year.

Mr Speaker, Sir, as regards part (b) of the question, I am informed by the Ministry of Land and Housing that the process of land acquisition has been fair, transparent and accountable based on the provisions of Land Acquisition Act.

Mr Bérenger: We can start with the first point, that is, the cost of Phase I. The hon. vice-Prime Minister reminded us that the project was awarded to Rehm Grinaker/COLAS for Rs1.2 billion. Can I know how much has been disbursed to date, whether there are claims pending – I have heard of more than Rs150 m. of claims – and whether retention money is involved?

Mr Bachoo: Mr Speaker, Sir, as at now, it is Rs1,361,792,007.35 which had been disbursed. Secondly, definitely, we have got retention money; it is Rs28 m. plus Rs10 m. which makes Rs38 m. and then there is a bank guarantee of about Rs115 m.

Mr Bérenger: Well, I did not hear whether there were claims already put in by the contractor.

Mr Bachoo: No. As far as I am aware, no additional claim had been put by the contractor.

Mr Bérenger: As far as the consultant is concerned, is the hon. Vice-Prime Minister satisfied with what we have seen up to date, that the consultant that was chosen had the experience required for that kind of work, had the established reputation required for that type of work?

Mr Bachoo: Well, Mr Speaker, Sir, in fact, expression of interests was invited and that was an international tendering process. After the expression of interests, there was a shortlisting of those consultants and, after shortlisting, they were found to be the most fit. Unfortunately, I will not be in a position to comment on the decision taken by the Central Procurement Board, but I am told that they had followed the work properly.

Mr Bérenger: I have heard that changes were brought to the original design of the Phase I project, as designed by an Indian firm. Was there a change in design brought by the consultant?

Mr Bachoo: Sir, in fact, this project dates back to early 1970s. The first firm was SETEC, is a French company. They had conducted the feasibility. The second was appointed as far back as 1993; it was the DHV International from UK and they had prepared the detailed design. After that, in 1998, it was the Consulting Engineering Services (CES) India. which was appointed by the then Government to work out not, in fact, on this, but rather to put up a link between Moka and Ring Road Phase I and they had come forward and reviewed the entire system. They had reviewed it, but not changed the design. They had kept the design standard the same. There was a change in the alignment by CES India, but not by the consultants who were appointed later.

Mr Bérenger: Concerning the consultant still, his report we are awaiting, the hon. Vice-Prime Minister has told us that the report might be made public after a lapse of time. Has the consultant put in his final report or is it an interim report that has been received to date and does that report which has been received concern both the road and the retaining wall?

Mr Bachoo: Mr Speaker, Sir, in fact, I have received the latest report which is available to me and I have no objection in making it public but, unfortunately, I wonder whether the contractors have received this report. There is no confidentiality clause as such, but there is a possibility that if I do not ask the permission from the other side, they may go for arbitration and we may have difficulties. So, I would request the hon. Leader of the Opposition to bear with me. I am going to get the permission and next week I am going to submit a copy of the report on the Table because, as I have just mentioned, I want transparency at all cost in this particular project.

Mr Bérenger: As far as soil tests are concerned, are the hon. Vice-Prime Minister and his Ministry satisfied that soil tests were carried out in that part of the road which has suffered damages and that the soil tests were carried out as they should have been? Finally, who will carry the responsibility if it is established that soil tests were not carried out adequately?

Mr Bachoo: Mr Speaker, Sir, in fact, the first soil test was carried out by CES India and thereafter the consultants had looked into it. I also asked this question several times and I was told that the entire responsibility is on the contractor because that part of the road was designed and built according to the FIDIC system of work. It is the entire responsibility of the contractor

to look into it. I am informed by the technicians of my Ministry that the soil tests were adequately carried out and the contractor had also reconfirmed all the tests.

Mr Bérenger: If I can move on to the contractor, can I know whether the offer of Rehm Grinaker/COLAS was the lowest offer?

Mr Bachoo: This is what I was made to understand.

(Interruptions)

Mr Bérenger: Mr Speaker, I heard the hon. Vice-Prime Minister saying that the contractor carried out changes in the design. Am I right in saying that even if that change in design was carried out by the contractor, that the consultant approved that?

Mr Bachoo: I am sorry, Sir, that change in the design was not carried out by the contractor. As far back as when the CES was appointed, they had made certain revisions and the contractor had nothing to do with the change in the design. The contractor was responsible to design part of the road and that is the 75 metres which has fallen down.

Mr Bérenger: Again referring to the contractor, I heard the hon. Vice-Prime Minister saying that Rehm Grinaker - as far as I know, in law, we have a contractor, a consortium, Rehm Grinaker/COLAS. Therefore, can I know what the hon. Vice-Prime Minister means when he says that the lead partner - in law what does that mean - is Rehm Grinaker, especially so that recently in the press we have seen a lot of articles referring to Rehm Grinaker only, as if COLAS had been out of the picture? Can I know from the hon. Vice-Prime Minister what does he mean exactly in law when he says that Rehm Grinaker is the lead partner?

Mr Bachoo: Mr Speaker, Sir, I have mentioned that both are jointly responsible and both will have to face the consequences in case of any type of failure. But, according to the contract I have read, for communication purpose and to handle the contract, Rehm Grinaker is the lead partner. This is what is mentioned in the contract and that is why I have mentioned it. But both of them are equally responsible for any problem which has occurred in that part.

Mr Bérenger: We are being told by the hon. Vice-Prime Minister that he wishes to make the report from the consultant - final, I take it - on damages that the road and the wall have suffered. He hopes to make it public in the near future. Is there, at least, that I hope the hon.

Vice-Prime Minister can tell us, in the consultant's report an estimate of how much it will cost for the road and the retaining wall to be repaired properly?

Mr Bachoo: In fact, the consultant has not mentioned; the consultant has given directives to the contractor in the report and has reminded him that his sole responsibility is to make good all these losses, failing which, the contractor will be held responsible. This is what I have read in the morning when I got the report.

Mr Bérenger: There is no estimate at this stage? As far as the RDA is concerned, I heard the hon. Vice-Prime Minister putting all the responsibility on the shoulders of the consultant and keeping the RDA out of the picture, as far as I could understand.

When we were discussing the Bagatelle Dam, Mr Speaker, Sir, the hon. Deputy Prime Minister, replying to a Private Notice Question some months ago, laid heavy emphasis on the fact that his Ministry would follow closely, would monitor closely both the contractor and the consultant. Do I take it that nothing of the sort happened in the case of this Ring Road Phase I and that the RDA played hardly any supervising role?

Mr Bachoo: Yes, Mr Speaker, Sir, it was according to the contract and that is why I have made it a duty to read out parts of it that they are only acting as coordinators between the various stakeholders. They provide land and they have been attending meetings. But, in fact, according to the contract - I am just quoting the contract - the RDA has been the employer, the proprietor and the entire responsibility, according to the contract, was on the consultant and it was the consultant who acted, in fact, as engineer responsible for the whole project.

(Interruptions)

Mr Bérenger: Mr Speaker, Sir, as far as the part relating to measures being taken to protect the inhabitants living in the vicinity thereof, I hope the hon. Vice-Prime Minister did what I did, that is, visit not only that part of the road that has crumbled, worst than crumbled, but also the wall; clearly the whole wall from that part of the road that has crumbled right up to the bridge, a long stretch, the whole wall is a danger. I must say, Mr Speaker, Sir, standing there, I was worried. I did not stay very long because you could indeed feel threatened by this wall. It is not just the part where it has given in, but the whole thing is finished now! You have inhabitants living down there. Are the hon. Vice-Prime Minister and his Ministry satisfied that the

contractor is doing all that is required so that if heavy rains return and we have bad weather that this wall will give in massively and that it will be a real danger to the inhabitants?

Mr Bachoo: Mr Speaker, Sir, in fact, I may say that the contractor has barricaded the entire region and has provided some security services. But instructions have been given to the contractor as far back as 19 February, that after seeking clearance from the insurance company the contractor should take measures to remove the top fill to avoid further collapse. We have already given that and conditions have also been laid on him. Besides, in the report also, the consultant has reminded the contractor, and has warned him, that the contractor will be responsible for any injury, loss, inconvenience, annoyance to persons, damage to animals, properties and works consequent to probable collapse of the road. We have already reminded the contractor and we have given him enough time and if the contractor continues not to attend to those important issues then, definitely, we are going to take decision that needs to be taken.

Mr Bérenger: As far as the Phase II is concerned, I think I heard the hon. Vice-Prime Minister say that Government is reviewing the whole of the decongestion programme and so on, but nevertheless I think I heard him say that work on Phase II will start this year. Can I know what is the estimate, at this point in time, of the cost of Phase II including the tunnel, the compulsory acquisition of the houses and so on? On the other hand, it's going to be massive. Do we have at this stage an estimate since we are being told that work on Phase II will start this year?

Mr Bachoo: Mr Speaker, Sir, well, I would like notice of this question because I was not prepared for that, but, in fact, we have got the cost estimate available for Ring Road Phase II.

Mr Bérenger: As regards the last part of my question, Mr Speaker, Sir, we have been informed by the Minister - the Minister of Housing and Lands is absent - that all procedures for compulsory acquisition have been done as per the law. That is not my point. Of course, if people have speculated, they will have bought land before with insider information. They will have bought land before the Ministry of Housing and Lands is involved in compulsory acquisition. There is a lot of stories around. There is a lot of dirt thrown around; to clear the whole matter, will the hon. Vice-Prime Minister agree to ask the hon. Prime Minister to appoint a Commission of Inquiry chaired by a respected, retired Judge of the Supreme Court to look into

all these land transactions prior to compulsory acquisition by the Ministry of Housing and Lands?

Mr Bachoo: Mr Speaker, Sir, in fact, I am being told that everything was done in a fair and transparent manner, but if there is any foul play, any such case that needs to be investigated, then the matter has to be escalated to the higher quarters.

(Interruptions)

Mr Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Mr Speaker, Sir. I just heard the hon. Minister saying that the consultant Arab Consulting is the supervisor for this project and he has given a list of all the scopes of work of that consultant. Can the hon. Minister inform the House how come the RDA has invited the same consultant to give a report on the work that the consultant, himself, recommended the RDA to pay? That's one, and...

Mr Speaker: Only one question!

Mr Bachoo: Mr Speaker, Sir, that is the responsibility of the consultant. We have appointed a consultant, we have paid him a huge sum of money and the consultant has to see to it that the work is properly executed, firstly, and secondly, in fact, they have been able to locate the problem. They know the problem very well and now, it is the duty of the consultant to advise RDA what needs to be done in order to make good the losses and in all such big projects, the consultant has to be held responsible. In addition to this, we have already started procedures to appoint, from our side, an engineer once the work is done so that the engineer can look into the issues, even on our behalf, to make assurance doubly sure that no mistake is committed.

Mr Speaker: Hon. Baloomoody!

Mr Baloomoody: Thank you, Mr Speaker, Sir. With regard to the measures taken to protect the inhabitants, as rightly pointed out by the hon. Leader of the Opposition, this retaining wall is a real source of danger for the inhabitants and, up to now, I can confirm and inform the hon. Minister that the contractor has not taken any action to protect the wall from falling. In fact, I think that the hon. Vice-Prime Minister should take it on himself to take actions and not wait for the contractor to come because it is a real source of danger. Immediate action has to be taken.

Mr Bachoo: Mr Speaker, Sir, I sincerely and honestly agree with the hon. Member. We have been reminding the consultant that action needs to be taken against the contractor. The report has already been submitted. I hope, in the days to come, the work has to start or else definitely, as a responsible Government, we have to come in.

Mr Speaker: Hon. Fakeemeeah!

Mr Fakeemeeah: Thank you, Mr Speaker, Sir. Can the hon. Minister confirm the impact of the Ring Road on the flooding that affected the capital, more specifically Canal Dayot in March 2013?

Mr Bachoo: Mr Speaker, Sir, in fact, there was the Singaporean Consultants who were in Mauritius after the flood and nothing was spelt out; there is no connection with the Ring Road and the flood affected regions.

Secondly, we have other consultants who are working for us, local consultants, who have not been able to establish any link between the two.

Mr Speaker: Hon. Jugnauth!

Mr Jugnauth: For such kind of major projects, there is an obligation to carry out a risk matrix, especially when it is at the foot of the mountain and the consultant has found out that there is montmorillonite clay, that is, when there is water it expands like a sponge and when there is dry weather it contracts.

Now, will the hon. Minister say whether that risk assessment has been conducted? If yes, can he lay a copy on the Table of the National Assembly and, if not, why has it not been conducted? For the Ring Road Phase II this risk matrix has been conducted, may I know if that has been done for this one?

Mr Bachoo: Mr Speaker, Sir, I am aware that a full feasibility study was undertaken and the EIA also. The consultant has prepared the EIA and all the detailed engineering designs were presented before we proceeded with the project. That much I am aware of and, as far as the risk is concerned, I have not heard; I hope that my officers are going to give me the information.

Mr Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Speaker, Sir. With regard to the retaining wall, the same design has been used elsewhere - Caudan and Verdun. May I know from the hon. Vice-Prime Minister whether he has asked any consultant to make a survey to see whether these other places where we use the same design face the same risk?

Mr Bachoo: Mr Speaker, Sir, in fact, the contractors have not only constructed 75 metres. I know they have constructed almost 2 kms under that design, their own design. We did not have any problem in other places except 75 metres and, secondly, we are not in a position to say whether the wall is responsible or whether it was the backfill materials. So, I am just waiting for the final examination results to be out so that we will be in a position to know exactly what needs to be done at that place. We are for the time being concentrating on that particular lot.

Mr Speaker: Hon. Guimbeau!

Mr Guimbeau: Thank you, Mr Speaker, Sir. Can the hon. Minister confirm to the House that both Rehm Grinaker and COLAS will pay hundred percent of all repairs and not the taxpayers?

Mr Bachoo: According to the contract, they are bound to pay and I have in my possession a letter which I can submit a copy where the contractors - both of them - have jointly agreed that even if the cost goes beyond what the insurance company is going to pay, they will have to meet the cost. I have got a copy of the letter which I am submitting.

Mr Speaker: Hon. Ganoo!

Mr Ganoo: Mr Speaker, Sir, some years back when this project was announced publicly, the hon. Minister answered a PQ in this very House and he said that the estimated cost of the Ring Road Project I would cost around Rs960 m. Today, he has told the House that the final cost will be around Rs1,360 billion, nearly Rs1.4 billion.

Can he explain to the House what are the reasons that caused the shooting up of this project and whether the RDA approved all the additional costs?

Mr Bachoo: Mr Speaker, Sir, yes, in fact, it was the estimated cost, but when the tender was invited and then the award was made, it was more than that. I have already announced in the House if there is an escalation in the cost, and I am going to give you the reasons -

- (i) money had been used for the failure of the slope stability in the mountainous zone and remedial measures thereto;
- (ii) restitution of the existing accesses affected by the construction of Ring Road;
- (iii) review of structures in view of prevailing geotechnical conditions;
- (iv) additional measures for flood control from the mountains;
- (v) diversion of services affected by the project, and
- (vi) variations - in fact, there was no cost involved in variations as such.

For the slope stabilisation and restitution of existing accesses, 45.6% of the additional sum was used and, for review of structures in view of prevailing geotechnical conditions, 31.6% of the sum was used.

So, that was a very dangerous area and we are bound to take additional security measures.

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

Mr Bérenger: We have dealt today with the Phase I and we have seen the mess that we are in. I put a question about Phase II. In the meantime, we have seen what happened in the underpass on *Place du Quay* and so on. People lost their lives. I am very disturbed that the hon. Vice-Prime Minister could not give us an indication of the costing of phase II, although he said that work is to start this year. Can I ask him whether he has in mind how much the tunnel, from the end of Phase I to the other side of the mountain, is estimated to cost and whether he will give the guarantee that there will be no safety problems after what we have seen *à la Place du Quay* with the underpass, but also in phase I of the Ring Road project?

Mr Bachoo: Mr Speaker, Sir, I am sorry because that is a PPP project. That is the problem; all is lumped into one and it is a bit difficult for me to decipher exactly how much each one is costing. I am informed by my officers that the Ring Road Phase II plus the tunnel will go up till Rs10 billion.

(Interruptions)

R10 milliards! Ring Road Phase II plus the tunnel, including A1 and M1, that is, the bridge. But that is a PPP project.

(Interruptions)

Mr Speaker, Sir, it is a PPP project. There are two main components, that is, A1 and M1, that is, the bridge, that connects Coromandel to Sorèze and secondly, the Ring Road that contains the tunnel also of 775 metres. So, all these lumped, it may go up to that. That is the reason I have stated that we have to review, being given that the project is very costly.

Secondly, the hon. Leader of the Opposition raised a question regarding security. I can assure the House that the maximum is being done to see that everybody who will use that tunnel will have no problem of security.

Mr Speaker: Time is up! Questions addressed to Dr. the hon. Prime Minister! The Table has been advised that Parliamentary Question No. B/82 in regard to our Ambassador in Malaysia addressed to Dr. the hon. Minister of Foreign Affairs, Regional Integration and International Trade will now be replied by Dr. the hon. Ag. Prime Minister. In keeping with practice, Parliamentary Question No. B/82 will be replied at the end of Prime Minister's Question Time, that is, after PQ No. B/68, time permitting. The Table has also been advised that PQ Nos. B/56 and B/60 have been withdrawn. Questions addressed to Dr. the hon. Prime Minister! Hon. Bhagwan!

ROAD ACCIDENTS (FATAL)

(No. B/50) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to fatal road accidents, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since January 2014 to date, indicating the additional measures that will be taken, if any, to reduce the risk thereof.

The Ag. Prime Minister (Dr. R. Beebeejaun): Mr Speaker, Sir, I am informed by the Commissioner of Police that from January to 26 March 2014, 29 fatal road accidents have been reported to the Police.

Mr Speaker, Sir, in his reply to Parliamentary Question No. B/834 last year, Dr. the hon. Prime Minister had highlighted a series of measures to address the issue of road safety.

Mr Speaker, Sir, reducing the number of road accidents remains high on the agenda of Government. To achieve this objective, Government is relentlessly pursuing its efforts by

pooling the resources of its stakeholders, namely, the Special Road Safety Unit of the Prime Minister's Office, the Police Department and the Traffic Management and Road Safety Unit of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.

On the law enforcement aspect, the Police have implemented the following additional measures -

- Police have recently lodged an intensive sensitisation campaign regarding the proper use of pedestrian crossings, including the rights of pedestrians and the legal obligations of drivers. In that regard, Police have taken a number of contraventions against drivers for failing to stop at pedestrian crossings.
- The number of road block operations has increased and since January to 26 March 2014, 104 such operations have been carried out island-wide.
- 12 additional Fixed Speed Cameras have been placed along accident-prone roads. By the end of 2014, the number of Fixed Speed Cameras will reach 50.

Mr Speaker, Sir, the Police are also participating in the education of road users together with the Traffic Management and Road Safety Unit with a view to promoting a greater respect for traffic regulations and enhancing road courtesy. Since the beginning of the year, the following activities have been carried out -

- 58 lectures have been delivered and 6,031 persons have attended these lectures.
- Sessions of the rollover simulator were carried out to sensitise members of the public on the imperative need to wear seat belts and 67 persons went through this exercise.

Mr Speaker, Sir, regarding the legislative aspect, the Road Traffic (Use of High Visibility Clothing) Regulations which came into operation on 01 January 2014 make it mandatory for any person driving a motorcycle or auto cycle, to wear a high visibility clothing. This measure has enhanced the visibility of this category of road users and has contributed to reducing the number of accidents in which they are involved.

Mr Speaker, Sir, Police also regularly carry out joint site visits with the Traffic Management and Road Safety Unit to places of complaint and make appropriate recommendations to the Traffic Management and Road Safety Unit for installation of road safety

devices to address traffic associated problems. Such recommendations include installation of road humps, traffic lights, handrails and footpaths, especially in the vicinity of schools and signage to warn road users of possible dangerous road conditions.

Mr Speaker, Sir, Government will be implementing a Driver Education and Testing Centre to enhance road safety by setting new standards for driving and by providing education and training to all road users including pedestrians as well as drivers to curb bad behaviour on the roads.

Mr Speaker, Sir, the fleet of vehicles in Mauritius keeps increasing. As at the end of December 2013, some 443,495 vehicles were registered compared with 421,926 at the end of December 2012, representing an increase of 5.1%. In spite of this increase in the number of vehicles, the statistics on fatal road accidents show a decrease. For the period January to 26 March 2014, there has been a 19.4% decrease in the number of fatal road accidents and a decrease of 15.8% in the number of persons killed as compared with the same period last year. Furthermore, for the period January to 27 March 2013, 34.2% of the total victims of fatal road accidents were motorcycle riders whilst for the corresponding period this year, this category of road users represented 18.8% of the victims of fatal road accidents.

Mr Speaker, Sir, Government is implementing a series of measures with the objective of reducing the number of road accidents. The behavioural attitude and sense of responsibility of all road users is also vital to enhance road safety in Mauritius.

Mr Bhagwan: Mr Speaker, Sir, just one question. The hon. Ag. Prime Minister has used the word 'responsibility'. I am not going to be personal. I want the hon. Ag. Prime Minister not to take it personal, but *l'exemple doit venir d'en haut!* Those using these big knight riders on the motorway should give good examples themselves. We are educating the population. Mr Bentipillay is regularly on TV, more than the hon. Ministers.

Mr Speaker: Hon. Bhagwan, this is not a question! You are making a statement.

Mr Bhagwan: I am asking the hon. Ag. Prime Minister, at least, to talk to the hon. Prime Minister and also to ask him that *l'exemple doit venir d'en haut. Ceux qui utilisent les* big knight riders on the motorway.

The Ag. Prime Minister: Mr Speaker, Sir, the hon. Member already made this representation in the past and it has been transmitted. I have also personally talked to the authorities concerned before this.

Mrs Hanoomanjee: Mr Speaker, Sir, the Ag. Prime Minister has just enumerated a series of preventive measures, but can I ask the Ag. Prime Minister whether a thorough survey of black spots unloading these sites where bus stops are misplaced, etc. have been carried out by the Road Safety Unit, and if so, when?

The Ag. Prime Minister: A survey of black spots has been carried out; the Police and the Traffic Management Road Safety Unit are attending to the spots under the programme over a length of time. Of course, in order of priority.

Mr Fakeemeeah: Will the hon. Ag. Prime Minister agree that drivers are now under an undue stress with the speed cameras and irregular speed limiting and that this whole issue should be reviewed?

The Ag. Prime Minister: I am not quite sure of the initial question. If the hon. Member could make the issue clearer.

Mr Speaker: Hon. Obeegadoo!

Mr Obeegadoo: Is the Ag. Prime Minister aware that on the very same statistics he quoted for 2013, whereas the number of vehicles has increased by 5%, the number of road accidents has increased by some 12%? May we know the official explanation to those figures?

The Ag. Prime Minister: There has been no increase. It is the reverse. There has been a decrease. I will provide the figures. There has been a decrease in both road accidents, fatal road accidents and persons killed on the road. A decrease in all three!

Mr Speaker: Hon. Dr. S. Boolell!

Dr. S. Boolell: Mr Speaker, Sir, may I ask the Ag. Prime Minister whether some statistics are available on alcohol related accidents and the time of the fatalities by day, night or early morning?

The Ag. Prime Minister: Yes, they are available, and I will supply the information. A lot of accidents surprisingly are late afternoons and on Saturdays.

Mr Speaker: Yes, hon. Obeegadoo!

Mr Obeegadoo: I just wanted to put the figures released by the statistics office and I quote -

“The number of road accidents registered during year 2013 was 23,563 showing an increase of 11.9%.”

Those are the official statistics just released.

The Ag. Prime Minister: Mr Speaker, Sir, I have submitted the figures between 2013 and 2014 over same period.

(Interruptions)

Mr Speaker: Hon. Jhugroo, last question!

Mr Jhugroo: Mr Speaker, Sir, since the installation of the speed cameras everywhere in the country, can we know how many VVIPs cars have been flashed for exceeding speed and what action has been taken?

The Ag. Prime Minister: Mr Speaker, Sir, I have the information for the period asked for. So, I can only provide that. I will provide the others, but for the period asked for, the speed limits by fixed cameras: 17,000 contraventions in January, February to the end of March and there have been mobile ones as well and hand held radar coming up to 19,000.

(Interruptions)

Mr Speaker: Next question, hon. Bhagwan!

MBC- TELEVISION FEES, LOANS & RECRUITMENT

(No. B/51) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Mauritius Broadcasting Corporation/Television, he will, for the benefit of the House, obtain from the Corporation, information as to the –

- (a) additional monthly revenue received in terms of television fees, since the increase thereof;
- (b) present value of the outstanding -

- (i) overdrafts, and
- (ii) loans, if any, giving in each case, details of the purpose therefor and the conditions thereof;
- (c) cost cutting measures taken in relation to -
 - (i) recruitment, and
 - (ii) wastage of funds, if any, and
- (d) number of employees presently employed on contract thereat, indicating their respective date of recruitment and conditions of service.

The Ag. Prime Minister: Sorry, if I can make an appeal, when the hon. Member is talking whether he talks into his mikes rather than on the other side.

(Interruptions)

It is only an appeal.

(Interruptions)

Mr Speaker: The hon. Ag. Prime Minister is making an appeal, listen to his appeal!

(Interruptions)

The Ag. Prime Minister: I hear what I want to hear.

(Interruptions)

because there are some remarks from a sitting position that I totally ignore.

(Interruptions)

Mr Speaker: Hon. Ag. Prime Minister, there is a question B/51. Please answer the question.

The Ag. Prime Minister: Yes. Mr Speaker, Sir, the information is being compiled and will be placed in the Library.

Mr Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Mr Speaker, Sir, although I know that the Ag. Prime Minister won't be able to reply, can I ask him whether he is aware of the situation at the MBC/TV with regard to

the *politique de petits copains* and also abuse of funds, overtime, abuse in the purchase of cameras and other equipment, whether the Prime Minister's Office has received representations? I am sure the Ag. Prime Minister will tell me “no”.

The Ag. Prime Minister: As I have said, Mr Speaker, Sir, the information requested for is being compiled and will be placed in the Library.

Mr Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Can the Ag. Prime Minister inform the House whether there is a *climat de terreur* by the Director General with regard to his attitude towards employees? *Il y a même des cas de séquestration dans les bureaux...*

(Interruptions)

To dan MBC pou to conner toi? Whether the Ag. Prime Minister, the Government's attention has been drawn...

Mr Speaker: I want some silence.

Mr Bhagwan:... that recently there was an exhibition.

Mr Speaker: No disturbance!

Mr Bhagwan: On the occasion of the Republic Day and Independence Day, there was an exhibition by one painter wherein a photo - among all the photos - of hon. Mrs Navarre-Marie was put as former Minister of Women Affairs and the Director General of the MBC directed the artist to remove the photo of hon. Mrs Navarre-Marie and put that of hon. Ms Deerpalsing?

(Interruptions)

The Ag. Prime Minister: I am not aware.

(Interruptions)

Mr Speaker: Yes, hon. Jhugroo! I want some silence now!

Mr Jhugroo: Is the hon. Ag. Prime Minister hearing me?

Mr Speaker: I want some silence!

Mr Jhugroo: Can the Ag. Prime Minister explain why despite the fact that the revenue collected by MBC through the license fee has increased by more than 50%, today the financial

situation of the MBC is in the red? There is something wrong with the management. So, how do you explain this problem being in the red today?

The Ag. Prime Minister: Mr Speaker, Sir, I would ask the hon. Member to wait for the information requested which, as I said, is being compiled and will be placed in the Library.

Mr Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Mr Speaker, Sir. I understand from the Ag. Prime Minister that figures for loans, overdrafts and monthly revenue have to be compiled before they are tabled in the Assembly. But, in regard to part (c) of the question, whereby wastage of funds is being mentioned, is this also being compiled and will be laid on the Table of the National Assembly?

The Ag. Prime Minister: Information will be provided as and when.

Mr Speaker: Last question, hon. Bhagwan!

Mr Bhagwan: Can I ask the Ag. Prime Minister whether he is aware or his attention has been drawn to the fact that - because we are paying more than Rs50 now - the Director-General of the MBC/TV recruited one person as labourer? He became cameraman and then foreman cameraman and very soon he will be promoted as supervisor, and his overtime sometimes reaches nearly three-quarter of the salary of the Director-General.

The Ag. Prime Minister: I am not aware of this, Mr Speaker, Sir.

Mr Jugnauth: Can the Ag. Prime Minister say...

(Interruptions)

Mr Speaker: There is a question please.

Mr Jugnauth: Can the hon. Ag. Prime Minister say when was it the last time that the MBC has submitted its financial accounts?

The Ag. Prime Minister: I will find out and give the information. As I have said, all this information is being compiled.

(Interruptions)

Mr Speaker: Hon. François! I have said hon. François!

RODRIGUES - EMERGENCY REHABILITATION PROGRAMME

(No. B/52) Mr J. F. François (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Rodrigues, he will state if consideration will be given for the setting up of a Rodrigues Emergency Rehabilitation Programme, in partnership with the Rodrigues Regional Assembly, with such amount of funds as may be required to implement emergency projects for the construction and rehabilitation of drains, bridges, masonry retaining walls and retention basins, as a matter of urgency, in the wake of the recommendations of the Rodrigues Disaster Risk Reduction and Management Committee and, if so, when and, if not, why not.

The Ag. Prime Minister: Mr Speaker, Sir, the Rodrigues Disaster Risk Reduction and Management Committee was set up on 23 October 2013 in line with the establishment of the National Disaster Risk Reduction and Management Centre in mainland Mauritius. It is responsible for the preparedness, response, rehabilitation and recovery operations before, during and after the occurrence of a disaster or an emergency in Rodrigues. The Committee, which is chaired by the Chief Commissioner, looks into risk reduction and disaster management aspects in both natural and human caused hazards. It works in close collaboration with the National Disaster Risk Reduction and Management Centre.

In this context, the Commission for Public Infrastructure, in collaboration with other Commissions, has started a survey to identify flood prone areas as a measure to strengthen disaster preparedness in Rodrigues. It has started the cleaning of drains, canals, rivulets and streams to prevent flooding.

I am informed that after the passage of cyclone Amara, which visited Rodrigues from 19 to 21 December 2013, the Chief Commissioner made a request in January 2014 for financial assistance to help those who were most affected by the cyclone. Consequently, an additional grant of Rs5 m. was released to the Rodrigues Regional Assembly in March 2014 to meet expenditure for -

- (i) procurement of an anemometer – Rs1.2 m.;
- (ii) post-cyclone clean-up operations – Rs275,000, and

(iii) support to the agricultural sector – Rs3.525 m.

Additionally, the National Empowerment Foundation is conducting a survey of houses it has constructed in Rodrigues which have been damaged during the cyclone, with a view to repairing those.

Mr Speaker, Sir, I am also informed that following a request from the Chief Commissioner on 19 March 2014, a team of Engineers from the National Development Unit is proceeding to Rodrigues this week to carry out a comprehensive survey of affected regions in Rodrigues, and to elaborate an appropriate Rehabilitation Programme in consultation with the Rodrigues Regional Assembly.

Mr François: Mr Speaker, Sir, I thank the hon. Ag. Prime Minister. May I, in line of the technical mission by the NDU, request the hon. Ag. Prime Minister to also include in the team, members of the Ministries like Environment, the Ministry of Public Infrastructure itself, with regard to the requirements? Because there is big problem with non-existing bridges; what we call *radier* in Rodrigues? In that line, may I ask the hon. Ag. Prime Minister whether, when the report will be out, Government will commit funds for same?

The Ag. Prime Minister: Mr Speaker, Sir, the question is in two parts. Yes. This suggestion that other Ministries should join in, yes, of course. As the hon. Member is aware, CEB and Special Mobile Force were very helpful immediately after the cyclone, and with the visit of the team from NDU over there, others will probably join in as well as required. Once the report is submitted, the procedure is as follows -

Following the submission of the programme from NDU, we will seek Cabinet approval and proceed accordingly.

RODRIGUES - FIFA WORLD CUP 2014 – LIVE BROADCAST

(No. B/53) **Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the forthcoming FIFA World Cup 2014 to be held in Brazil, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to if Rodrigues will obtain full coverage of TV channel Sports 11 for the live television broadcasting of the football matches thereof.

The Ag. Prime Minister: Mr Speaker, Sir, I am informed by the Director General of the Mauritius Broadcasting Corporation that arrangements will be made by the Corporation for the live television broadcasting of all FIFA World Cup 2014 football matches in Rodrigues.

Mr François: May I ask the hon. Ag. Prime Minister whether the live football matches will be broadcasted on the existing MBC channels, or there will be additional MBC channels to be provided to Rodrigues?

The Ag. Prime Minister: I will submit this proposal to the MBC, Mr Speaker, Sir.

Mr Jhugroo: May the hon. Ag. Prime Minister inform the House which companies have got the right to broadcast these football matches live, and what is the mode of payment and cost incurred?

The Ag. Prime Minister: If the hon. Member comes up with a substantive question, it will be answered. I do not have this information.

MONTAGNE LONGUE - VALTON ROUNDABOUT – ROAD ACCIDENTS

(No. B/54) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to road accidents, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof at the Valton roundabout at Montagne Longue, along the Terre Rouge-Verdun Road, since its coming into operation to date, indicating if measures have been taken to avoid the recurrence thereof thereat.

The Ag. Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that since the coming into operation of the Terre Rouge-Verdun Road on 05 December 2013, seven cases of road accidents have been reported in the vicinity of Valton roundabout at Montagne Longue.

In view of the number of accidents that has been reported in that particular region, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, the Police and the Special Road Safety Unit have been requested to look into various ways and means to mitigate the risk of accidents in the region.

In the meantime, several remedial measures have been taken. The Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping has reduced the speed limit from 110 km to 80 km per hour towards the northbound of Valton roundabout, and has installed one fixed camera between Ripailles and Valton roundabouts. An additional camera will be installed shortly, approximately 400 metres before the Valton roundabout.

Police on its part have taken the following measures -

- (a) two vehicles of the Motorway Patrol Unit of the Traffic Branch patrol of the Terre Rouge-Verdun Road on a 24/7 basis;
- (b) riders from the Traffic Field and Motorway Patrol Division and the Road Safety Unit Motorcycle Division carry out speed checks along the Terre Rouge-Verdun Road on a daily basis, and
- (c) through '*Info Route*' programmes, the Traffic Branch regularly sensitises road users on precautions to be taken whilst driving down-slope, and on the dangers related to the repeated or sustained application of brakes, especially by vehicles with high load or when driving at high speed conditions.

Mr Lesjongard: Mr Speaker, Sir, the Ag. Prime Minister has confirmed that there have been seven road accidents since the commissioning of that highway, and there has been a fatal accident also among the seven road accidents. Can I ask the Ag. Prime Minister whether he can confirm that the design and alignment of the road was modified prior to the construction of the road?

The Ag. Prime Minister: I am informed by my colleague, the hon. Vice-Prime Minister, National Development, Land Transport and Shipping, that this is not the case.

Mr Lesjongard: If this is not the case, can I ask the Ag. Prime Minister whether Government has received representations from inhabitants of that area with regard to that road?

The Ag. Prime Minister: As I have said, we have already requested the NDU and the Traffic Branch to look into the matter, and come up with suggestions on how to improve matters. Certainly, there is a problem, and we have to look into it. But, so far, the main problem, as I see it, has been speeding.

Mr Lesjongard: One more question, Mr Speaker, Sir. Yes, we agree that it has been speed limit. Does the Ag. Prime Minister agree that those representations were made last year before the commissioning of that highway, and no action has been taken? It is only after seven accidents in that area that now action is going to be taken.

The Ag. Prime Minister: As I have underlined, it is only after the commissioning that accidents were reported. The one accident that happened before had nothing to do with the roundabout. It had to do with a hare crossing the road.

LARCENY – ALLEGED CASES – INQUIRY

(No. B/55) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to larceny, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of alleged reported cases thereof, since 2010 to date, indicating in each case, if an inquiry has been carried out thereinto and, if so, the outcome thereof.

The Ag. Prime Minister: Mr Speaker, Sir, in the Criminal Code Act, there are 23 types of larceny, which range from simple to more serious cases. I am providing information in regard to serious larceny cases which have been reported to the Police since January 2010 up to February 2014. The figures are as follows -

Year	Number
2010	1,485
2011	1,079
2012	932
2013	1,009
2014	143

Enquiry has been carried out in all these cases.

Information regarding the outcome of all these cases is being compiled and will be tabled.

Mr Lesjongard: Can I know from the Ag. Prime Minister, among the cases he has stated, how many are related to the area of Port Louis?

The Ag. Prime Minister: I do not have the information, Sir, but I will certainly find out and let the hon. Member know.

Mr Bodha: May I ask the Ag. Prime Minister whether he can inform the House as to the number of these cases where gangs have been operating?

The Ag. Prime Minister: I do not have the information. I will find out and let the hon. Member know.

Mr Speaker: Next question, Dr. S. Boolell!

TERTIARY EDUCATION SECTOR – TEC BOARD & UOM

(No. B/56) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the recurrent problems in the tertiary education sector, he will state if he will consider -

- (a) requesting Dr. the hon. Minister of Tertiary Education, Science, Research and Technology to step down;
- (b) reconstituting the Board of the Tertiary Education Commission, and
- (c) taking urgent and appropriate measures to ensure the proper management and operation of the University of Mauritius and of the University of Technology Mauritius.

(Withdrawn)

NEW NATIONAL IDENTITY CARDS - ISSUE

(No. B/57) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether he is aware of the difficulties being encountered by the public when applying

for the issue to them of the new National Identity Cards and, if so, state if urgent remedial measures will be taken in relation thereto.

The Ag. Prime Minister: Mr Speaker, Sir, since the beginning of the Conversion exercise in the context of the Mauritius National Identity Scheme (MNIS) Project which started on 01 October 2013, Government has been closely monitoring the daily inflow of citizens at the 12 Conversion Centres in Mauritius and Rodrigues. It is observed that there has been a constant increase in the number of daily registrations, from 920 on 01 October 2013 to 2,000 in January 2014 and reaching 7,127 on 31 March 2014.

As such, a daily average of 5,000 citizens has been registered in March 2014, which is well above the daily average of 4,000 set by the MNIS Conversion Plan. As at 31 March 2014, 387,812 citizens have already registered for the new ID card. This demonstrates the eagerness and enthusiasm of our citizens to obtain and use the smart card.

(Interruptions)

Mr Speaker, Sir, I am aware...

(Interruptions)

... that there are long queues at the Identity Card Conversion Centres.

(Interruptions)

I repeat, I am aware there are long queues at the Identity Card Conversion Centres. In this context, Government has already implemented a series of measures to enable a maximum number of citizens to register in a conducive environment and in the least possible time.

In this connection, the registration time has been reduced from 20 minutes to about 10 minutes by streamlining the process of the documents and verification procedures.

(Interruptions)

Also additional Conversion Centres have been opened at the following places -

- (i) at Triolet as from 01 March 2014, to decrease the affluence at the Goodlands Conversion Centre and enable more citizens of the northern region to register for their new ID cards;

- (ii) at Curepipe as from 03 March 2014 to decrease the number of persons going to Vacoas Conversion Centre;
- (iii) at Emmanuel Anquetil Building, Port Louis as from 12 March 2014 to ease the long queues at the Conversion Centre situated at Labourdonnais Street, and
- (iv) at Bon Accueil on 25 March 2014 to decrease the number of persons going to Flacq Conversion Centre, which is registering more than 600 citizens daily.

A second issuance counter has been provided at Port Louis, Flacq, Goodlands and Vacoas Conversion Centres to enable citizens to collect their cards rapidly and to avoid long queues.

With a view to enhancing the service to the citizens, the Conversion Centres are now operational beyond normal working hours to register all citizens who present themselves for registration even at 17 00 hours which is the normal time of closure.

As from mid-April, ten additional mobile units will be deployed in other localities. It is hoped that these new units will further address the problem of long queues.

Mr Speaker, Sir, there is a daily monitoring of the activities at all Conversion Centres and actions are taken to address the queuing problems and bring improvements to decrease the waiting time. Consideration is also being given to implement a fast-track system for citizens aged 60 years and above.

Dr. S. Boolell: Being given the controversial and objectionable nature of the process of the ID card, does the hon. Ag. Prime Minister consider it normal for officers of that Department to coerce, blackmail and threaten the elderly towards removing these cards with a view to getting their pension...

(Interruptions)

This is not fair!

(Interruptions)

The Ag. Prime Minister: Nothing of this sort, Mr Speaker, Sir. Nothing of this sort happening. And ...

(Interruptions)

There is...

(Interruptions)

Mr Speaker: Order, please!

(Interruptions)

Order! Order!

(Interruptions)

Let us listen to the answer, please!

The Ag. Prime Minister: The success...

(Interruptions)

The success of the Conversion exercise speaks for itself! So, there is no question of coercion or anything else.

Dr. S. Boolell: Is the Ag. Prime Minister aware, has he interviewed the elderly in his own constituency where they have to turn up themselves by whatever means, without any seating arrangement to collect their cards? This is elderly abuse, Mr Speaker, Sir!

The Ag. Prime Minister: I have already mentioned, we are going to have a special fast track for the elderly and, so far, we are not in that age group yet. But, whenever they come they will be given special service.

Mr Li Kwong Wing: Can I ask the Ag. Prime Minister whether he is aware that the elderly people are required to come back and produce their Marriage Certificate before they are issued with the new identity card and can he tell us how many cases are there of these elderly people having collapsed during the waiting time, and how many have died?

The Ag. Prime Minister: Mr Speaker, Sir, I am not aware of this practice. But, if such is the practice, we will have to inform about what is required before registering and make procedures easier.

Mr Speaker: A last question!

(Interruptions)

I am sorry, time is up! Time is up! But, I would allow a question from hon. Ameer Meea!

Mr Ameer Meea: Thank you, Mr Speaker, Sir. Is the Ag. Prime Minister aware that one elderly person while making the queue for the collection of his card has passed away? Is he aware of this case?

The Ag. Prime Minister: I am not aware, Mr Speaker, Sir. But, we must be careful to talk about cause and effect. We all may pass away at anytime, anywhere.

(Interruptions)

No! I am not...

(Interruptions)

Non! I think we should really think where we die, how we die is another matter. So do not...

(Interruptions)

Do not always come up with cause and effect.

(Interruptions)

POLICE BRUTALITY - ALLEGED CASES

(No. B/60) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to Police brutality, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the -

- (a) number of alleged cases thereof reported by members of the public, over the past two years, indicating in each case if an inquiry has been carried out thereinto and, if so, indicate -
 - (i) who carried out the inquiry, and
 - (ii) the outcome thereof, and
- (b) measures taken, if any, to avoid the recurrence thereof.

(Withdrawn)

Mr Speaker: Time is up! The Table has been advised that Parliamentary Question No. B/82 has been withdrawn. Parliamentary Question No. B/81 with regard to legal aid, addressed

to the hon. Minister of Gender Equality, Child Development and Family Welfare, will now be replied by the hon. Attorney-General.

For Parliamentary Question No. B/84, in regard to replacement of MV Mauritius Pride addressed to the hon. Vice-Prime Minister, Minister of Finance and Economic Development will now be replied by the hon. Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping.

Our office has just been informed that the hon. Vice-Prime Minister, Minister of Finance and Economic Development will reply to Parliamentary Question No. B/100 in respect of the Sugar Insurance Fund Board. Questions addressed to Minister! Hon. Li Kwong Wing!

BANKS - CORPORATE INCOME TAX

(No. B/63) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Corporate Income Tax on Banks, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the respective tax rate on the Segment A and the Segment B banking activities, indicating -

- (a) the rationale for the tax differential, if any;
- (b) the total annual revenue collected in terms thereof per segment, since 2010 to 2013, and
- (c) if there is a case for a review thereof.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, since the year of assessment commencing on 01 July 2008, there is a single rate of corporate income tax of 15%. This rate is applicable to all companies except those which are specifically exempted under the Income Tax Act. Thus, banks are subject to the 15% tax rate.

It is to be noted that prior to the enactment of the Banking Act 2004, there was a separate licensing of Category 1 banks and Category 2 banks. A Category 1 bank, that is, a domestic bank was liable at that time to pay tax at the rate of 25% whilst a Category 2 bank also known as

an offshore bank was subject to tax at the incentive rate of 15% or, if it was in operation prior to 01 July 1998, the bank could elect to be taxed at a rate between 0% and 35%.

The Banking Act 2004 integrated the banking sector and provided for a single banking licence to cover both Category 1 and Category 2 banking activities. Accordingly, all banks became subject to the general corporate tax rate as from the year of assessment 2006/2007.

Banking transactions are now classified under 2 segments, namely Segment A and Segment B banking activities. Where a bank carries on banking activities with non-residents or with corporations holding a GBL licence, these transactions are classified under Segment B and the remaining banking transactions under Segment A.

Under Segment B, a bank is entitled to claim a presumed foreign tax credit of 80% if written evidence is not presented to the Director-General of the MRA showing the amount of foreign tax charged on its Segment B income. The same provision applies to a company holding a Category 1 Global Business Licence.

Mr Speaker, Sir, in addition to corporate income tax, banks are subject to a special levy under the Income Tax Act. The 80% presumed foreign tax credit can be claimed against the special levy payable in respect of Segment B business. The levy was applicable at the same rate to both Segments A and B banking activities. However, following the last budget exercise, the levy for Segment A banking will be 10% of chargeable income instead of a proportion of turnover and book profits for a period of two years.

The change in the formula to the special levy for Segment A banking is expected to bring additional revenue of some Rs200 m. to Government. The levy applicable to Segment B banking has been left unchanged because of the volatility of such business and fierce competition with other jurisdictions. The elasticity of demand for Segment B banking in the long run could be at a level where an increase in effective tax rate may actually result in a reduction in tax revenue from such transactions.

As regards Corporate Social Responsibility (CSR), it applies only in respect of Segment A banking activities. Segment B banking business is exempted from CSR payment, that is, similar treatment as for Global Business companies.

Although banking is one of the most profitable sectors justifying the imposition of a special levy, care should be taken not to overtax Segment B business as these transactions could be channelled elsewhere and thus impact adversely on our economy and tax collection.

Mr Speaker, Sir, there is no need to review income tax treatment of Segment A and Segment B banking activities.

As regards part (b) of the question, I am tabling the total annual tax revenue collected by MRA in terms of Segment A and Segment B banking business from 2010 to 2013.

Mr Li Kwong Wing: Mr Speaker, Sir, at a time when the banks are making more than Rs13 billion profits, will the hon. Vice-Prime Minister inform the House whether it is fair that there is a preferential rate for Segment B banking, especially in view of the fact that they benefit from the same advantages of the DTA as all local service providers? To explain what I mean, service providers like management companies, lawyers, accounting firms and auditors, they provide the same services as banks to offshore clients. While they pay 15%, why should Segment B banking be taxed at 3% when they are making profit and benefitting from the same Treaty advantages as all other service providers?

Mr Duval: Mr Speaker, Sir, I explained very fully and in detail in my reply why this specific treatment between the two and the hon. Member would have noted that we did effectively increase the taxation on Segment A banks which now gives an effective tax rate of 25% on chargeable income. I did explain, Mr Speaker, Sir, that there is a difference to be made between offshore banking business as it used to be called and domestic banking business and that is historical. Ever since the advent of offshore banking in Mauritius many, many years ago, there has been a specific taxation. At one point in time, it could be as low as 0%. Now, of course, it is basically 3% plus the special levy which takes it to about 4% to 5%. This is, we think, Mr Speaker, Sir, desirable in terms of the volatility of the business as I fully explained in my answer.

Mr Li Kwong Wing: Mr Speaker, Sir, will the hon. Minister agree with me whether this is not exactly what is condemned by the OECD because it means that you are ring fencing the offshore bank, giving them a preferential rate of tax of 3% when all similar other providers are paying 15% so that there is no level playing field? Will the hon. Minister inform the House, therefore, whether this is not what is giving us a very bad image as a tax haven?

Mr Duval: Mr Speaker, Sir, you must understand that bad image exists in the minds of some people. We are very, very proud of our offshore banking sector and very proud of all the measures that have been taken so that we are on the OECD blacklist, so that we are largely compliant with the FATF taskforce in terms of this recommendation. We are very proud of that and certainly, Mr Speaker, Sir, we will not accept that we have a bad image except in the minds of some people who are determined to think otherwise, and, Mr Speaker, Sir, I would like also to reply to the hon. Member that as he is well aware, the offshore sector is going through an uncertain period at this time with the India DTA in particular. So, it was thought that especially in this uncertain period, nothing should be done to upset the sector any further.

Mr Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Speaker, Sir. Following up on the answer which the hon. Vice-Prime Minister has just given, is not the hon. Vice-Prime Minister aware that recently Mr Mistry gave a lecture at the Financial Services Commission where he advocated the integration of the offshore and onshore sectors so that if this is applicable to the banking sector, we should not have Segment A and Segment B with different taxation treatment?

Mr Duval: It was integrated, Mr Speaker, Sir, in terms of one banking licence back in 2004. So, that was done, but taxation-wise there are different rates applicable. As far as the integration of the banking sector, of the offshore sector to the local sector, there are some arguments for, but there are also some pitfall agreements to avoid. There is a special Committee working on that at the level of the FSC and the Ministry of Finance and Economic Development and we'll wait for the recommendations.

Mr Li Kwong Wing: Mr Speaker, Sir, a level playing field is required in the global business sector in view of the fact that the tax treaties of Mauritius are under attack by various treaty partners and, therefore, may I ask the hon. Minister why is there such a special treatment for Segment B banking not only in terms of tax but also in terms of CSR which is a minor contribution and even on the question of the special levy which is another minor contribution for international banks that are making billions of rupees profits; why is there this policy of *deux poids, deux mesures*?

Mr Duval: Mr Speaker, Sir, ever since back in 1983 when the income tax rate was brought down substantially and since that time, income tax rates have been brought down

substantially all the time, we have found that lower taxes probably give you higher income tax than higher taxes and this is the case in point. Mr Speaker, Sir, as I mentioned clearly, increase in the tax rate may have the opposite effect to increasing tax revenue in that it may drive away these banks, for instance, to Dubai where the tax will be 0%. So, there are the risks associated especially as this hon. Member is fully aware of. There are question marks as to our main double taxation agreement and these question marks remain. So, increasing the income tax rate on Segment B may have the opposite effect and drive away also, Mr Speaker, Sir, very valuable employment for Mauritians, especially Mauritian youths.

As far as CSR is concerned, it is 2%. The tax rate after presumed tax rate, it is 3%. I don't know whether adding 2% to 3% can be considered by some people as marginal, but it is not marginal if you look at it in relation to the effective tax rate.

Mr Speaker: Well, since there are no more questions, it is a proper time to break for one and a half hours.

At 1.00 p.m. the sitting was suspended.

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

Mr Speaker: Hon. Li Kwong Wing!

DBM LTD - RESTRUCTURATION

(No. B/64) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Development Bank of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the number of staff thereof, and the total remuneration cost thereof for 2013;
- (b) the total value of the loans -
 - (i) granted in 2013, and
 - (ii) outstanding, since 31 December 2013 to date, indicating the value thereof having been written off, and
- (c) where matters stand as to the proposed restructuration thereof.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, with regard to part (a) of the question, I am informed by the DBM that, as at 31 December 2013, there were 252 employees in its payroll at the DBM. The total remuneration (including salary and wages, overtime, end of year bonus and travelling) amounted to around Rs122 m. in 2013.

With regard to part (b) of the question, I am informed DBM has disbursed an aggregate amount of around Rs392 m. as loans to 3,688 beneficiaries in 2013. The principal balance outstanding in respect of the above loans as at 31 December 2013 was around Rs366 m. None of these loans have been written off.

With regard to part (c) of the question, I wish to inform the House that the request for proposal was launched in September 2012 to look for a consultant to advise and assist with the restructuring of the DBM. The aim was to transform DBM into a financial institution licensed under the Bank of Mauritius, geared towards the micro, small and medium enterprises (MSME) and that would provide better and more comprehensive services to the MSME community.

Following the recommendations of the consultant in February 2013, Government decided that a new MSME bank should be set up with the good loans portfolio of DBM and that the search for a strategic partner that would bring in fresh capital and greater expertise and technical knowhow in catering to the financial needs of the MSME sector should also be started. Such strategic partnership is expected to provide a one-stop solution for MSMEs and bridge the unmet needs of that sector.

The consultant is finalising its recommendations on the new MSME bank and the strategic partnership. Based on these recommendations, Government will then take the appropriate decision.

Mr Li Kwong Wing: Thank you, Mr Speaker. In the meantime, since the last couple of years, has the DBM been accumulating losses and did Government inject any new capital into the bank?

Mr Duval: No new capital, Mr Speaker, Sir. It is published information that the DBM made a substantial loss in 2012, and for 2013 we are waiting for the results. Generally speaking, Mr Speaker, Sir, as regards its banking operations, the DBM is lost making.

Mr Li Kwong Wing: With regard to the liabilities of bank, can the hon. Vice-Prime Minister inform us how much deposit has been placed at the DBM by the small depositors and how much is owed to the NPF and big institutional State organisations?

Mr Duval: Mr Speaker, Sir, I don't think DBM takes deposits like that from the public, but it does take deposits from big institutions, especially the NPF. This year it is Rs2.3 billion worth of deposits that are due for repayment and that is one of the issues that is troubling the DBM.

Mr Li Kwong Wing: With regard to the assets on the other hand, can we know the value of the land and buildings held by the DBM and whether any such land and building has been put to sale in the recent years?

Mr Duval: Of course, Mr Speaker, Sir. DBM has industrial estates, land and buildings all over the country. A number had been sold to enable the DBM to meet its contractual obligations as far as deposits are concerned. All these are published information which is available, but if I have a specific question also, I will give the information.

Mr Baloomoody: Can I ask the hon. Vice-Prime Minister whether with regard to the staff who are actually at DBM, what will happen to them once the MSME bank will be operational?

Mr Duval: Mr Speaker, Sir, I must say that there is no final decision yet as far as the new MSME bank is concerned. Nevertheless, it seems that we are going in that direction. None of the staff will be made redundant forcibly. There is already a VRS in operation. Some 60 staff have availed themselves of this opportunity to retire early, but no one will be forcibly retired. That is for sure. They will either be kept in the new bank or kept in the old bank which has the assets which are not performing sufficiently well and then they may be taken over in the Civil Service as has been done previously, but no one will be made redundant forcibly.

Mr Uteem: The hon. Vice-Prime Minister spoke about strategic partnership. May I know from the hon. Vice-Prime Minister whether a strategic partner has already been identified and, if so, when does he expect this partner to come into the picture?

Mr Duval: Mr Speaker, Sir, the firm Deloitte has been appointed in conjunction with Deloitte India to provide consultancy regarding the whole restructuring exercise. Now, they

have started an operation to identify a strategic partner worldwide I must say. I won't give the names at the moment, but there are two consortiums if you like both from India who might be interested. And it would be a mix of a commercial banking partner and an operator specialising in small and micro enterprises. Perhaps, I should say that there are two main issues relating to DBM, which the House ought to be aware. One is the cost of raising funds. Now, a bank usually will be raising funds from the public - as we all know if we have deposits in banks - at a cost of about 4% a year. Now, the DBM, because it cannot do so, does not have a commercial banking license, does not fall under the Bank of Mauritius. The DBM has to raise loans from these institutions and the cost of financing the DBM from these loans is about 8%. So, it has a structural weakness in as far as being able to on-lend at a cheap rate. That is one issue that has to be borne in mind.

And the second issue, Mr Speaker, Sir, for the search for a new strategic partner is, one, as I mentioned, to obtain a commercial banking licence, reduce the cost of deposits, the cost of finance to the new bank and second is to extend the range of services. At the moment, we are not a bank as such, with a commercial banking licence, so, we don't provide other types of assistance apart from term loans. Now, we can provide working capital, we can provide import and export facilities, we can discount bills, we can provide bank guarantees, bank overdrafts, a lot of other services that can be extended to small and medium enterprises that cannot be extended in the present DBM structure.

Mr Bérenger: Can I ask the hon. Vice-Prime Minister and Minister of Finance whether it has been decided what the shareholding of the new SME bank will be, whether the foreign partner, or the Mauritian Government will hold a majority, because this is linked to what has happened to the Mauritius Post Office and Cooperative Bank which we created in 2000/2005 and which was meant precisely to be a bank for SMEs, Co-operatives, small planters, and so on? And we know what has happened unfortunately. So, what is going to be the shareholding and whether that new bank is going to be allowed to go the way the Mauritius Post Office and Cooperative Bank has gone?

Mr Duval: First, as I mentioned, Mr Speaker, Sir, it is aimed for the new strategic partner to include at least one bank, one institution, which has substantial experience in financing micro and medium enterprises. That is the first thing. The second thing, a new bank will be required to

reserve at least 50% of his business for micro and medium enterprises. So, MSMEs will constitute at least 50% of the turnover of the new bank. As far as the shareholding is concerned, it is likely that a majority will be offered to the strategic partner for obvious reasons. Otherwise, you end up with a parastatal body, and that is not the wish of Government. So, it would be best, we think, to have that, but with a very defined shareholder agreement and a very defined operational strategy.

Mr Uteem: Mr Speaker, Sir, with respect to this strategic partner, being given what the hon. Vice-Prime Minister has just told us about the implications of this strategic partner will have, he will be a majority shareholder, does not the hon. Vice-Prime Minister agree that there should be a wider tender process and not just limit it to two banks identified from India, but allow other people who have relevant experiences, for example, in South Africa, to be able to apply?

Mr Duval: Mr Speaker, Sir, the idea is to obtain a decent partner, whoever it is, I would be very happy with that. But it has not been that easy I must say. And we have been fishing for a long time, but through this question I am not sure what procedure Deloitte had, we welcome any interest.

Mr Seeruttun: Mr Speaker, Sir, at the time of the creation of the Mauritius Post and Cooperative Bank, one of the objectives was to cater for the SMEs. Do we take it now that the Mauritius Post and Cooperative Bank has deviated from that objective and that is why we are converting the DBM into an SME bank?

Mr Duval: Mr Speaker, Sir, I must say that this question does not relate to MPCB and I would not be able to answer any way for MPCB. But I would like to say that let's come to say on this one, we feel that the DBM as it is, can be restructured into a new bank and it will provide a far better service, far wider service than it is providing at the moment.

Mr Jugnauth: I heard the hon. Vice-Prime Minister saying that Government has not yet taken a firm decision on the restructuration of the DBM. May I know should Government decide not to go ahead, whether other options are being considered for the future of DBM?

Mr Duval: Mr Speaker, Sir, if that cannot go ahead, then as we see all the options are on the table. That is obvious. But I must say also that concerning the majority of the shareholding,

it looks like that at the moment, but obviously, when final decisions are taken it may change. We are trying to go for that, but obviously it also depends on the offer that the strategic partner is making. Now, if we have a good offer, then we will probably be able to come to a conclusion. If not, then we will have to think of something else.

Mr Li Kwong Wing: Mr Speaker, Sir, the Vice-Prime Minister has been telling us that the bank has been accumulating losses, and it has to raise capital at a very high cost, which it cannot pass over to customers. So, can I ask him whether this does not show that we have a structural problem whereby the Government is deliberately allowing an instrument of democratisation of the economy to go to waste and now thinking of privatising it and opening up for private interests to take up stakes in an institution which was set by the Labour Party to touch the small men?

Mr Duval: Thank you for that question, Mr Speaker, Sir. In fact, I will remind the hon. Member that Mauritius became the most competitive economy in Africa recently, mainly because of the efforts we have done towards financing and finding finance for SMEs. So, it is quite the contrary to what the hon. Member is saying. In fact, Mr Speaker, Sir, the SME Loan Scheme which was meant at the time from the Opposition, the SME loan scheme, including loans to micro enterprises has meant with tremendous success. Nearly Rs3 billion has been lent over, twice whatever the DBM can lend annually. Rs3 billions has been lent over the last three years to the micro and small sector, Mr Speaker, Sir. We have, at the same time, launched the Housing Empowerment Scheme, which is a different scheme just now. And I must say that in the coming weeks, we are going to launch something which is dear to my colleague, the Minister of small business which is the loan without guarantee scheme, which we are going to launch in a few weeks, Mr Speaker, Sir. So, quite the opposite from strangling the SME sector, this Government, Mr Speaker, Sir, is very proud to have done much to help the SMEs, witness the increasing SMEs that Mauritius has seen over the last three years.

Mr Speaker: Last question, hon. Ganoo!

Mr Ganoo: Mr Speaker, Sir, the first time the proposal for an SME bank was announced was in the 2011 budget by the hon. Minister himself. So, we agree that this is a complex matter. We have listened to the hon. Vice-Prime Minister, but can he give the House an indication, realistically and objectively when will this SME bank see the light of the day?

Mr Duval: Mr Speaker, Sir, I think my ex-colleague may be a bit upset. The 2011 Budget was read by hon. Pravind Jugnauth, not me. I think he meant the 2012 Budget. It was announced then. It has taken time. It has taken more time than I would have thought. Obviously, it does not only depend on Government, it does depend also on the strategic partner as I mentioned, coming up with a decent operation plan, a decent offer for the bank for what will remain of the banking loans that will be transferred. So, I would hope that in the next six months we would get it over with.

Mr Speaker: Next question, hon. Mrs Radegonde-Haines!

LE MORNE MANAGEMENT PLAN

(No. B/65) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the Le Morne Management Plan, he will state -

- (a) the names of the consultants having worked thereon, indicating the cost thereof, and
- (b) if the prior approval of Cabinet was sought and obtained therefor and, if so, indicate the measures taken into consideration for the short, mid and long term respectively and give details of the Action Plan adopted, if any, for the achievement thereof.

Mr Choonee: Mr Speaker, Sir, I take it that the hon. Member is referring to the review of the Le Morne Cultural Landscape Management Plan, which was approved by Government in April 2008 for submission to UNESCO along with its Nomination Dossier, for its inscription on the World Heritage List.

The Nomination Dossier emanates from an Inter-Ministerial Committee which was set up in July 2006 to look into all aspects pertaining thereto. This Committee had also in August 2006 approved the enlistment of Dr. Odendaal as per the advice of UNESCO.

Consequently, having sensed the capabilities and dexterity with which Prof. Odendaal had prepared the nomination dossier which led to the inscription of the Le Morne Cultural Landscape and also for continuity sake, the Le Morne Heritage Trust Fund has renewed the

services of Prof. Odendaal to undertake the review of the 2008 Management Plan, the review of which every five years, Mr Speaker, Sir, is a mandatory requirement of UNESCO.

Coming to part (a) of the question, Mr Speaker, Sir, I am informed that the team from Eco Africa Environmental Consultants, led by Dr. Odendaal, is as follows -

- (i) Ms Zvikomborero Tangawarima, Senior Consultant and Deputy CEO of Eco Africa Group;
- (ii) Mr Jonathan Kingwill, Environmental Management Consultant;
- (iii) Ms Zimkhitha Nonkonela, Researcher and Consultant;
- (iv) Dr. Andrew Hall, CEO Heritage Western Cape;
- (v) Dr. Bernice Mclean, Marine Policy and Environmental Management specialist; Consultant and Associate Consultant with Eco Africa, and
- (vi) Ms Jayshree Govender, Senior Consultant.

The cost of the Consultancy amounts to US\$79,988 (exclusive of VAT).

As for part (b), Mr Speaker, Sir, I am informed that the draft Management Plan, inclusive of Action Plan, which were put for public consultations in January and February 2014, is presently being finalised by the consultants. Government's approval will be sought upon receipt of the final plan prior to its submission to UNESCO for approval.

A copy of the approved document will be placed in the Library of the National Assembly in due course.

Mrs Radegonde-Haines: Mr Speaker, Sir, can I ask the hon. Minister to what extent the process of the Management Plan was a participatory approach and some of the elected Members of the Constituency were not allowed a voice in the consultative process?

Mr Choonee: Mr Speaker, Sir, I understand everything started in 2006 and now it is just a follow-up action that is taking place. After five years, how far the Management Plan has moved, it has to be sent to UNESCO. So, this is what is being done. I do not know why the elected Member did not voice. I cannot reply as to why the elected Members of the Constituency were not consulted, because these are all technical issues. After the fact that Le Morne was inscribed, everything is in order. We are following up, we have a Management Plan 2008, we are

doing everything needed and some of the projects which were to be completed have been completed. Some are ongoing; others are short-term and long-term projects. Everything is on already.

Mrs Radegonde-Haines: Mr Speaker, Sir, I consider that as a lack of transparency. From my information, there are problems of space and funding. Can I know from the hon. Minister if land has been acquired to preserve the site and landscape, as proposed in the Management Plan and will funding be made available?

Mr Choonee: As far as funding, Sir, we do not have the fund right now. As far as land issue is concerned, we have some *litiges* with some landowners there. Some lands have been acquired, some lands belong to Government, but we still have some problems with the land, the case is in Court. Once the case is over, we will be in a position to know where exactly we are.

***CONSERVATOIRE NATIONAL DE MUSIQUE FRANÇOIS MITTERRAND –
MUSIC COURSES***

(No. B/66) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked Minister of Arts and Culture whether, in regard to the *Conservatoire National de Musique François Mitterrand*, he will, for the benefit of the House, obtain from the Director thereof, if the *Conservatoire* is proposing to –

- (a) extend the music courses, and
- (b) partner with international institutions.

Mr Choonee: Mr Speaker Sir, the White Paper – Creative Mauritius Vision 2025 which has been released by my Ministry makes provision for both parts of the question and which reads as follows, I quote -

“Courses offered by the *Conservatoire National de Musique François Mitterrand* will be extended and partnerships with international institutions will be developed.”

Unquote

Mr Speaker Sir, with regard to part (a) I am informed as follows -

The *Conservatoire National de Musique François Mitterrand* started offering five Music Courses in 1987 at its headquarters in Quatre Bornes with 180 students.

Over the years, the number of students has increased with the success of the courses offered. The *Conservatoire* has since 2006 started decentralising by opening new branches and extending the number of courses being run. As at date, besides courses being run at its headquarters at Quatres Bornes, ten branches are being operated by the *Conservatoire* where 33 Courses are being offered.

The branches are as follows -

- i. Grand Baie
- ii. Curepipe
- iii. Beau Bassin
- iv. La Valette/Bambous
- v. Mahebourg
- vi. Bel Ombre/Surinam
- vii. Port Louis
- viii. Flacq
- ix. Barkly, and
- x. Rodrigues

The number of students presently attending the courses is around 2,000.

Mr Speaker, Sir, I am informed that the *Conservatoire* is presently considering introduction of new courses in the field of Music and will further decentralised its courses through the opening of additional branches.

With regard to part (b), I am further informed that the *Conservatoire* has held discussions with various international institutions such as the “School of Piano” of USA.

In line with the quest of this Government for the provision of better Music Courses, the *Conservatoire* has partnered with this prestigious school to train piano tuners.

Mr Speaker, Sir, this is an important step towards building a professional music industry as set out in the White Paper.

Mrs Radegonde-Haines: Mr Speaker, Sir, can I know where exactly the courses are being delivered in La Valette and how many students undergo cost of their own?

Mr Choonee: Mr Speaker, Sir, I can provide that particular information. I can lay it on the Table of the National Assembly later, but I do not have the information right now.

Mr Obeegadoo: The *Conservatoire* which was under the responsibility of the Ministry of Education has now been moved to the Ministry of Arts and Culture. I would like to know whether consideration has been given to the utilisation of the premises of State colleges around the island for courses to be dispensed beyond normal school hours by the *Conservatoire*?

Mr Choonee: Mr Speaker, Sir, if the request is made proper, I do not find any problem the *Conservatoire* having courses being undertaken in State Secondary Schools. We can liaise with the Ministry of Education and see if that is possible. The hon. Minister is confirming it is possible; we can do it.

Mrs Radegonde-Haines: Mr Speaker, Sir, I heard the hon. Minister talking about the school piano in USA. Prestigious school means prestigious money too. May I know if the course will be freely delivered here or the students will have to pay a fee and how much?

Mr Choonee: Once again, Sir, I do not have the figures or what are the costs for these courses. However, I will be just too pleased to lay on the Table of the Assembly any details thereof.

Mr Obeegadoo: The hon. Minister is surely aware that the *Conservatoire* which has its main quarters in Quatre Bornes are crammed. There is very little space, very little scope for expansion. Is it within the policy of Government to either find alternative premises or additional premises for the *Conservatoire* in Quatre Bornes?

Mr Choonee: It is true, Mr Speaker, Sir, that we have limited space in Quatre Bornes. We have a serious problem of parking and so many other issues cropped up along with that. Government is envisaging to have a dedicated building for the *Conservatoire* but, as at now, we have a very ambitious project, the Culture House which will house all or most of the departments of the Ministry and the *Conservatoire* will be one of them.

VERDUN-TERRE ROUGE ROAD PROJECT – CONTRACT

(No. B/67) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land

Transport and Shipping whether, in regard to the Verdun-Terre Rouge Road Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- (a) the amount of money paid out to the contractor for works carried out in relation thereto;
- (b) if the contractor has not completed the works as per the contract and, if so, indicate the –
 - (i) financial implications thereof, and
 - (ii) actions taken for the completion thereof.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the amount paid to the contractor to date for the construction of the Verdun-Terre Rouge Project is Rs2,758,937,248.05. This sum includes a price adjustment of Rs546,315,696.70 representing increase in the price of labour and materials, as provided for in the contract. The amount paid also includes an amount of Rs232,404,154.23 for additional works involving dual carriage way from Khoyratty to Calebasses, four additional underpasses, additional street lighting, rock fill, landslides treatment and slope stabilisation. However, it has to be pointed out that –

1. During the heavy rainfalls, landslides at some places were recorded, and these had had to be repaired under the contract. The contractor and the RDA took up the matter with the insurer who carried out an independent expertise at their end. The insurer was satisfied that the events could not be foreseen at the design stage and, therefore, resolved to compensate RDA by an amount of Rs135 m. representing the cost of damages.
2. The treatment of landslide is outside the scope of the contract.

Mr Speaker, Sir, the contractor has completed the works as per the contract, with a reduced scope of work, on 30 November 2013. The scope was reduced because of landslide problems encountered over a length of 2.7 kilometres southbound between Valton and Ripailles. It was decided to build the road on one carriageway only along this section of the road for safety reasons.

The cost of the road works that has been omitted represents an amount of Rs63,477,858.70. This has not been paid to the contractor.

Prior to completing the remaining works, treatment of the landslides will have to be undertaken. This section has been redesigned by the consultant, so that durable solutions are provided to protect that road segment from further landslide. The solutions proposed are specialist works that include piling, nailing, shotcreting and subsoil drainage. These works should be carried out under separate contract because they are of highly technical and specialised nature, and did not form part of the original contract. A separate bidding exercise has been initiated.

Dr. Sorefan: May we know from the hon. Vice-Prime Minister what amount has been deducted from this contract value for the works that have not been completed as per the contract by Colas on this project, and who assessed this amount to be deducted from this contract?

Mr Bachoo: The amount deducted is Rs63,477,858.70. It is according to the conditions of contract between the consultant who, in fact, acts as engineer for that project.

Dr. Sorefan: Mr Speaker, Sir, may we know whether there are prequalified bidders for the new project to repair this issue?

Mr Bachoo: In fact, bidding exercise has already started, and I am told that contractors are being prequalified for the work.

Mr Bhagwan: This morning, we have had the Private Notice Question on the Ring Road Project, where the authority responsible for the implementation is the RDA. Now, again, on this question of Verdun-Terre Rouge, the RDA is linked to that project. Over the past years, we have seen that the RDA has been responsible for billions of rupees of projects, and we have witnessed lots of loopholes. Can the hon. Vice-Prime Minister inform the House, the population and the country, the taxpayers, that the RDA has miserably failed in its duty to protect the interest of the public, and that it is high time now for the hon. Vice-Prime Minister and the Government to have a 'crasher' and clean the mess at the RDA?

Mr Speaker: This is a statement; not a question, hon. Bhagwan! Yes, hon. Dr. Sorefan!

(Interruptions)

Does the hon. Vice-Prime Minister want to answer? Okay!

Mr Bachoo: Mr Speaker, Sir, well, let me be very clear. In big projects of such *envergure*, normally the RDA is the employer, and through proper international tender exercises, the RDA, through the CPB, appoints a consultant, and the consultant's responsibility is to look into all these latent and patent problems. The RDA is an employer. It is just like I am a proprietor and I am constructing a house, and I have taken the services of an engineer and contractor. Whereas in other projects where the RDA is itself responsible for the consultancy work, I may give you, for example, the bypass of Triolet, Goodlands (Schoenfeld Road), Wooton to Quartier Militaire, the Saint Pierre bypass. All these are works which were undertaken by the RDA, by the engineers, and all these works were completed to the satisfaction of each and everybody.

But, unfortunately, the big works, for example, the Ring Road and Terre Rouge-Verdun, where we get foreign capital from foreign agencies, we are bound to appoint international consultants through international tender. Here, the consultant is to be held responsible. In this case, the consultant is Egis, International which earlier was BCEOM.

Mr Lesjongard: Since the hon. Vice-Prime Minister has stated in his reply that that road was designed to be a dual carriage road and it was modified at certain places, can he tell us when it was decided to amend the design of that road, whether it was during the course of construction, or prior, when the specifications were designed for that project?

Mr Bachoo: Mr Speaker, Sir, in fact, if I understand the hon. Member well, he is talking about the stretch of 2.7 kms of road. But, for this part, it was during construction that the contractors themselves discovered the heavy landslide, because that is the place where the mountain had to be cut into two, and where they had gone down to 100 feet. But, if the hon. Member wants to ask me when the design was modified, I would need notice of the question, because I have to inquire from my officers. As far as I am aware, there has not been much change in the alignment, except for the 2.7 kms of which I am aware of.

Dr. Sorefan: Mr Speaker, Sir, regarding the prequalified bidders for the new tender, I have a list - it will surprise this House -

- (i) Rehm-Grinaker;
- (ii) Colas Frankipile, again;
- (iii) Sinohydro (China);

(iv) BCGE/Gamma Ripailles;

Mr Speaker: No, your question, please!

Dr. Sorefan: (v) Synohydro Corporation, and Gamma.

May I know from the hon. Vice-Prime Minister whether Colas that has quoted is the same that was given this contract, and has a joint venture with Frankipile, and whether Frankipile, which is an international company, is listed on the MEF as a masonry and stone layers?

Mr Bachoo: Mr Speaker, Sir, it is difficult for me to answer for CPB, because in such matters it is the CPB which invites applications and looks after the issues. But, in case certain matters are brought to our notice, I do not know whether we can inform the CPB about the flaws or the PPO, the one who is responsible for contracts. But, my Ministry does not have anything to do with these contracts. It is the CPB which has to look into it.

Mr Roopun: When consultants are appointed, especially for mega projects costing billions, should I take it that the RDA and the hon. Vice-Prime Minister's ministry take a back seat and do not make any follow-up? If so, what are the supervisory roles of the Ministry and the RDA in such cases?

Mr Bachoo: Mr Speaker, Sir, in fact, in the morning, when I answered the question, I mentioned that the RDA acts as a facilitator. For example, when there are problems regarding land acquisition issues between different Ministries, to give them clearances. But, at the same time, if the consultant is not doing well, it is the duty of the RDA definitely to draw their attention to certain flaws which do exist. At least, they have the right to do that much. That is what I understand.

Dr. Sorefan: Engineers from the RDA and private engineers, after having studied the soil at this site, which is mainly composed of volcanic ashes and difficult to handle, is unstable, and hence will lead to further landslide, are adamant that a thorough study be undertaken before implementing the project. May I know from the hon. Vice-Prime Minister...

Mr Speaker: Therefore, the question of the hon. Member is ...?

Dr. Sorefan: I am just following...

Mr Speaker: Yes, but the hon. Member cannot make a long introduction!

Dr. Sorefan: That was not too long, Mr Speaker, Sir.

Mr Speaker: Put your question!

Dr. Sorefan: Will the hon. Vice-Prime Minister inform the House if new studies have been taken regarding soil studies, as this does not form part of the scope of work of the prebidders' qualification?

Mr Bachoo: Mr Speaker, Sir, on this issue, in 2005, the geotechnical assessment was carried out by a top Engineer who goes by the name of Mr Pluto, and three sites were presented to him. Out of the three sites, this was supposed to be the best. So, geotechnical assessments were carried out by the engineers. Secondly, after that, even the consultants had gone through it, I am not in a position now to step into the shoes of consultants and make any statement. Even before coming to this House, I had discussions with the two engineers who are looking into that project. And, Mr Speaker, Sir, they have not given me the information that the hon. Member is saying. I don't have the information.

Mr Jugnauth: May I know from the hon. Vice-Prime Minister how much money has been earmarked for slope stabilisation for this year with regard to that part of the road? There is no dual carriageway now; there is only one lane which is functioning. So, may I know how much money will be spent for this year 2014?

Mr Bachoo: There is no provision made in the Budget. In fact, in the Road Decongestion Programme, if in case we are going ahead with this, then I have to take from the Road Decongestion Programme. In the road Decongestion Programme we have many projects and Rs1.5 billion has been earmarked for road decongestion.

Mr Speaker: Next question, hon. Dr. Sorefan!

Dr. Sorefan: Mr Speaker, Sir, the hon. Vice-Prime Minister has said that millions of rupees have been paid to Colas as variations. Will he give us a list of all the work which he has mentioned? He has not mentioned the amount, he just mentioned the total. So, can he give us a breakdown of all this? Because in the past we asked questions and he just said that Rs40 m. were variations but today we hear about Rs200 m. or Rs300 m.

Mr Bachoo: Regarding the variation that the hon. Member is talking about, - I had already stated - I can mention that for the additional work of dual carriage Khoyratty to Calebasses - earlier it was a single way - the amount spent is Rs43.8 m. There were four additional passes on the request of planters of the region who were suffering. We are bound to do the additional underpasses: Rs23.8 m.; additional street lighting: Rs24.7 m.; rock fill: Rs39 m.; landslide treatment: Rs134.8 m. out of which Rs150 m. we got through insurance companies. The slope stabilisation was Rs65.6 m. These are the additional works which were required.

Mr Speaker: Hon. Dr. Sorefan, next question! PQ No. B/68, please, not a supplementary!

HARBOUR BRIDGE PROJECT

(No. B/68) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Harbour Bridge Project, he will state the reasons for the non-implementation thereof, as at to date, indicating the -

- (a) cost incurred in relation thereto as at to date, and
- (b) proposed alternative measures, if any, for the decongestion of the Place d'Armes at peak hours.

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I wish to point out that Harbour Bridge is but one of the components of the PPP Road Decongestion Programme which comprises 16 components.

Mr Speaker, Sir, I deem it appropriate to draw the attention of the House to the effect that, of late, the world has been witnessing very strange climatic phenomena and Mauritius is not exempted from such calamities. Over the past few years, Mauritius has been struck by several natural disasters like flash floods, floods, problems of landslides and likewise. This being the case and reckoning with the fact that Government prior responsibility is to protect human life and property, allocation of financial resources was dictated by such imperatives.

Government intervention in terms of construction of drains, widening and dredging of rivers, repair of roads damaged by flooding, and construction of bridges have cost Government billions of rupees and yet there are other similar works to be undertaken.

Mr Speaker, Sir, in face of such a situation, priorities have now been redefined and, for the purpose, a review of the Road Decongestion Programme is envisaged.

As regards part (a) of the question, the amount spent on the whole project, that is, for all components so far, which includes transaction advisory costs, environmental impact assessment studies as well as site investigations and survey costs, is about Rs197 m.

Mr Speaker, Sir, needless for me to point out that, the inputs drawn from these consultancy services would be productively used. For example, the consultancy works of early 1990s undertaken by the then Government has not gone waste, but on the contrary we have made good use of these consultancy services.

In regard to part (b) of the question, notwithstanding the review of Road Decongestion Programme, Government will still proceed with Phase 2 of the Ring Road which will link Phase 1 of the Ring Road with Champ de Mars via a tunnel on the under Quoin Bluff and with an entrance, towards Volcy Pougnet Street and a second one at Château d'Eau. This will relieve Place d'Armes by providing an alternative southern entrance into Port Louis. In the meantime, the Traffic Management and Road Safety Unit and the RDA are working on ways and means with a view to improving the traffic management measures obtainable at Place d'Armes.

Mr Bérenger: The debates during Committee Stage when the last Budget was being discussed, his colleague, the Minister of Housing and Lands was categorical that Government has abandoned this Harbour Bridge Project, whereas now, the hon. Minister is not saying that as clearly as his colleague said. He is saying it is being reviewed and this and that. Is Government going ahead with the Harbour Bridge Project?

Mr Bachoo: Mr Speaker, Sir, this is true that I have not been specific on this issue, because Government - in fact, there have been talks that this particular project has to be shelved or probably at a later date this can be considered, but I am still waiting for the clearance.

(Interruptions)

I am waiting for clearance of the Government and, most probably, in the weeks to come, we will come to a decision on that. But, I am clear on the issue of Ring Road Phase II and the Bridge A1M1, we are going ahead with those two projects.

Dr. Sorefan: Mr Speaker, Sir, listening to what the hon. Vice-Prime Minister has said, I just can conclude that this Government is pissing off the taxpayers' money down the drain.

Mr Speaker: Sorry! What word are you using?

Dr. Sorefan: This is an English term.

Mr Speaker: What word are you using?

Dr. Sorefan: Pissing off.

Mr Speaker: What do you mean? You have to withdraw the words. They are not Parliamentary! You withdraw!

(Interruptions)

You withdraw the words!

Dr. Sorefan: If you say so, Mr Speaker, Sir.

Mr Speaker: Are you withdrawing, or not?

Dr. Sorefan: Yes, I withdraw!

Mr Speaker: Okay!

Dr. Sorefan: Mr Speaker, Sir, the Government is really spending a huge sum of money. You know, I was about to say those drunkards that spend a lot of money drinking ...

(Interruptions)

Mr Speaker: Hon. Member, I warn you, try to be straightforward!

(Interruptions)

Don't discuss with me!

Dr. Sorefan: Mr Speaker, Sir, the Government is wasting a lot of money on this project, SPP, transaction advisers.

(Interruptions)

...advisers, officers, transaction advisers...

(Interruptions)

Sorry!

(Interruptions)

Mr Speaker: Do you want to proceed with that question or do you want to go out? You have to behave, okay! I give you a last chance and a warning.

Dr. Sorefan: A lot of money has been spent on this and now we come to hear that the project is frozen or whatever. May we know, now that it was advertised for the land to be compulsorily acquired and land on...

(Interruptions)

Mr Speaker: No disturbance, please!

Dr. Sorefan: On Neotown! The plot of land on Neotown is taking years to be implemented. May we know where matters stand, whether those concerned have been informed, please?

Mr Bachoo: I would request the hon. Member if this question can be addressed to the hon. Minister of Housing and Lands, but I have already mentioned that a decision will be taken in due course.

Mr Uteem: Mr Speaker, Sir, I heard the hon. Vice-Prime Minister mention when talking about the Ring Road that there would be two entrances, one at Volcy Pougnet and one at Château d'Eau. Do I take it, therefore, that there would be no Ring Road affecting Vallée Pitot?

Mr Bachoo: Well, Mr Speaker, Sir, I don't have the map in mind, but I know that is the place that the Ring Road will go; but Vallée Pitot will come next after that, because we have ultimately to go up till Quay D. So, that will probably be in the third stage. I am sorry, I don't have the map.

Mr Baloomoody: Can I ask the hon. Vice-Prime Minister whether with regard to this project - the Harbour Bridge Project - land has been compulsorily acquired from inhabitants, owners on this area?

Mr Bachoo: Well, I am aware that a few plots have already been acquired. A few plots have been paid - that's why I am telling that very shortly Government will take a decision; if they have to be refunded, they will have to be refunded.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Vice-Prime Minister, since this project - that is, the Harbour Bridge Project - was flagged as a major component of the Road Decongestion Programme, a Transaction Advisor was appointed to work out a toll road tax, do we understand now that even that toll road tax is out completely?

Mr Bachoo: Well, I know for Terre Rouge-Verdun, and Verdun-Trianon, we have removed the toll tax.

(Interruptions)

It is used by everybody. But as far as this Road Decongestion Programme is concerned, I am made to understand that the toll tax will be there - the Road Decongestion Programme, whatever will be decided. That is, we are still to decide the final, what are the components which would be there, but the toll tax will be there.

Mr Speaker: Hon. Baloomoody, you have a question? No! So, the Deputy Speaker, will take the Chair.

At this stage, the Deputy Speaker took the Chair.

**LES COOPÉRATIVES DE TAMARIN/LA PRENEUSE VILLAGE – SEA – PUBLIC
ACCESS**

(No. B/69) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Minister of Housing and Lands whether, in regard to public access to the sea, between *Les Coopératives de Tamarin* and the beginning of the La Preneuse Village, he will state the number thereof which existed in 2000, indicating the number thereof which are now inaccessible and the reasons therefor in each case.

The Minister of Youth and Sports (Mr S. Ritoo): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

According to the records available at the Ministry of Housing and Lands, there is one access between *Les Coopératives de Tamarin* and the beginning of La Preneuse Village.

However, I am informed that in the vicinity of *Les Coopératives de Tamarin*, there are three accesses to the sea and another five accesses exist at the beginning of La Preneuse Village. I have been informed that there has been one representation at the level of the District Council regarding provision of a pedestrian access for fishermen. I am informed that the technicians of the Ministry of Housing and Lands are looking into this issue.

I am also informed that an island-wide exercise is being undertaken to provide, as far as possible and practicable, a public access to the sea every 500 metres. This exercise has started some time back, but is very cumbersome and time consuming. Besides, as most of the sea-frontage land is already leased for *campement* or industrial purposes or privately-owned, this measure has been difficult to implement as it may involve land acquisition and payment of compensation.

The exercise on a nationwide basis is ongoing and due consideration is being given as and when representations are being received at the level of the Ministry of Housing and Lands.

If the hon. Member has any information regarding any particular case, she may refer the matter to the Ministry of Housing and Lands.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I raised this issue of public access to the sea almost six months back and the hon. Minister said that he is looking into the matter urgently. Now, six months after, I can even quote what the hon. Minister said. He said –

“Sir, I quite recall about these obstructions. We had given instructions.”

So, can I know what instructions he has given and why is it that he has given instructions six months back and, up to now, there are no accesses which have been opened thereby making the life of fishermen in the region very difficult?

Mr Ritoo: Mr Deputy Speaker, Sir, since the substantive Minister is not here, I understand that this exercise has started sometime back as I stated and it is cumbersome and time-consuming. So, I hope that when the hon. Minister is back, I will request him to take action.

Mrs Hanoomanjee: Can I understand from the hon. Minister that there was a Ministerial Committee and that that Ministerial Committee which was set up in 2011 has given its report because the hon. Minister has just talked about an island wide action? Can I know

whether that Ministerial Committee has given a report and, if so, can he table that report on the Table of the Assembly?

Mr Ritoo: Mr Deputy Speaker, Sir, I don't have the report with me. I cannot answer for this inter-ministerial meeting.

The Deputy Speaker: Hon. Gungah!

Mr Gungah: Thank you, Mr Deputy Speaker, Sir. The hon. Minister spoke about an island wide exercise that has started. May I ask the hon. Minister whether he can state the policy of the Ministry on public pedestrian access to the shore?

Mr Ritoo: Mr Deputy Speaker, Sir, a certain exercise was carried out in the late 90s and a report on public access to the sea was produced. It looked at the overall issue of public accesses with the aim of facilitating public access to the sea, namely by proposing new accesses where justified and improving existing ones. It was proposed that every 500 metres where feasible and desirable, there will be an access and that no accesses to be provided where public beaches and existing accesses exist. The accesses should serve primarily fishermen, residents from the landward side of the coastal road and the general public. The accesses had to be either pedestrian or vehicular depending on use, site status and site constraints. Accesses had to be properly designed and maintained. Two types of accesses were proposed: a lane corridor between two built properties linking the coast road to the beach and a stretch of public open space with coastal frontage abutting the coast road as well with enough depth to allow amenities and other activities to be sited thereon.

Mrs Hanoomanjee: The hon. Minister has mentioned in his reply that there needs to be compulsory acquisition of land. Can I tell the hon. Minister that there is no need to have compulsory acquisition of land in this specific area because the accesses already existed, but people have come there and have blocked their accesses on purpose? So, there is no need for compulsory acquisition of land. Can I ask the hon. Minister to look into this, especially for this particular area of Tamarin and La Preneuse?

Mr Ritoo: I will inform the substantive Minister.

The Deputy Speaker: Next question!

MOTORCYCLES - SOUND LEVEL METERS

(No. B/70) **Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Environment and Sustainable Development whether, in regard to the motorcycles emitting noises in excess of 90 decibels, he will state if his Ministry has acquired sound level meters for the tracking thereof, over the past two years and, if so, indicate the –

- (a) number, and
- (b) total cost thereof.

Mr Virahsawmy: Mr Deputy Speaker, Sir, my Ministry funded the acquisition of ten (10) Sound Level Meters which were procured by the Police Department in October 2011 for the enforcement of the Road Traffic (Control of Vehicle Emissions) Regulations 2002 by the authorities concerned.

As regards part (b) of the question, the total cost for acquiring the sound level meters was Rs2,116,000, inclusive of VAT.

Mrs Hanoomanjee: Can I know from the hon. Minister whether the sound level meters which were purchased were appropriate for tracking all motorcycles or were they appropriate for only motorcycles which had a *quadrant* where the revolution per minute could be detected?

Mr Virahsawmy: The specification was decided by a committee which was chaired by the Chief Mechanical Engineer and the Police. Several members were present and it is designed to track vehicles having a tachometer.

Mrs Hanoomanjee: The hon. Minister has just mentioned vehicles, motorcycles, but has not given a definite reply to my question; whether all motorcycles could be tracked with this sound level meter or whether it was only for motorcycles which had a *quadrant* where only the revolution per minute could be detected?

Mr Virahsawmy: It was meant to have control over motorcycles having a tachometer.

Mrs Hanoomanjee: Can the hon. Minister say whether he is aware that in several places in the country the population is very much disturbed at night, mostly by high-level noises, more than 92 decibels which are made by these motorcycles and most of them are engaged in some

sort of racing competition or what not? What is the Ministry of Environment doing for this? Who is responsible and how many cases have been detected, so far?

Mr Virahsawmy: It concerns noise emitted from modified silencers. There have been in 2012, 71 cases of contraventions; in 2013, 436 cases and in 2014 up to 27 March, 131 cases. This is where the silencers have been modified. Otherwise, we are fully aware of the problems which are caused by other motorcycles and, in fact, following a PQ in May 2012, the hon. Prime Minister replied that a committee was set up under the Chairmanship of the Permanent Secretary of my Ministry. In fact, the Technical Committee met two times and it was decided that this was a purely technical problem. So, the committee was then held under the lead of the Director, Mechanical Engineering Division of the MPI which was set up in July 2012 to explore all possibilities of using SLM for enforcement.

The Technical Committee submitted its findings and recommendations in November 2012 to the Land Transport Division of the MPI. The main recommendations were amending the noise level testing procedure in the Road Traffic (Control of Vehicle Emissions) Regulations 2002 as per the National Stationary Exhaust Noise Test Procedure for in-service motor vehicles.

A meeting was held in January 2013 under the Chairmanship of the hon. Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit and Public Utilities when the Technical Committee report was approved. A committee was then set up at the level of MPI under the Chairmanship of the Deputy Permanent Secretary to implement the recommendations of the Technical Committee as such and amending the regulations. The Committee drafted the amendments proposed and submitted same to SLO in August 2013. After several working sessions with the SLO, a final draft has been submitted in March 2014. The regulations are expected to be finalised very soon.

Mr Ameer Meea: Mr Deputy Speaker, Sir, this issue is very serious as the noise from these silencers is affecting the life of several thousands of people, especially living in highly residential places. This issue has been canvassed by the Director of Audit whereby the acquisition of this equipment was not in line with the regulations. Can I ask the hon. Vice-Prime Minister whether all the sound level meters that were purchased have been put into effective use and also why it has taken so long? Since 2012, this equipment has been purchased and now the regulations are being amended?

Mr Virahsawmy: Well, amendment of the Regulation does not fall under my Ministry. It falls under the Ministry of Public Infrastructure because it concerns traffic problems. Then sound level meters were purchased. Two were posted at the fitness centres of the NTA and eight were with the Police. When they started to operate the meters, then they found out that they had some problems with the RPM of the different makes and models of the motorcycles. Some motorcycles did not have the tachometer so they could not attend to the problems when they stop the motorcycles. That's why the law is being amended to facilitate all this and the law will be very strict so that even if they do not stop the motorcycle, but it is reported by the public, actions can be taken.

The Deputy Speaker: Hon Jugnauth!

Mr Jugnauth: I just heard the hon. Minister saying that these apparatus that have been acquired will only apply to those motorcycles which have a tachometer. So, therefore, do I take it that there is no apparatus to track noise emission level from those motorcycles which do not have tachometers?

Mr Virahsawmy: No. This is what I said, that the law is being amended to enable the Police to track those motorcycles which do not have tachometers.

The Deputy Speaker: Hon. Seeruttun!

Mr Seeruttun: Thank you, Mr Deputy Speaker, Sir. Will the hon. Minister inform the House how many officers of his Ministry have been trained to operate those noise emitting meters and whether these officers had their scheme of duties changed so that they can work after working hours, that is, after four, to monitor those motorcycles or vehicles that emit noises?

Mr Virahsawmy: There were officers from the Ministry, as well as officers from the Police who went to follow a specialised training with the supplier of the equipment so that they can then manage the equipment properly.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, so the hon. Minister has just confirmed that sound level meters were purchased, but they were not in conformity with what was really required and all motorcycles would not be covered by this. He just confirmed this. Furthermore, there were officers of his Ministry who went on training to UK after these sound level meters were purchased. Can I ask the Minister whether this is not wastage of public funds because the

public is concerned with all motorcycles and not only with motorcycles which have a tachometer?

Mr Virahsawmy: No, I just mentioned that the law is being amended and with the new amendment to the law, this will make provisions for all motorcycles which exist. I have also mentioned that the equipment was purchased on the basis of specifications submitted by a technical committee chaired by the Director of the Mechanical Engineering Section of the MPI, where the Police were present in that meeting. So, at the time they decided on the purchase, my Ministry was not responsible for the specifications that were laid down. There was a technical committee which laid down the specifications and, like I am saying, we had purchased the equipment which was procured by the Police and the Ministry funded the equipment. So, if you want more explanations on the amendment of the law then you'll have to go to the Ministry of Public Infrastructure, put a question there and you will get the reply.

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Mr Deputy Speaker, Sir. One of the criticisms of the Director of Audit was that these sound level meters were purchased from UK and all the motorcycles here in Mauritius, most of them, are from China, and these sound level meters could not match the exhaust tube of those motorcycles. So, therefore, can I ask the hon. Minister if this can be looked into by the Technical Committee so that there is coordination with his Ministry and those who bought these sound level metres? In 2012, he stated that only twelve sound level meters have been purchased and this clearly is not sufficient for the whole country. Can I, therefore, ask the hon. Minister if additional equipment could be bought so that it can cover the whole island, especially the highly residential places?

Mr Virahsawmy: I have to point out, Mr Deputy Speaker, Sir, that these ten sound level metres were of the make Actia Muller and the model Solo Black, and it is being used in France, Reunion Island and other European countries for the control of vehicular exhaust noise emission. The equipment meets European standards and ISO5130 for exhaust noise level monitoring on vehicles. As you say rightly, there are motorcycles which come from China, India, Korea, and Europe also. This is where the new amendment to the Traffic Act will make provision for all these motorcycles and also will make provisions for new motorcycles which will have to be imported to be fitted with proper tachometers.

The Deputy Speaker: Last question, hon. Mrs Hanoomanjee!

Mrs Hanoomanjee: Finally, can I ask the Minister when the law would finally be amended what would be the mechanism that would be put in place so that noises in excess of 90 decibels will be tracked and the *Police de L'Environnement* will have a total control on those motorcycles which are causing so much disturbance to the public at night?

Mr Virahsawmy: Mr Deputy Speaker, we cannot discuss on a law which is with the State Law Office and which is being finalised now, but the law will make provisions to enable the Police and the *Police de L'Environnement*, and other appropriate authorities, to have all the necessary power and possibilities to put full order on this.

The Deputy Speaker: Next question, hon. Quirin!

YOUTH CENTRES – RENTAL FEE

(No. B/71) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Youth Centres, he will state the reasons why a fee is being imposed on the users thereof after 1800 hours, since end of January 2014.

Mr Ritoo: Mr Deputy Speaker, Sir, following adverse comments on excessive payment of overtime by the Director of Audit in his Report, my Ministry took several measures to curtail overtime costs. The policy for use of Youth Centres after 1800 hrs has been reviewed as follows

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‘Not all users are required to pay a rental fee after 1800 hrs. A rental fee is applicable only for coaches who claim participation fee for their respective activities. For example, a Zumba coach claiming Rs250 monthly per participant will be required to pay a rental fee. An hourly rate of Rs150 is charged on weekdays and Saturdays while Rs200 is charged on Sundays and Public Holidays. The rental fee is charged to cover partly costs incurred for payment of overtime and other overheads.’

As regards other ongoing activities where no participation fee is charged, no rental fee is being claimed.

Mr Quirin: M. le président, permettez-moi de ne pas être d'accord avec l'honorable ministre des Sports parce que j'ai en ma possession copie d'une lettre adressée à tous les

Principal Youth Officers, Senior Youth Officers et Youth Officers de son ministère et signée par le *Permanent Secretary*, Mr Putchay, et qui fait état de tous les centres de jeunesse et il n'y a aucune mention de certains coachs qui font payer, etc. Je vais déposer copie de ce courrier, M. le président, et ce n'est pas du tout ce que vient de répondre l'honorable ministre des sports. Je profite aussi pour demander au ministre s'il est au courant qu'il y a cette circulaire qui a été adressée à ses officiers et, en même temps, je lui demande si cette décision s'applique à tous les centres de jeunesse à Maurice y compris celui de Triolet.

Mr Ritoo: Mr Deputy Speaker, Sir, I agree that there was a letter sent to all the Youth Officers, then afterwards the decision has been reviewed after we had received complaints from many Members of the Assembly regarding the payment of this fee. Then we decided to review the situation and now they don't pay, but only in cases where they require fees from those who want to train. When the coach is charging the fees then we claim the payment made, but otherwise this situation has been reviewed, and no fee is being claimed from those who are practising any activities in the youth centres after 1800 hrs up to 2300 hrs.

Mr Quirin: M. le président, peut-on savoir s'il y a une autre circulaire qui a été adressée à ces mêmes officiers pour rectifier le tir ? Et je peux vous dire qu'à hier, il n'y avait eu aucun changement, c'était toujours la même situation.

Mr Ritoo: Mr Deputy Speaker, Sir, again, I explain that the access to the centre is granted whenever they sign an undertaking with the officer in charge. If you come to the youth centre and say that you are going to do Zumba or any activity and that you are not going to claim any amount or fees, then you sign an undertaking with the officer in charge and you get it freely, but if you are claiming money from the users, then you will have to pay a fee. So, this is applicable as from now on.

Mr Gungah: May I ask the hon. Minister why the youth centre at Anse La Raie is not accessible to the youths of the region and whether Government envisages to pull down the building, because of construction of new hotels?

Mr Ritoo: Anse La Raie Residential Complex is under construction, because it is being renovated as the ceiling is now in bad condition.

Mr Bhagwan: My colleague is right in pointing out that there is a problem in the different youth centres. As far as our constituency is concerned, Cité Barkly and Mont Roches, there is a real problem, where people have to be informed, even by the officers. There is a sort of confusion from the Ministry to the officers and people are not aware of the new schedule.

Mr Ritoo: Mr Deputy Speaker, Sir, as I explained, there was a confusion when the letter was issued by the Permanent Secretary, then afterwards we rectified this situation and now I have stated that they have to sign an undertaking with the youth officer whenever they are claiming fees and otherwise it is free.

Mr Quirin: Une dernière question, M. le président. Ajouté à cela, est-ce que le ministre des Sports est au courant que le centre de jeunesse de Barkly ne fonctionne pas depuis plus d'une année dû à une interminable rénovation ? Est-ce qu'il peut nous dire quand le centre de jeunesse de Barkly sera opérationnel à nouveau?

Mr Ritoo: Mr Deputy Speaker, Sir, I am surprised now that the hon. Member is saying that the *centre de* Barkly is not operational. Otherwise, other members in the region have informed me that the *centre de jeunesse* has got such and such problems and we have rectified. The hon. Member cannot come and say that since one year the *centre de jeunesse* is not operational.

Mr Jugnauth: With regard to the Anse La Raie Youth Centre, the hon. Minister has just said that it is under renovation. Will he confirm that the same area of land will be at the disposal of the youth centre as it stands today?

Mr Ritoo: It is the same area that is available.

Mr Lesjongard: May I ask the hon. Minister whether it is normal to run a youth centre within the premises of a social community centre as is the case in Cité La Cure?

Mr Ritoo: Mr Deputy Speaker, Sir, this is a temporary measure and we are now coming forward with a new centre.

(Interruptions)

No, no, it is a temporary measure.

Mrs Ribot: M. le président, j'aimerais demander à l'honorable ministre s'il est au courant que certains de ces *youth centres* sont automatiquement fermés à partir de 6h00, que ce soit Zumba, pas Zumba, payant, pas payant ?

Mr Ritoo: M. le président, on ne peut pas ouvrir les centres de jeunesse interminablement, à moins qu'il y ait des activités. On ne peut pas laisser les centres de jeunesse ouverts comme cela s'il n'y a pas d'activités, de *training* ou de formation. Donc, il faut qu'il y ait nécessairement des jeunes qui viennent avec des activités et aussi faire un arrangement au préalable avec le responsable du centre. On ne peut pas les laisser ouverts comme cela. Qui va payer les *overtime* ensuite ?

Mrs Labelle: M. le président, dois-je comprendre de ce que je viens d'entendre du ministre que les *Sport Officers* ne proposent aucune activité aux jeunes après 6h00 ?

(Interruptions)

Qu'est-ce qui est organisé pour ces jeunes après 6h00 ? Rien ?

Mr Ritoo: Premièrement, M. le président, il n'y a pas de *Sports Officers* dans les centres de jeunesse. Ce sont des *Youth Officers*. Les *Youth Officers* ont un programme de *Youth Leadership*, *Life skills Education*, *Entrepreneuriat Jeunesse*, *Duke of Edinburgh International Award*, école de musique, il y a basketball, volleyball, handball, pétanque. Ce sont des activités qu'ils organisent sporadiquement s'il y a des...

(Interruptions)

Même après 6h00, ce n'est pas un problème, mais seulement vous prenez l'engagement d'éteindre la lumière et de retourner les équipements avec l'officier responsable.

(Interruptions)

C'est aux jeunes de la région d'identifier quels sont les manquements et ensuite venir avec des programmes. Ce n'est pas le responsable des centres de jeunesse qui va venir, ici, pour vous dire: écoutez, je vais faire du yoga, je vais faire ceci, cela ! C'est aux jeunes d'identifier ce qui manque aux jeunes et venir avec des programmes, en collaboration avec les autorités.

(Interruptions)

Sinon alle dormi !

Mrs Ribot: M. le président, M. le ministre est-il au courant que les jeunes qui sont à l'école ou qui sont au travail, ne sont pas disponibles avant 6h00 pour pratiquer une activité quelconque ?

Mr Ritoo: M. le président, c'est pourquoi je vous dis s'il y a des activités qu'ils veulent faire après 20h00, même jusqu'à 21h00, 22h00, ils doivent venir avec des activités, on va accepter *on a case to case basis*.

(Interruptions)

Ce n'est pas moi qui dois aller là-bas pour leur dire de faire du yoga, du Zumba, de l'aérobic, du kickboxing, internet. Ce sont les jeunes qui doivent identifier quels sont les manquements. Ils doivent venir là-bas, ensuite dire au responsable qu'ils veulent faire telle ou telle activité et on va ouvrir les centres de jeunesse jusqu'à 21h00.

Mr Bhagwan: Sir, we are not newcomers in this House. This issue of youth centres dates back since hon. Glover was Minister and so on. What we are asking the hon. Minister is since he is the Minister responsible for Youth and Sports, it is his Ministry which has the duty and the responsibility, as it has always been, to prepare a calendar of activities with youth officers and people of the region. That is what we are asking.

Mr Ritoo: Mr Deputy Speaker, Sir, I explained, it is the responsibility of the youths of the region to come up with facilities.

(Interruptions)

Because we have got sports centres!

(Interruptions)

The Deputy Speaker: Order! Order, please!

(Interruptions)

Order please!

(Interruptions)

Hon. Ganoo, please proceed with your question!

Mr Ganoo: May I ask the hon. Minister...

(Interruptions)

The Deputy Speaker: I want order in the House.

(Interruptions)

I want order in the House. Hon. Leader of the Opposition!

(Interruptions)

I am on my feet now! Hon. Ganoo, please resume your seat!

(Interruptions)

Order! Order! Hon. Leader of the Opposition, order, please!

(Interruptions)

Hon. Ganoo, please!

(Interruptions)

Hon. Leader of the Opposition, allow hon. Ganoo to proceed with his question! Hon. Ganoo, please!

(Interruptions)

Hon. Leader of the Opposition, allow hon. Ganoo to put his question!

(Interruptions)

Hon. Ganoo, please go ahead with your question!

Mr Ganoo: Mr Speaker, Sir, can I ask the hon. Minister whether the problem as regards the youth centres and the fact that they are closed after 1800 hrs is due to the fact that the Ministry has paid so much overtime for the attendants who have to work after 1800 hrs and the decision to close the youth centres after 1800 hrs has been prompted by the criticism of the Director of Audit that millions and millions of rupees are being paid as overtime and that the proposal has been made and accepted by the Ministry that the scheme of service of these attendants should be changed so that they work on a roster basis and that will enable the youth centres to open after 1800 hrs? Can the hon. Minister explain to the House when will this measure be implemented to allow the youth centres to open after 1600 hrs not to pay any

overtime, so that the youths of our country can benefit from the youth centres which should be opened after 1600 hrs?

Mr Ritoo: Mr Deputy Speaker, Sir, I think I explained in my main reply that following adverse comments on overtime, excessive payment of overtime, that we decided to come up with measures to have a control on the attendants, the overtime payment. That's why we said that the youth centres will be opened, but if there is any demand to have any activity up to 9.00 p.m., then of course, on a case to case basis we will agree.

(Interruptions)

Mr Ritoo: M. le président, les *Youth Officers* ont leurs activités comme je l'ai dit tout à l'heure. Ils font le *youth leadership*, le *life skill education*...

(Interruptions)

Ils font de l'entreprenariat jeunesse, ils font des programmes de l'école de musique, etc. et le *Duke of Edinburgh Award Scheme*. Mais s'il y a une majorité de jeunes qui veulent faire des activités après les heures, jusqu'à 7h00, 8h00 ou même 9h00, *on a case to case basis, we will open it. But, if there is no activity and if someone says that, okay, we will go to the centre de jeunesse and we will play carom, we cannot open it.*

The Deputy Speaker: Yes. Last question, hon. Quirin!

Mr Quirin: Une dernière question, M. le président. Je pense que le ministre ne se rend pas compte qu'un centre de jeunesse est aussi fait pour permettre aux jeunes de venir pratiquer des *indoor games* et pas uniquement les activités telles que Zumba ou autres comme il vient de citer. Je crois qu'il se perd un peu dans sa réponse. Mais, il est clair, M. le président, que même si c'est pour pratiquer des *indoor games*, ces jeunes doivent payer R 150 l'heure pour venir profiter des services qui sont supposément gratuits pour eux. Ce n'est pas possible que ces jeunes qui ont le droit de bénéficier, de profiter des services d'un centre de jeunesse, on leur demande de venir payer après 18h00; c'est l'heure à laquelle ils sont libres, soit après les études, soit après le boulot.

Mr Ritoo: M. le président, je crois que l'honorable membre n'a pas écouté la réponse.

(Interruptions)

Je lui ai dit qu'il y a des *indoor activities* comme Karaté, Taekwondo, Zumba, Yoga, Aérobie, Kickboxing...

(Interruptions)

Ensuite il y a des *outdoor activities* comme *basketball, volleyball, handball* et pétanque. Toutes ces activités se font aux centres de jeunesse et il ne faut pas payer aussi longtemps que l'entraîneur assume la responsabilité...

(Interruptions)

Ils ne veulent pas entendre la réponse.

(Interruptions)

C'est pour ça !

(Interruptions)

The Deputy Speaker: Next question, hon. Quirin!

AFRICAN CUP OF NATIONS 2014 – NATIONAL TEAMS

(No. B/72) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the African Cup of Nations 2014 football matches, he will state the reasons for the non-participation of the national teams under 17 and 20 years respectively in the preliminary round thereof.

Mr Ritoo: Mr Deputy Speaker, Sir, I am informed by the Mauritius Football Association (MFA) that the Association was invited by the *Confédération Africaine de Football* (CAF) to participate in the following competitions -

- (i) 30th African Cup of Nations;
- (ii) 11th U17 Championship, and
- (iii) 19th U20 Championship.

I am further informed that the Mauritius Football Association has decided to participate in only the 30th African Cup of Nations in view of financial constraints and also taking into consideration that it would be more beneficial to participate in the African Cup of Nations which will be a sort of preparation for the forthcoming Indian Ocean Island Games 2015.

The MFA has further confirmed that the decision to participate in any event in respect of which invitation has been addressed to the Mauritius Football Association, rests with the Association and that it is not compulsory to participate in all the events and that it is the prerogative of the Mauritius Football Association to decide in which competition Mauritius is to participate.

Mr Quirin: M. le président, je suis étonné d'entendre le ministre dire qu'il n'est pas nécessaire de participer à toutes les compétitions, car nous savons tous que pour relancer le foot à Maurice, cela passe essentiellement par la formation. Ma question fait référence effectivement à la participation de deux équipes de jeunes à la Coupe d'Afrique des Nations aux tours préliminaires. J'aimerais que le ministre nous dise s'il était disposé à financer ces déplacements ou pas ? Est-ce que la décision de la MFA a été prise en consultation avec l'honorable ministre, ou est-ce que la MFA l'a simplement informé de leur décision ?

Mr Ritoo: Mr Deputy Speaker, Sir, I think I stated once again - I would request the hon. Member to listen - that it is the responsibility of the MFA. The Mauritius Football Association has written to my Ministry indicating that it is not compulsory to participate in all the events and it is the prerogative of the Association to decide in which competition Mauritius is to participate.

So, they decided not to participate. I cannot force the Mauritius Football Association. Had the request been directed to my Ministry, I would definitely have found out some way to help them. But, up to now, they say that it is not compulsory and it is not their priority now to participate in under 17 and under 20 football matches as they are now concentrating on the African Cup of Nations which is going to serve as a *mise en jambes* for the Indian Ocean Islands Games of 2015 in *Ile de la Reunion*.

Mr Jhugroo: Can the hon. Minister table a copy from the MFA where it is mentioned 'not compulsory to participate'?

Mr Ritoo: No problem, Mr Deputy Speaker, Sir.

The Deputy Speaker: Next question, hon. Ms Anquetil!

FOOTBALL - SEMI-PROFESSIONALISATION

(No. B/73) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Youth and Sports whether, in regard to the project for the semi-professionalization of football in Mauritius, he will state where matters stand.

Mr Ritoo: Mr Deputy Speaker, Sir, following the proclamation of the Sports Act 2013 on 14 January 2014, my Ministry has held intensive consultations with all stakeholders, including the MFA, representatives of the former popular football clubs and other persons knowledgeable in the field of football to come up with the best formula for the revival and professionalization of football in Mauritius. After in-depth analysis of several options proposed, all parties have reached consensus on an organisational model where the apex body responsible for organisation of the Semi-Professional Championship will be the Semi-Professional League - an association of all semi-professional clubs. The Semi-Professional League will operate as a private enterprise for the purpose of attracting investment and making the League a profitable venture by maximising on sale of tickets, publicity and audiovisual rights.

My Ministry has also held a number of explanatory meetings with existing corporate football teams of the Super Cup League of *Fédération Mauricienne des Sports Corporatifs (FMSC)* and most of them have expressed their interest in the project. We are finalising the organisational framework, operational structure and eligibility/qualifying criteria.

Very soon a communiqué inviting expression of interest from interested clubs and existing corporate teams will be issued.

Ms Anquetil: Can the hon. Minister state if gender will be taken into consideration with the establishment of semi-pro football clubs?

Mr Ritoo: Mr Deputy Speaker, Sir, in fact, my Ministry is already doing a lot for the promotion of women football. However, football feminine is high on the agenda of my Ministry, but not at semi-professional level because we should start at the grass root level. So, women football is being promoted through our grass root football programme through the *Jeux de l'avenir, Jeux de l'espoir*, that is, 12, 13, 14 and 15 years of age. Also, it is in the agenda of the Indian Ocean Islands Games next year. As for the participation of women in football at higher level, it is under the responsibility of the Mauritius Football Association.

Mr Quirin: Le ministre des Sports peut-il nous dire s'il a déjà reçu l'accord officiel - je veux dire par écrit - de la MFA dans le cadre de ce projet de semi-professionnalisation?

Mr Ritoo: The representative of the MFA, the President himself and other members of the MFA were present in the consultative meeting. So, they are agreeable.

Mr Uteem: May I take it then from the hon. Minister of Youth and Sports that there will be two organizing bodies in Mauritius, one the MFA for non-professional football and the other one, a private enterprise and this has been agreed upon by FIFA?

Mr Ritoo: Mr Deputy Speaker, Sir, the Semi-Professional League is an association of semi-professional clubs. They will be registered as a private company and with its own technical manpower and human resources and will be responsible for the organisation of the Semi-Professional Championship. The MFA will continue with its present system of organising the Super League, the First Division, the Second Division, regional championships. All semi-professional clubs will have to be affiliated with the MFA and against payment of appropriate fees and the MFA will issue licences to players of the semi-professional clubs. The Semi-Professional League will be represented by a number of delegates of the MFA on board and reciprocally the MFA will also delegate its representative on the Board of the Semi-Professional League. So, all semi-professional clubs will have to find a private sponsor to the tune of at least Rs1 m. and Rs1 m. is being provided by the Ministry.

The Deputy Speaker: Hon. Ms Anquetil!

Ms Anquetil: Merci, M. le président. Est-ce que le ministre pourrait indiquer à la Chambre quand est-ce qu'il pourra mettre une équipe féminine au niveau de *semi-professional clubs* ?

Mr Ritoo: I can give an indication of the implementation of the time frame but *équipe féminine* in semi-professional will take some time. Otherwise, we plan that by the end of September 2014, we will start.

Mr Bhagwan: The hon. Minister has informed us that these clubs will operate as a private entity, and will be asked to raise money and so on. Can the hon. Minister inform the House whether the views of the FIFA...

(Interruptions)

Are moi ki to pe cozer la, non!

The Deputy Speaker: Hon. Aimée!

Mr Bhagwan: *Déjà mo tranquille tranquille are toi la!*

(Interruptions)

Li pe rode so ticket !

The Deputy Speaker: Yes, hon. Bhagwan, please proceed with the question.

Mr Bhagwan: Being given that the hon. Minister has informed us that these clubs should be operated on a private entity basis, can he inform the House whether the views of the FIFA, which is the international federation, on the whole issue has been sought on what is being done and the line along which Government is going?

Mr Ritoo: Mr Deputy Speaker, Sir, we cannot consult FIFA to organise football in Mauritius. Their representative is the MFA. So, MFA is present in all the meetings that we are having.

Mr Bérenger: I don't want to put any question to this hon. Minister, but I have to put it on record, because the future will tell. The hon. Minister is telling us that MFA is recognised by FIFA. It is the national organisation that FIFA deals with. We have run into trouble in a not so distant past, because the then Minister of Youth and Sports picked a quarrel with MFA, and FIFA came in. Now, FIFA is going to be informed that a parallel organisation, a private entity parallel to MFA! We are going to run into trouble with FIFA, especially when I hear the hon. Minister saying that MFA will have to issue licences and so on. He does not own MFA, Mr Deputy Speaker, Sir. So, I want to put it on record that there is big trouble coming ahead.

Mr Ritoo: Mr Deputy Speaker, Sir, we don't have any problem with MFA or FIFA. We informed FIFA about our way forward. So, the representative of FIFA is the MFA, and the MFA is present in the meetings. Don't forget that the South African League is not with the FIFA. Super League organised in South Africa is a private entity. Even in UK you have a private Premier League, which is called Barclays Premier League. It is private. So long as the licences are being issued by the official federation, that is, the local federation, MFA.

Mr Bhagwan: Already we are hearing about *courtier* going on, I would say, selling clubs which are going to be formed. Will the hon. Minister give guarantee to the House that everything would be done in transparency, although we don't agree with the *procédé*, that there is no *courtier* whatsoever going and selling X, Y clubs these days?

Mr Ritoo: Mr Deputy Speaker, Sir, I have never heard of any *courtier* in football. If the hon. Member knows any *courtier* doing any work regarding these clubs, then he can give the names, and we will make query.

Ms Anquetil: Mr Deputy Speaker, Sir, can the hon. Minister state when meetings with potential investors will be held?

Mr Ritoo: Mr Deputy Speaker, Sir, we are already having meetings with the different stakeholders. In the very near future, after we finalise with the MFA regarding maybe foreign players who will be also in, then we will have meetings with the other stakeholders.

Mr Jugnauth: Will the hon. Minister table a copy of the Minutes of Meeting, whereby there has been consultation with all the stakeholders and their views have been expressed in the positive? Will he table the Minutes of Meeting?

Mr Ritoo: I have no problem to table the Minutes.

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Minister stated that there has been discussion with all stakeholders. Can I ask him whether the old clubs - *les clubs communaux aupalavant* - have also been contacted and expressed their interest in this new semi-professional league? Can he give a list of those clubs?

Mr Ritoo: Mr Deputy Speaker, Sir, in fact, we have consulted all the teams, even the old teams that existed at some point in time. Police team has expressed interest, while the other teams are demobilised, and they cannot participate in high level competitions as they don't have players that much. So, for the time being, the Police team is there. Also, there are the other teams which do not satisfy the criteria to join the semi-professional clubs.

Mr Jhugroo: Can I ask the hon. Minister how many female football teams are registered with the MFA, and whether MFA will consider in the future to include women among members sitting on the Board of MFA, so that they can take decisions also for women?

Mr Ritoo: Well, I cannot decide for the MFA. They have got their representatives of the clubs at the level of the Mauritius Football Association. We cannot...

(Interruptions)

Yes, I can suggest, I can propose to the MFA to consider representatives of the women football club. But I understand from the MFA that there are a lot of women football teams. They don't have a league as such, but they play on and off. That's why we have urged the Mauritius Football Association that they should have a proper league, which was the case two to three years back. I also got information that they claim maybe quite a few thousands of dollars from FIFA to promote football *féminin*. So, that's a question between MFA and FIFA.

Mrs Ribot: Mr Deputy Speaker, Sir, could the hon. Minister table a list of the potential investors having expressed their interest?

Mr Ritoo: At a later stage, yes.

Mr Quirin: M. le président, je repose la même question à l'honorable ministre. Est-ce qu'il a reçu l'accord officiel, en écrit, de la MFA, par rapport à ce projet de semi-professionnalisation du football à Maurice? C'est oui ou non !

Mr Ritoo: M. le président, j'ai archi répété que la MFA était présente dans tous les comités qu'on a eus au niveau du ministère, et il y a des *Minutes*.

(Interruptions)

Si vous voulez, je peux dire à la MFA de donner une lettre. Mais, normalement, quand ils sont présents dans les comités officiels au niveau du ministère, présidés par le PS, c'est dans les *Minutes*.

The Deputy Speaker: Last question, hon. Quirin!

Mr Quirin: Merci, M. le président. J'aimerais savoir de l'honorable ministre pourquoi ne considère-t-il pas la possibilité de créer un partenariat entre les entreprises déjà impliquées dans le sport corporatif et les équipes qui évoluent au niveau national, au lieu de venir avec une formule qui portera préjudice à nos équipes régionales qui forment actuellement partie de la *Super League* à Maurice?

Mr Ritoo: Mr Deputy Speaker, Sir, I think I said that we have had meetings with corporate teams like PADCO, Food and Allied, UBP, Wastewater Management Authority - these are teams that have been playing - Medine Sugar Estate, Mauritius Freeport, Harel Mallac, Central Electricity Board, Transinvest. Now, the Police team will be involved. So, these are teams that are playing actually at the level of *Fédération Mauricienne des Sports Corporatifs*; the corporate teams.

So, we are going to have meetings with other stakeholders who can satisfy the eligibility criteria to join the semi-professional clubs. Then, obviously, we will come forward with all the conditions.

The Deputy Speaker: Next question, hon. Mrs Dookun-Luchoomun!

DR A. G. JEETOO HOSPITAL – CDU – CHILD CUSTODY

(No. B/74) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Gender Equality, Child Development and Family Welfare whether she is aware that, in February 2014, a baby was taken away from her mother at the Dr A. G. Jeetoo Hospital and entrusted into the custody of the Child Development Unit and, if so, will she, for the benefit of the House, obtain from the Child Development Unit, information as to the reasons therefor.

Mrs Martin: Mr Deputy Speaker, Sir, I am informed that, upon its discharge from the Dr. A.G. Jeetoo Hospital on 01 February 2014, baby P. B. has been placed in one of the shelters of my Ministry upon the issue of an emergency protection order by the Moka District Magistrate on 27 January 2014.

I wish to point out that an emergency protection order is issued in accordance with section 4 of the Child Protection Act by the District Magistrate only upon the latter being satisfied that there is reasonable cause to believe that a child is suffering or likely to suffer from significant harm.

In this particular case, the baby's mother, S. B., is a minor of 17 years' of age suffering from mental retardation and following psychiatric treatment at the Helvetia Dispensary for the last ten years. According to a medical report obtained from the Dr. A. G. Jeetoo Hospital, the baby's mother would meet constant difficulty in taking care of baby P. B.

Furthermore, neither minor S. B.'s sole responsible party, Mrs B. B., nor any close relative was willing to take the responsibility of the baby.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, may I ask from the hon. Minister whether she has it written somewhere, on some document, the fact that the parent, the mother of the baby, and the grandmother of the baby refused to take charge of the baby? Because my information is that both the mother and the grandmother have been very, very upset by the fact that the CDU took away the child without informing the parent and responsible party why the child was being taken away.

Mrs Martin: From the information that I have, Mr Deputy Speaker, Sir, - and it is signed by one of the officers of my Ministry following the case - it is to be noted that there has been no request from the baby's mother, minor S. B., to have neither parental visit nor custody of the baby, and there has been no request from the grandmother either.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether she is aware that the mother of the child that has been taken away had a fit because the child was taken away and had to be tied to her bed in hospital due to the fact that she was very, very upset by the fact that the baby was taken away without informing her or her mother, that is, the responsible party of the minor mother? May I now know whether the hon. Minister was aware of that and whether she does not consider it to be normal that no request was made when they were not even aware that the baby was being taken away?

Mrs Martin: Mr Deputy Speaker, Sir, as I have said in my main answer, it is only upon the Magistrate being satisfied that there is reasonable cause to believe that the child would be exposed to harm or likely to suffer from significant harm that the baby is taken away. As per procedure, at the CDU, we do not favour that option. It is one of the last options that we have at the Ministry. What we favour is to have a conducive environment and make the parent himself/herself take care of the child. In this case, Mr Speaker, Sir, we have a medical report saying that the mother does not respond well to instructions in order to be able to take care of her child and also that she is not able on her own to take care of that child. In fact, the child was admitted in hospital because she was sick following negligence from the parent itself.

Mrs Dookun-Luchomun: May I ask the hon. Minister...

The Deputy Speaker: Excuse me. The hon. Leader of the Opposition!

Mr Bérenger: I would like to know because reference is made; obviously the Magistrate will act on the basis of what the officers tell the Magistrate. We are a bit in the same situation under the hon. Minister of Youth. It is the officer that must enquire whether that child should be taken away and asked the parent and so on. Now, what I have heard is that they didn't express the wish to keep the children and so on. They are the way round. My question is: who did that medical report? Was it a Medical Practitioner, a Specialist, a Psychologist? Who does a report like that? A medical report, the hon. Minister said! A medical report that a mother cannot take charge of a child!

Mrs Martin: I would like to inform the hon. Leader of the Opposition that the medical report was from the Paediatric Unit of Jeetoo Hospital and as regards the follow-up of the mother she is a known case to the CDU officers. She has been followed regularly by the Psychologist of our Ministry also and the assessment is the same.

Mrs Dookun-Luchoomun: May I ask the hon. Minister on which medical ground was the child taken away from her mother, if we can only get this piece of information?

Mrs Martin: Mr Deputy Speaker, Sir, I would not like to reveal all the details of the medical report, but what I can say is that from the medical report, the doctor stated – I think it is a lady - that in his/her own opinion the mother of the baby meets constant difficulty in taking care of that baby and, therefore, it would not be safe for that child to be within the custody of the mother for the time being. However, I must point out - as I have stated earlier - that if there is any possibility for the child to be in a safe environment within the parental environment, we will certainly favour that option.

Mr Baloomoody: Can I ask the hon. Minister whether the officers from the CDU, prior to making an application before the District Magistrate of Bambous or Moka, did interview the grandmother of the baby? Did they take a statement from her? Did she sign a statement saying that she does not want to have that child?

Mrs Martin: Mr Deputy Speaker, Sir, the Child Protection Act does not say that we have to interview the mother before doing these things.

(Interruptions)

May I just be given the latitude to answer?

(Interruptions)

The Deputy Speaker: Order! Allow the hon. Minister to answer, please!

Mrs Martin: This is the normal procedure when an emergency Protection Order is issued, that we are entitled under the Child Protection Act whenever we feel that a child is in danger. This is when we have to act and under the Child Protection Act there is no obligation for such. However, we have had professional opinion before taking the child, we had the opinion of the medical doctors taking care of the child and taking care of the mother as well and it is based on this opinion and the follow-ups that had been done subsequently by the Ministry that we have taken this option.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether she is aware that, on querying at the CDU of that particular area, I was informed that the child was taken away from the mother because the mother was undernourished and, therefore, incapable of feeding the baby? Furthermore, I would like to ask the hon. Minister to tell us whether she is aware that the mother of the child is herself a minor and has been a victim of rape and has nevertheless agreed to carry her baby and give birth to this baby in very difficult conditions, and whether her Ministry, as a Ministry responsible for the protection of the child, did not consider it to be worthy to take care of the child's mother as well, who is herself a child?

Mrs Martin: Mr Deputy Speaker, Sir, I have here a list of the number times that the officers of the CDU and the Psychologist have followed this mother and this case. Therefore, it is very unfair to say that the child or the mother hasn't been followed up. As regards the fact that the mother was undernourished if that is the reason that was given to the hon. Member for the child to be taken away, I am not aware of such a decision. If ever the hon. Member knows who it is and who has said it, I would be very happy to act upon it because this is not the information that I have.

Mr Uteem: Mr Deputy Speaker, Sir, doesn't the hon. Minister feel that when it comes to these matters, it is the interest of the child that is of paramount importance and, if this is the case, why would the hon. Minister think that the CDU is a better place than the parental home of the grandparents?

Mrs Martin: As I have indicated earlier, Mr Deputy Speaker, Sir, we take children only as the last option and the most favoured option, in fact, is to let the child remain within the family environment. In this case, I am informed that medically – sorry mentally - the mother is unable to take care of that child properly.

(Interruptions)

Because, she is mentally not able to take care of that child. Furthermore, the mother of that minor is not willing to take care of that baby as well because...

(Interruptions)

This is the information that I have. I am just acting upon the information that I have because she already has four children to take care of, including...

(Interruptions)

The Deputy Speaker: Allow the hon. Minister to answer the question!

(Interruptions)

Mrs Martin: I listened to the hon. Member when she asked questions. Please, I would appreciate if the hon. Member would listen to me when I am answering.

(Interruptions)

What I have learnt is that the mother of the minor herself said that she had already four children to take care of, including a baby of one year old and she would not be in a position to take care of the baby of the minor at the same time – both of them.

Mr Jugnauth: I am sure the officers at the Ministry must have conducted an enquiry of what she is saying about. I am talking about the grandmother. The hon. Minister said that the grandmother is not willing to take care of that child. Will she produce any document whereby that grandmother has stated that she is not willing to take care of that child? Because we have visited that mother several times and she has been even on the radio to say that they have taken the baby from her without her consent. May I know whether there is any document and if the hon. Minister can table that document?

Mrs Martin: I have a report here, Mr Deputy Speaker, Sir, which says that –

“It is to be noted that there has been no request from baby’s mother...

(Interruptions)

...or minor, etc, neither to have parental visit...

(Interruptions)

...nor gain back...

(Interruptions)

The Deputy Speaker: Order, please!

Mrs Martin: ...the custody of the baby”.

And I have also a report which states that as regards...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo!

Mrs Martin: ...the grandmother, that is, the mother of the minor, she also wants her own daughter, that is, the minor S. B. to be placed in a shelter as well. She does not want to take care even of the minor.

(Interruptions)

Now, if it is not the case that has not been confirmed, because even on the 27 of March - it was the last time that my officers visited - that also has not been spoken of by the mother there at the time.

Mrs Dookun-Luchoomun: May I ask the hon. Minister where the child is right now and whether she could inform the House where the mother of the child is right down, because those children - I will call them children - are still, as she mentioned herself, supposedly medically unfit? What has her Ministry done to *encadrer* these persons better?

Mrs Martin: The minor SB, who is 17 years old, is within the custody of her mother and the baby is at one of the shelters of my Ministry.

Mrs Dookun-Luchoomun: Is it true that no visit from the CDU has been made to the mother of the baby, who is presently staying in La Laura with her mother?

Mrs Martin: No, that is incorrect, Mr Deputy Speaker, Sir. I am aware that the mother was met several times by my officers and I have a list of the dates where...

(Interruptions)

I cannot vouch for the visit itself, but I have it signed by one of the officers of my Ministry.

The Deputy Speaker: Hon. Jhugroo!

Mr Jhugroo: Can we know the name of the medical practitioner who took the decision and how many years of experience he or she has got in that field? And after a sole opinion, who are the officers from your Ministry who examined the case before taking a decision?

The Deputy Speaker: Hon. Jhugroo, address the Chair!

Mrs Martin: This is unrealistic. Mr Deputy Speaker, Sir, I cannot be expected to know the experience of the doctor from the Paediatric Unit of Dr. Jeetoo Hospital. I expect that he is a certified doctor.

(Interruptions)

The Deputy Speaker: Next question, hon. Ms Anquetil!

ILES VANILLES CONCEPT - IMPLEMENTATION

(No. B/75) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Tourism and Leisure whether, in regard to the *Iles Vanilles* concept, he will state if the implementation thereof has been beneficial since 2011 and, if so, give details thereof and, if not, why not.

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, I wish to inform the House that it is only in July 2012 that a structure has been put in place to steer the *Iles Vanilles* concept. For all intents and purposes, the project is still at development stage.

Also, it would be pertinent for me to highlight that the *Iles Vanilles* concept represents a framework of cooperation among the tourist destinations of the region. In the same spirit, I am informed that the Mauritius Tourism Promotion Authority has, in collaboration with the Vanilla Islands, involving, *inter alia*, Madagascar, Seychelles and Reunion, undertaken several joint actions in major fairs in source markets such as the ITB in Germany, Top Resa in France, Indaba

in South Africa and the World Travel Market in UK with a view to generating exposure on and promoting the tourism product of the region.

From this perspective, the complementary of our product offer along with those of the other destinations of the region has enhanced the product portfolio of Mauritius.

Also, the “*Iles Vanilles*” concept has afforded an opportunity to market the destination as part of twin and multi-destination packages to tourists on the look-out of such products.

Moreover, the inter-island tourism will help to develop the cruise segment from Mauritius.

Mr Deputy Speaker, Sir, there is no doubt that benefits will be reaped under the “*Iles Vanilles*” concept, in time to come.

The Deputy Speaker: Hon. Leader of the Opposition!

Mr Bérenger: I think I heard the hon. Minister saying that this *Iles Vanilles* Concept Project is at an experimental stage. I think it is the word used. That is, at an early stage. But is it not a fact - and I understand that even Cabinet has not been informed - that this *Iles Vanilles* organisation is now a registered organisation? It has office bearers. It has a Chair, which is Seychelles for the second year running. Mauritius and others are paying membership fees. We have ministerial meetings of that registered organisation. Ministerial meeting - the last one Mauritius was absent; all the other Ministers were present. This organisation which is registered by now has even sought membership of the World Tourism Organisation and is obtaining financial help from the European Union. Is that not the case? We have evidence of that.

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, as I said, the project is still at development stage. In fact, the Vanilla Islands Project did not have any funds to finance its structure. It is only in last December that the organisation has got funds and they have got funds from *Fonds de Développement Économique Régional (FEDER)* and *Région Réunion* to the tune of almost €500,000.

Mr Bérenger: Is the Minister saying that there is no registered organisation under that name with ministerial meetings, as I said, officially registered and receiving contribution as a registered organisation? Is the Minister saying that my information is wrong?

Mr Yeung Sik Yuen: In fact, Mr Deputy Speaker, Sir, there was no fund to run the structure. It is only in December 2013 that this organisation has good fund, but during all this time, we were doing joint advertising campaign in many countries such as Du Presa, ITB and so on. His information is wrong.

The Deputy Speaker: Hon. Ms Anquetil!

Ms Anquetil: Merci, M. le président. Tous les articles dans les journaux et magazines parlent du concept Iles Vanilles comme étant à la dérive, comme étant un concept au détriment de Maurice. Selon le rapport de la Cour des Comptes Françaises, le concept Iles Vanilles qui a nécessité des investissements colossaux ne bénéficie, il semblerait, qu'aux Seychelles. Est-ce que le ministre peut indiquer à la Chambre si ce concept - qui est en place depuis qu'il a été lancé officiellement en 2011 - a redynamisé le secteur du tourisme mauricien en fonction à la demande internationale ?

Mr Yeung Sik Yuen: Mr Deputy Speaker, Sir, first of all, many of the presses around these islands are saying that other islands are benefiting from this project. You are saying Seychelles; in Reunion Island, they are saying that Mauritius is benefiting from this concept, but, as I have said, it is too early to do this assessment. It needs time. As I have said, it is only in last December that we have got fund to run the structure. So, give it some time!

The Deputy Speaker: The Table has been advised that the following PQs have been withdrawn: B/78, B/80, B/86, B/89, B/90, B/91, B/92, B/94, B/95 and B/98. Time is over!

MOTION

SUSPENSION OF S.O. 10 (2)

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

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

Question put and agreed to.

Mr Bérenger: Mr Deputy Speaker, Sir, being given that a very important amendment to the Copyright Bill has been circulated which relates to the election of artists and so on to the

Board of the new organisation, can I suggest that we break for tea so that Members can have time to look at these amendments. It has been circulated five minutes ago.

The Deputy Speaker: In fact, we are going to break for tea.

At 4.30 p.m. the sitting was suspended.

On resuming at 5.19 p.m. with Mr Speaker in the Chair.

STATEMENT BY MINISTER

GENDER-BASED VIOLENCE

The Minister of Gender Equality, Child Development and Family Welfare (Mrs M. Martin): Mr Speaker, Sir, I wish to make a statement on the issue of gender-based violence (GBV) in view of the latest cases that have emerged as a violation of human rights.

For more than three decades, right from the Third World Conference on Women in 1985 to the Beijing Platform for Action (1995) and to various UN consultations for the Post-2015 Sustainable Development Goals, the United Nations Commission on the Status of Women (UNCSW), the UN Women and other UN standing working groups have constantly been reaffirming the pressing need to address gender-based violence.

I recently attended the 58th session of the UN Commission on the Status of Women (CSW) in New York, where the thematic of violence against women was addressed as one of the main areas of concern. The Agreed Conclusions of this meeting once again flagged out that violence against women, I quote -

“continues to occur in all parts of the world and that all forms of violence against women and girls are impediments to the development of their full potential as equal partners with men.”

Mr Speaker, Sir, I wish to reiterate my determination and commitment to review and align my Ministry’s policies, programmes and services to respond to the Agreed Conclusions of UN Commission on the status of Women as well as the other Treaties, Conventions and Human Rights instruments that speak to the elimination and prevention of violence against women.

To that end, I wish to inform the House that I have set up an Advisory Committee on the Reinforcement of Framework for the Protection of Domestic Violence, under the chairmanship

of Mr Pierre Rosario Domingue, CEO of the Law Reform Commission. The Committee comprises in all 16 members, including 4 Members of this esteemed House, namely -

- Hon. Joseph Hugo Thierry Henry,
- Hon. Mrs Prateebah Koomaree Bholah,
- Hon. Mrs Santi Bai Hanoomanjee, and
- Hon. Mrs Lysie Nicole Ribot.

The main task of the Committee will include, *inter alia*, the review of the Protection from Domestic Violence Act so as to make it more responsive to the protection of victims as well as improving the framework catering for the rehabilitation and/or for the prosecution of perpetrators. The Committee will also recommend new policy orientation and strengthen the role of major stakeholders involved in combating domestic violence.

I had a meeting with the Chairperson and members of the Advisory Committee on 13 March 2014 to finalise its *modus operandi*, and I wish to inform the House that the Advisory Committee will have its first working session by the end of this week.

Concurrently, a press communiqué has been issued in March 2014 by my Ministry inviting NGOs and interested parties to submit views, comments and proposals on this issue.

Mr Speaker, Sir, acting collectively to the realisation of human rights instruments will ultimately lead to sustainable development and ensuring that the prevalence of gender-based violence is the concern of each one of us.

Second Reading

THE COPYRIGHT BILL

(NO. XXX OF 2013)

*Order read for resuming adjourned debate on the Second Reading of the Copyright Bill
(No. XXX of 2013)*

Question again proposed.

Mr P. Bérenger (The Leader of the Opposition): Mr Speaker, Sir, this new Copyright Bill to become the new Act is very technical, most of the Bill is very technical in nature, very

specialised and, therefore, I shall leave it to other colleagues to talk on the technical aspect of the Bills - Bill. I put it in the plural, probably, because the amendments are thicker than the Bill itself. So, be it! That is why I think *ma langue a fourché* and I spoke of the Bills, instead of the Bill. So, I leave it to my colleagues and we agree that there was need to update on the technical side. On the expertise side, there has been need for quite a number of years to update the existing until now Copyright Bill.

I shall, therefore, stick - je vais parler uniquement sur le plan politique. Ce que nous, et moi-même personnellement, estimions inacceptable, Mr Speaker, Sir, c'est que d'un trait de plume la représentation, les artistes, les *performers*, les chanteurs étaient tous éliminés. Alors qu'actuellement les artistes, les *performers*, les musiciens élisent sept membres sur le *Board* de la MASA telle qu'elle existe actuellement, d'un trait de plume on les avait éliminé complètement de la loi. Ils avaient été remplacés dans le texte de loi qui avait été circulé par quatre experts, experts en *Copyright Bill*, nommés là aussi par le Premier ministre. Cela m'avait révolté, je dois dire. C'était inacceptable que d'un trait de plume on élimine artistes, musiciens, *performers*, etc, en général. C'est sur ce point là que je suis intervenu et que je vais intervenir aujourd'hui, à nouveau, M. le président.

Granted that MASA, the existing organisation, and its past Director made a terrible mess of things - we agree on that - a terrible mess, but over a number of years. It is sad to note also that the artists, the *musiciens* and so on, have been very divided amongst themselves. It is only this morning that they met - I read that in the press - at *Centre Marie Reine de la Paix*, to discuss the Bill that was mentioned last Tuesday and I moved with the green light of Government for postponement of the debate and it is only this morning that the artists, the *musiciens*, the performers managed to meet. Very sad state of affairs! But what is unacceptable is for Government, as it was before today's amendments, to throw away the baby with the dirty water. Granted that MASA has made a mess of things, granted that there has been a lot of divisions between the artists, but that was no reason to do away completely with the elective element, *l'élément d'élection des artistes, des performers*, etc. I won't come back because the Minister, Government has agreed to what I have suggested, that is, to reintroduce the elective element.

Therefore, I won't be too tough on the Minister. I need hardly to remind the House that the Minister had a majority on the Board, automatic majority on the Board. The Minister

appointed the Chairperson of the Board. He had a majority with the representatives of the different ministries, civil servants and it is that Board - except for the elected elements, a majority of which were appointed by the Minister – which chose the Director. The Director had, indeed, been making a mess of things. I do not take it personally. I do not hit at anybody personally, but the Director had been making a mess, but not over the last week, over years. The Minister keeps saying the law as it is does not give me the power to interfere, but I repeat, he, under the law, appoints a majority on the Board and the Board where he has a majority appoints the Director. *Mais enfin*, let bygones be bygones. *C'est le passé, M. le président.*

I am glad that when I listened to the Minister - I'll refer only to that part of his speech where he declared himself open to reasonable suggestions. Good! And this he has done whereas before, under the present legislation, you have a Board with a majority appointed by Government, but with seven elected members of the society, artists, performers and so on. This was done away with completely, unacceptable, as I said. Now, at least, the elective component is reintroduced through an amendment circulated today just before we broke for tea, Mr Speaker, Sir. So, three, instead of seven as before, will be elected on the Board, amongst the members, in a way to be determined by the Society. There will be regulations and so on.

Although three is small in number, too small in fact, *trop peu*, but nevertheless, three will be elected and I think the regulations should try as best as possible to have the different categories of members, artists, performers. I know three is three, but you have more of that type of artists than the other type and so on. I appeal that, when we do bring out the regulations for the election of these three members, we do our best to have a fair representation of the different categories of members of the societies, of artists, of performers and so on.

I hope members have had an opportunity to realize that it is a very good thing that the elective component, the elective element has been reintroduced. That was a reasonable suggestion which has been taken on board by the Minister and Government. It is a good thing although, as I said, three is on the low side. I understand from what I read this morning, and it is not surprising, that when the artists, the musicians and so on met at *Centre Social Marie Reine de la Paix*, they did complain that three is too low. We can understand that being given, as I said, the need for the different categories of artists, of performers and so on, to find room on the Board. So, I am happy that my suggestion has been accepted, reasonable as it was that the

elective component, the elective element has been reintroduced. Three is on the low side, but better three than nothing, of course. It was seven; it became zero, now we are back to three, Mr Speaker, Sir.

I must say that one or two other things disturb me as well. On the existing Board of MASA you have a representative of the Ministry of Foreign Affairs. Yes, copyright matters and foreign trade are directly linked. That had been eliminated in the new Bill. I think it is because the Minister is so often out of the country that he was not even aware that he was being eliminated from the Board of the new organisation. He is a representative of the industrial property office, that's another amendment circulated today. A representative of the industrial property office will be on the Board. I understand that the industrial property office is now under the responsibility of the Ministry of Foreign Affairs, Regional Integration and International Trade. Fair enough! Apart from that, there were going to be four experts. Now, this has been brought down to two, because we do not want any huge Board either, I agree with that and, three members of the society to be elected in such manner as the society may determine. Therefore, artists, performers and so on are back on board. This is the right way to put it, Mr Speaker, Sir.

I am a bit surprised! Before on the Board you had the Prime Minister's Office, eliminated! And it is a bit nut. I am not particularly in love with the Prime Minister, but any Prime Minister! I would have thought that there was need for the Prime Minister's representative to be on that Board especially that the Prime Minister's Office has responsibilities directly tied to matters of copyright. Before, Finance had a representative. Now Finance has no representative. I think Customs has a representative, but Finance has Finance, as the Ministry of Finance and there was also Telecoms. These three Ministries were on the Board and are no longer on the Board.

But, I cannot be plus *royaliste que le roi*. For the time being, we are not in Government so, I do not want to press too much in favour of three Ministries. I will wait a while. It will not be too long. Then we will do the necessary, Mr Speaker, Sir. I think better three than nothing. It is a good thing that an amendment has been brought, but I think we will need further amendments. I honestly cannot understand why it has taken all this time. When the Bill comes we have amendments thicker than the Bill itself with the points which I have just raised. Two have been taken care of, the representative element, the elected element and the Ministry of International

Trade, as I said earlier. I think we should keep an open mind on further amendments that will be proposed, including by the three elected members of artists and so on. They will come with suggestions. Let us go ahead. Let us vote the Bill. It is not to the satisfaction of the artists, of the musicians and so on, we take note of that. Three is on the low side, according to me. We take note of that. But, I think that there will be need for further amendments after things have settled down and the new Bill has been adopted.

As I said, Mr Speaker, Sir, I wanted to speak only on the political dimension of this debate since it is a very good thing. I am tempted to say *encore un pas en avant*. *Ce n'est pas un grand pas en avant* in both cases; the electoral reform and copyright, it is *un pas en avant*.

(Interruptions)

Près pou danser la!

(Interruptions)

I wanted to talk on the political side and take note of this *pas en avant*, *insuffisant* as it is. I will leave it to my colleagues to talk on the technical side.

Thank you, Mr Speaker, Sir.

(5.33 p.m.)

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):
Mr Speaker, Sir, I note with interest and great pleasure that there is clearly a consensus as regards the Bill and the thickness of the amendments that seems to be thicker, according to the hon. Leader of the Opposition, than the Bill itself.

Just as the hon. Leader of the Opposition has stated that it is a very technical matter, I totally agree. I am also, given the stance that has been taken by the hon. Leader of the Opposition, tempted therefore, with your permission, to not really comment on the technical aspects as well of the Bill, but comment on three aspects which I believe are of utmost interest to artists and all those concerned with the issue of copyright.

I looked into the details of other performing rights collection agencies that exist in Europe, in the States and in Asia and there is a trend that I believe I am duty bound to comment upon. That is a trend that concerns the financial management of all performing rights collection

agencies because the MASA was and is, in fact, an agency that has for one responsibility that of collecting fees and distributing them to their membership.

It is the trend worldwide. Why I talk about that, because it is in all our interest - because this is what we are here for, this is what we aim to do - to ensure that people who are members of that MASA, artists and others, end up with not meagre amounts of money when it is distributed because we have heard that there are even people who complained saying that they are registered with the MASA and end up getting Rs29 or Rs30! Even less! If this is something that really shocks us and if this is the state of affairs that really we question, then the intention of the legislator, all of us here today, is clearly to ensure that this money, if at all there is to be distributed to any member, should be on the rise.

Any Bill *per se* will not ensure that. This is my point of view. I humbly put it that any Bill, be it this one, be it the previous one or be it any other one, will not ensure that there is an increase in the money received by artists for three reasons. I can go for four or five, but I shall limit myself to three reasons. Firstly, it is the international trend that all money that is received, part of that money also goes to the cost of running the organisation.

The cost of running the organisation internationally, there is a benchmark. It should never go above 30% of what is recovered. The question that one should ask oneself is the following: what is the cost of running the organisation like MASA in Mauritius? What is the percentage that it represents of the money that is recovered? It goes even up to 60%. If that is the trend, 60% whereas the international norm happens to be 30%, then it is clear for one and all to see that if you want artists not to get peanuts, but to be shown the respect that they deserve, that the cost of running the organisation must go down, there should be efficiency, there should be money well spent in that organisation or any organisation that is created in this new Bill in order to replace the old. In order for there to be a bigger chunk that is used for monitoring purposes, but most importantly for distribution purposes.

So, I say it again, no Bill will change the state of affairs. I am happy that there is consensus but, unfortunately, this consensus will not lead to the artists being compensated reasonably and with due respect that they deserve. So, how, therefore, shall we, legislators, put our minds together in order for us to reduce the cost of management and operation of such a performing rights collecting agency?

I have gone as far as to think that when you compare it to an organisation like in England where you have the Copyright Licensing Agency (CLA). There, they recovered approximately 80 million pounds in 2013. 80 million pounds recovered for performing arts and the cost of management of that agency, of the staff, of the Director General who earns almost 300,000 pounds by the way, is only 10% of what is recovered. In Mauritius, we are dealing with the cost of over 60%! And each and every time that there is a report of the PRB, it goes even up, and each time it goes up, the artists get even less. We, legislators, are going to put our minds together and say we are happy that there is consensus. Now, we are going to come up with the new Bill in 2014, but the artists are not going to get any more money, let us speak the truth!

How do we bring it down because no one has addressed this issue right now? There is only one way to bring down this cost of management. It is to do away with the traditional way of running, of performing rights, collecting agency. It is to do away with the fact that it is run by civil servants, let me put it bluntly. That is my view. One has to make it a business concern in order for it to become efficient. One has to have objectives, figures that one needs to achieve in order to make it profitable, but also with a simple and most important objective to ensure that the artist gets the chunk of it, the lion share and the trend has to be reversed and I humbly put it that the only way that we are going to be honest vis-à-vis all the artists out there, all the authors, all those that are to be members of any society, it is to tell them the truth; that no Bill will sort out their situation, but we have together to agree that some time down the road this agency will have to start licensing the collection purpose.

For example, in England when you have the CLA, the Copyright Licensing Agency, it is licensed by another body to collect rights and because it is run as a business concern where performance and efficiency and cost should be reduced and performance should be augmented, it is run differently, whereas if we continue along the same line - and I, Mr Speaker, Sir, say it to my colleague Minister and all Members of the Opposition and Government - then we are going to be repeating the same thing, but in a different way of putting it, but the end result would still not be satisfactory to the artist.

Second issue: the IBA. All of us listen to radios. All of us listen to radios and the Mauritius Broadcasting Corporation, we sometimes avoid looking at it and sometimes we do look at it or listen to it, but be that as it may, we want the artist to get more money. If we want

the artist to get more money, should we not have laws that can be enforced, imposed by the IBA that dictate that the local content that is aired by radios or the obvious one as well, Mauritius Broadcasting Corporation, that it should be a minimum of at least 40% just as it is in France, if I am not mistaken the law there is *la loi Lang*.

How is it that in Mauritius - if I am not mistaken, and forgive me if I am wrong because I have verified only a few minutes ago by verifying the website of the IBA - the question I ask myself – there is a minimum local content for local artists to be broadcasted by the IBA? Is there a guideline? The answer is no. There is a practice supposedly, not even a guideline; a practice supposedly that it is 15% and the IBA ever since it was created has not had the ability or thought it necessary to even monitor that the local content is of such a level and proportion that would be good enough for the survival of artists.

How then, do we expect the artist - auteur or performing artist - to survive in this country if their own local stations, I mean when we talk about *la privatisation de la radio*, we are so happy about it. We should not be happy about it only because it gives politicians the right to be heard, we should also be happy about it because it gives a means of communication to be heard by artists. But, they are being strangled by the lack of regulations and direction by the IBA and when I look at their website I find it is totally devoid of any directive that can be imposed in order to have a minimum content.

So, my humble request is that the IBA should put a minimum content of, at least 40%, just as it is in France. If a great Republic like that of France believes it is necessary to have a minimum content of 14% and they have a monitoring process, it is with only one interest - that of safeguarding the rights and interests of those who have to be members of performing the rights of societies. Second point.

Third point: the Mauritius Broadcasting Corporation. I have a question. When the Mauritius Broadcasting Corporation invites local artists on board to perform, the question is: are they paid from the funds of the Mauritius Broadcasting Corporation or are they paid from the funds of those that sponsor the event? It is a very important question, because my information is that the Mauritius Broadcasting Corporation has a monopoly with regard to the television and airing of visual issues, visual news. Should it not be, therefore, an organisation that helps and

sees to it that artists are helped and paid as they should be or should this organisation ask artists go and look for sponsors and you will then be paid with a delay by the sponsor?

You see this, Mr Speaker, Sir, is not a political issue today. The hon. Leader of the Opposition has chosen to talk about the political aspect, with all due respect. I don't believe there is any space for political aspect in this whole issue. Technical? Yes, but there is a very important space which we have not addressed and I am trying to do so to the best of my ability. How do we ensure that the remuneration for artists goes up? All Governments, whatever political party, the same trend of what the Mauritius Broadcasting Corporation is doing now is what it did whenever there was another Government, another party in power. So, this is not about party politics. It is - I say it again - about the survival and the *respect qu'on doit aux artistes de l'île Maurice*. How do we ensure that?

So, as I say again, maybe it is possible to try to sort out the issue by coming up with regulations but as far as the cost reduction in the management cost of the new agency is concerned, this cannot be done by regulations. Maybe, it could be done by licensing process where it is outsourced for the cost to go down, maybe artists want to be members of the Board as, for example, in France, where you have an organisation which is a collecting agency as well, called SACEM in France, where you have six authors, where you have six artists, six musicians, but that is the Board of administration.

But, when it comes to the day-to-day running of the organisation in France, they are not people from Ministries, they are not political nominees; they are professionals. When I look at the list of the people running the Copyright Licensing Agency, I look at the calibre of people running those agencies, no Government has ever placed people at the head of an organisation like they have done in the United Kingdom, not in Mauritius.

If we continue with trying to putting people that are friends of ours or friends of theirs, then what we are doing is once again creating havoc for the artists. And this is my humble plea, that we choose people with the qualifications that make them professionals in the day-to-day running of such an organisation. People can come around and tell us: 'Well, you know, I mean you are in power right now. You should do it.' But then again, I will say to the others: 'When you were in power, you also did not do it.' But, in the process of trying to backbite one another, in the process of trying to be more intelligent than one another, it is the artist that suffers.

I am not trying to teach anyone anything. I am just trying to fulfil my role as a Member of Parliament and to try to contribute to this debate. I am happy there is consensus, but we have to ensure that this consensus is not one that happens in vain. We have to ensure that this consensus is a constructive one; we have to ensure that we do not end up with sterile consensus, because that is the danger that overlooks us right now, a consensus not to change things, but a consensus to change things on paper that would not make an ounce of difference to the life of an artist.

In conclusion, I just will hope that all means are put together - legal means or otherwise - to try to ensure that the artists can come out the winner. For many, many years, when you look at the list of members of MASA for instance, most of them have been artists. You don't have as many authors; you have singers, song writers, but you don't have as many paint artists, sculptors, fine arts. You don't have them as much on that list. So, there is the need, therefore, to try to bring all those that fall within the definition provided for in the law to become members, and it is necessary to increase the membership of that organisation. But it is not necessary to have a lot of artists present on the board. We have always said it; hon. Members of Government and the hon. Prime Minister have always said it, and I say it again.

Let's compare it to doctors. If you have doctors continuing to manage hospitals, you are going to have a serious problem. If you are going to have artists thinking that they are going to be the ones managing this whole process of collecting fees and they are going to come out the better-off, then they are themselves wrong. We have to seek the services of professionals at the head of such organisations. They will make it work in the interest of the membership.

Thank you very much.

(5.51 p.m.)

Mr P. Roopun (Third Member for Flacq & Bon Accueil): Thank you, Mr Speaker, Sir, for allowing me to join my voice in this debate.

Mr Speaker, Sir, this Bill is coming before the House at long last. For these last four years, there have been various PQs, essentially from hon. Mrs Radegonde-Haines, asking when we were going to have this Copyright Bill. At some point in time, the hon. Minister stated that consultations were on and that the Bill was to come shortly. Subsequently, we heard that the

issue is so technical and complex that we will be having an inter-ministerial committee to deal with that issue, and I understand that there was an Inter-ministerial Committee consisting of six Ministers.

Subsequently, later on, yet again after another question from hon. Mrs Radegonde-Haines, we came to know that there won't be separate Bills. There was going to be a consolidated intellectual property legislation, and this was being awaited. Yet again, there was another change in policy, and we were told that there was going to be separate Bills on different aspects. Then, we had the hon. Minister of Agro-Industry coming with the Seeds Bill, and today we are having another Bill specifically on copyright.

I am not going to come to the amendments which have been circulated today on one specific Bill. But just to say: does the Government have a clear policy on the whole issue of intellectual property rights? This is my first question, because what I have seen during these four years tends to suggest otherwise. What is even more telling, Mr Speaker, Sir, is that the hon. Minister, when he intervened, stated that the Copyright Bill is overdue since 2002, which means we have been waiting for this Copyright Bill for 12 years. If my memory serves me right, in 2002, we had a series of Bills regarding different aspects of intellectual property rights. You will be surprised to know, Mr Speaker, Sir, that one of those Bills, the Geographical Indication Bill, has been enacted, but up till now it has not been in force. It is as if it has remained somewhere. We don't know why, and it has not yet been proclaimed, and is ineffective.

We had, in 2002, yet another Act which was passed, namely the Patents, Industrial Designs and Trademarks Act. Within this Act, there was an office on industrial property which was established, and this office was to be headed by a controller. This controller was entrusted with far-reaching powers in relation to enforcement of industrial property legislations, and among those legislations we have the Copyright. This controller, Mr Speaker, Sir, could, at his own initiative, or upon complaints made, undergo investigation. And for those investigations, he could summon any person, telling them to bring documents. He could even summon public officers. He could, by going through Court, have access to documents, and ultimately, upon investigation, if there was any criminal offence committed, he could send the case file to the DPP for appropriate criminal action. He could also enlist the help of Police Officers in his duty.

Mr Speaker, Sir, I can tell you that for more than 12 years the office of the controller has remained vacant. Up till now, there is the same set-up which existed prior to the 1997 Act, with a skeleton staff, no controller appointed so far. The officer who was acting under the previous system is still acting as Head of this IP Office, and ultimately, this controller, to which the law has entrusted power, is just doing administrative work, receiving trademark applications, and very little enforcement which the laws empowers him to do.

This is why, Mr Speaker, Sir, I tend to be consensual myself, and I agree with the hon. Minister that it is not a partisan debate. Unfortunately, the hon. Minister, Dr. A. Boolell, under whose responsibility this office falls, will not be participating in the debate, but, at least, I think that the hon. Minister could give us some more details about how we should give the Industrial Property Office more power. I tend to agree with hon. Minister Mohamed that one way of increasing the coffers of the artists is to try to enforce the law better and discourage piracy.

When we talk about piracy, Mr Speaker, Sir, go and ask the common people about copyright, and they will candidly tell you that this is only the law and, in fact, in practice, nothing can be done. We should, I think, give all those institutions more power and, at the same time, try to empower artists and see how we can educate the consumers. We all know that the real challenge is not in passing laws, but in their proper implementation, Mr Speaker, Sir.

I am sure hon. Members will remember, I think a few weeks ago, we had a group of local artists themselves raiding in the South, at Chemin Grenier, a particular place where they were suspecting that pirated articles were being sold. This is in itself telling. I agree with the hon. Minister that we have got the law, we have got the Court. But, unfortunately, the Court by itself will not suffice to help our local artists. I just give you an example, Mr Speaker, Sir. We all know the famous case of Ralph Lauren. It started, I think, in the early 90s.

Hon. Mohamed, at some point in time, was also appearing for this company and I may make a rough guess, there should have been about 20 to 25 cases before the Supreme Court only on that issue of counterfeit products of Ralph Lauren. Even today, there are still cases dealing with that only case of piracy of Ralph Lauren and we know Ralph Lauren is not just a small entity. It is a powerful entity and, irrespective of that, we know the ingenuity shown by those pirates. What else can we expect, Mr Speaker, Sir, of those poor vulnerable local artists? How can they alone, without the help of the authorities, try to come in Court, pursue matters forward,

because one thing we all know is that there is an economic cost? If you enter an action in Court, it is going to cost you 'X' sum and if the amount of the infringed articles is less than 'X', what is the incentive you get to pursue matter further without the help of all the authorities? Issues of Court will not be able to solve the problem, Mr Speaker, Sir. That is why I think that we should have a holistic approach of all the issues of copyright and one way is to see the enforcement side and try to have the political will to reinforce it, be it at the level of our Courts, our institutions and also, of course, at the level of the Customs.

Mr Speaker, Sir, it is good that at the eleventh hour we have some consensus on the issue of the MASA. I tend to agree that everything is not and has not been rosy there but, if I am not mistaken, it would have been the first country if we had passed the law where such an organisation would have been controlled solely by the Government.

In fact, in 1995, when we had our Copyright Bill, what was in mind was to try to see...

Mr Speaker: 1996!

Mr Roopun: 1986! No before 1986, we have the Copyright Bill of 1985, if I am not mistaken, where the MASA was set up for the first time and the idea was to create an organisation which ultimately would become private and, for some time, Government officials were going to accompany those artists, but in mind to make this organisation a merely private concern. But, unfortunately, we know what has happened. It is good at least that we have reconsidered our position on that issue, but we should not forget that our artists are the custodians of our cultural heritage and we should try to empower them and we should consider what has not been working at the MASA.

Hon. Mohamed talked about the SACEM. If I am not mistaken, the SACEM is an organisation which has been there for over 100 years. It is purely private, and it is doing a very good job and even some local artists are members of the SACEM through Reunion Island, instead of being under the MASA. Whatever be, Mr Speaker, Sir, we know that if the MASA has not been functioning properly as it should be, there is at least a *tort partagé*. I take it that there have been some shortcomings on the part of the authors and the artists, but we should not lay all the blames on them. As the hon. Leader of the Opposition rightly stated, there had been also on that Board various members of various Ministries and you cannot just blame those members and not try to see what has not been working well and how to improve the organisation.

Mr Speaker, Sir, I should also ask to be enlightened from the hon. Minister about certain things. I have been told that under the previous set-up there has, in fact, been lot of difficulties for the association to get paid by the MBC. Just to explain how it works, I understand that there is a logbook which is held by the MBC, hotels and so on and it is under this logbook that payments are being made. What is also good to understand is that it is a win-win situation.

The authors can't be too demanding, because whatever they produce, if it is not aired on the radio and TV, nobody is going to be aware of the new songs they have been creating. It is a win-win situation but, ultimately, we should ensure that there is no arm-twisting by those organisations. I just also want to be clarified on the issue of ring tone. Perhaps the hon. Minister could explain whether this also is included as part of the whole set up where those artists can, at least, get some additional payment. We should take care of it and try to see how we can remedy the situation.

I am told also that a few years back, a new tariff scheme had been sent regarding licensing by the MASA to the Ministry. I can't say if it is true but, at least, I wish the hon. Minister to enlighten us on this, whether they had, in fact, certain representations made by the MASA for some new tariffs and my information is that this has remained still at the level of the Ministry and nothing has been done on that scope.

I note also that it is a good thing that in this present Bill the possibility is given to authors to manage their own rights, and I take it that, in so doing, nothing will prevent the emergence of a private society, which means that, as hon. Minister Mohamed has stated, it should be something private. But I think that it is a good thing, and that an option is given for the artists to manage their own affairs and, probably, if I am not mistaken, someone can try to manage its own works and also try to build up a system where at least we are going to have perhaps two societies, I don't know, if it is economically viable but, at least, some sort of competition at a certain level so that each of them can try to improve on what they have to do. On this issue of administrative costs, I want to be enlightened because I understand that the actual acting Director who is doing the job part time is being paid quite a substantial amount. I wanted the hon. Minister to give us some clue on that.

I take it, Mr Speaker, Sir, that the whole issue of IPR is something very complex. We have to reactualise our Copyright Law, make it compliant with our obligations and international

commitments but, I have noted, however, that during the consultation there has been intensive consultation with the United States and EU. I will not deny that there are major players of the international scene, but I must tell you that I have got some discomfort.

Today, in fact, we had the WTO and Trips Agreement have been set up 20 years back. If I am not mistaken, it was in April itself, which means that 20 years have elapsed since we had the trips set up and we all know those who know the history of how this organisation has been set up, know the intense lobby by those developed countries which have to try to bundle international trade with IPRs. We know that behind those countries, we have powerful pharmaceutical companies and also musical companies. 20 years afterwards, have we, when preparing this present legislation, sought expert advice of other friendly countries. We know what has been the contribution of emerging economies now, trying to rebalance on issues of IPR. I have not heard the hon. Minister stating whether there has been consultation outside the EU and the US.

I wish to put it to him that we should, when we are coming with some other legislation, with the consolidated version of our IP laws, try to see how we can tap some other expertise worldwide. I think this is also good that we do some rebalancing exercise and try to see. When I heard the hon. Minister talking of this Bill, he still refers to figures about the US, 20 years after the WTO was passed.

When we talk about the Copyright in 1996, in 1985 the same issues were raised, we should have a vibrant IPR legislation to encourage investors who are going to help us; let us move forward. But have we done any study? Has there been any empirical study done after 20 years of the WTO to know exactly how, we, small Mauritius have benefitted from this? I am not telling that we are going to change our economic orientation. We know that we have been an open economy and openness has been one of the major avenues which we have selected, but, at least, we should try to review and try to see in a less compassionate and more scientific manner how we can move forward and try to rebalance whenever it is needed.

Another saying over which I would like the hon. Minister to enlighten us is what has been the model of our Copyright law which is before this House. I know it is something very technical, but, at least, for us, legislators and also lawyers, we should know if it is possible, we have been inspired from which model. We know that this is a very technical issue and, at least,

we can learn from the experience to know where we can go to benefit from what has been happening in those jurisdictions and try to improve our present legislation.

Mr Speaker, Sir, I'll end here, but I must say that I have the clear impression that this Bill is merely an unfinished business. We have to eventually understand that IPRs is now essentially an economic issue. I made on the last time when we talked the SILWF Bill. I think everything should come under one Ministry. There is some component of culture. If need be, the Minister responsible for IPRs consults that Ministry as and when required. It is the same for agriculture, but there should be - and I am sure we do not have sufficient expertise, but, at least, all those persons well-versed in this field should be together. We should try to make best use of whatever human resources we have got and, at least, we should on this issue talk with one language.

With these words, Mr Speaker, Sir, I think we should tell the hon. Minister that whatever has been done on the Copyright Bill is really technical, I did not go into the technicality of it. I should confess, I myself, have quite a limited knowledge of the subject, but, at least, we should try to empower our local expertise on this issue and I trust that we are going to give the necessary encouragement so that we can build up a stronger team who is going to work on that aspect.

With these few words, Mr Speaker, Sir, I thank you.

Mr Speaker: The hon. Deputy Speaker will take the Chair.

At this stage, the Deputy Speaker took the Chair.

(6.18 p.m.)

Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River): M. le président, les artistes ont longuement attendu que ce nouveau *Copyright* soit déposé et débattu.

Aujourd'hui, le gouvernement a dû faire marche arrière et de repenser, mais les lacunes persistent. Soit dit en passant, par souci d'un travail d'intérêt général, vu l'importance des sacrifices des uns et des autres, il aurait attendu que ces amendements, à lui, se rapportent aux considérations, remarques, observations que ce *Copyright* portera. Anticiper des amendements comme l'a fait le ministère, avant le débat du *Copyright*, prouve le manque de volonté politique et d'intérêt de s'engager sur des questions sérieuses, comme nous le faisons maintenant.

M. le président, aujourd'hui, nous sommes dans un environnement numérique où les œuvres littéraires, scientifiques et artistiques s'avèrent être touchées. De nouvelles préoccupations surgissent ici et là et requièrent une attention particulière et soutenue de l'autre part.

M. le président, ce nouveau *Copyright* a abordé dans un sens positif la reconnaissance des droits des artistes et les personnes vivant avec un handicap visuel, l'accès aux œuvres publiées, l'anti-contournement des mesures techniques de protection, le phonogramme et la facilitation de publier leurs œuvres. Mais ce droit des artistes n'est pas étendu aussi suffisamment que nous voulions qu'ils soient dans les quotidiens des bénéficiaires. Point sur lequel je voudrais m'attarder afin de fournir quelques propositions de réflexion en vue d'une meilleure mise en œuvre.

M. le président, je trouve que si d'une part, le gouvernement a reconnu les droits des artistes, d'autre part, cette reconnaissance ne rythme pas avec la confiscation d'un bien culturel construit par les artistes eux-mêmes, en l'occurrence la maison de la MASA en vertu de l'Article 43 - *Establishment of Society*. Par rapport à cet article, il est clair que le gouvernement se voit confier et gérer de la tendance gouvernementale, profitant des privilèges des artistes, tout en monopolisant l'ensemble d'exploitation sur toutes ces œuvres. Ce qui signifie les accords, les biens culturels et les droits des artistes de la MASA seront concédés à un nouveau régime de gestion, ce qui constitue, à mon avis, une violation de ce qui devrait leur être reconnu.

A ce point précis, M. le président, je voudrais interroger M. le ministre des Arts et de la Culture, l'honorable Choonee, afin qu'il fournisse beaucoup plus d'éléments d'éclairage sur le contenu même du contrat signé entre la maison de la MASA et son ministère au regard de tous les traités et conventions internationaux tels que l'accord instituant l'Organisation Mondiale du Commerce (l'OMC), le *World Intellectual Property Organisation (WIPO)*, *the trade agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)* auxquels Maurice fait partie.

M. le président, je voudrais aussi attirer votre attention sur les accords de réciprocité internationale impliquant les droits d'auteur qui ont été signés avec la MASA, la MASA qui se trouve être la seule à jouir de la souveraineté de ses décisions. A ce niveau, je voudrais également demander au ministre des Arts et de la Culture si la Confédération Internationale des Sociétés d'Auteurs et Compositeurs (CISAC) a été consultée ou pas pour voir sur le plan

technique et légal, selon les provisions internationales que ces accords de réciprocité soient automatiquement transférés d'une société à l'autre. Autrement, il me semble que le gouvernement fait digression sur un sujet aussi important en faisant un travail à la hâte qui le plonge dans des situations réelles d'omission; de non prise des vraies questions approfondies concernant l'intégralité d'une loi en harmonie avec les normes internationales. Ce qui, par voie de conséquence, le fait rater l'unique opportunité de faire promouvoir et progresser les œuvres artistiques, littéraires et scientifiques.

Mon deuxième point porte sur la loi moderne du ministre. M. le président, M. le ministre des Arts et de la Culture prétend avoir apporté une loi moderne alors que ce nouveau *Copyright Bill* est loin d'atteindre les défis de ce monde numérique. Partant du préambule de ces deux traités qui sont le WIPO et WCT, je cite -

« Ces deux traités exigent à l'Etat de fournir un cadre de droits fondamentaux qui permettent aux créateurs de contrôler et/ou être indemnisés pour les diverses manières dont leurs créations sont utilisées et appréciées par les autres, plus encore les traités garantissent que les titulaires de ces droits continueront d'être adéquatement et efficacement protégés lorsque leurs œuvres sont diffusés par le biais des nouvelles technologies et des systèmes de communication tels que l'internet. »

Il est aussi dit que -

« Pour maintenir un juste équilibre dans les intérêts des titulaires de droit et le public en général, les traités précisent en outre que les pays ont une souplesse raisonnable dans l'établissement des exceptions ou limitations aux droits dans l'environnement numérique. »

Le ministre des Arts et de la Culture prétend avoir introduit la mise en place de l'utilisation d'outils de contrôle dans ce monde numérique. Alors sur le plan de l'exercice des droits, la technologie numérique n'est pas une révolution, elle ne va pas changer la logique de la gestion des droits sur les œuvres audiovisuels. Donc, il faut préciser la procédure de ce nouveau régime qui s'applique à des accès d'internet, des entreprises d'hébergement des sites, et la téléphonie mobile et promouvoir une utilisation équitable en matière de ces services.

M. le président, on ne vit plus à l'âge de pierre. De ce qui précède, malgré la reconnaissance de protection des mesures techniques, il est difficile de cerner des paramètres au point de vue social, économique, culturel, technique et juridique. Je m'explique: *Part IV Clause 37* - je parle de contournement des mesures de protection. D'abord cette disposition offre une mesure technique pour contrôler l'accès et restreindre l'utilisation à une œuvre. *Clause 2 definition of 'circumvent'* - ensuite si on regarde cette définition en vertu de l'Article 2 comme je viens de dire, la définition de contournement est écrite d'une manière très générale et englobe le fait de décoder, de déchiffrer, d'éviter, de supprimer, de désactiver ou d'entraver la mesure technique utilisée pour contrôler l'accès à l'œuvre ou utiliser cette dernière.

Enfin l'Article 37.1 (a) et (b) se rapporte à deux activités touchant au contournement et aux mesures techniques. Premièrement, il est interdit de contourner une mesure technique. Deuxièmement, il est interdit d'offrir au public des dispositifs ou services qui ont pour but premier à contourner ces mesures techniques de protection. Maintenant, M. le président, dans cette nouvelle disposition il n'est pas permis de prendre un outil créé par quelqu'un d'autre et puis de l'utiliser pour atteindre l'intra-opérabilité.

Donc, je pense que c'est ici le grand écart. La raison pour laquelle je pense ainsi est que nos artistes locaux n'ont pas les moyens nécessaires pour créer ce type de mesure de protection et de contournement. C'est ici que je voudrais attirer l'attention du ministre des Arts et de la Culture lorsque je dis qu'on ne vit plus à l'âge de pierre.

M. le président, dans notre Ile Maurice d'aujourd'hui nous parlons des plateformes comme Google, You Tube, i Tunes, etc. et plus important encore, la montée des agences téléphonie mobile et d'autres supports numériques. De ce fait, l'accès à tous ces services numériques facilite aux téléchargements des vidéos, musiques, informations et j'en passe. Il s'ensuit que, par ailleurs, les artistes ne bénéficient pas équitablement des intérêts qui leur sont alloués du fait de cet accès aux services numériques, y compris du *Mauritius Telecom*.

M. le président, ma préoccupation consiste ici à savoir si le ministre en charge a pris note que nos artistes n'ont pas les outils nécessaires et les technologies pour encrypter leurs œuvres, me référant à son allocution du 25 mars dans laquelle il a semblé faire des consultations auprès des artistes. Ici aussi mon adresse à M. le ministre voudrait questionner sur le *copyright* de la place réservée aux mécanismes compensatoires exigeants à ceux, qui à travers des supports, des

licences d'exploitation pouvant aider les artistes à recouvrir leur manque à gagner, y compris le rôle de la *Mauritius Telecom*. Par où, j'en appelle à la conscience du ministre en charge de déployer des moyens techniques et financiers en vue de la promotion et la protection des œuvres afin de créer une situation où les artistes peuvent accéder aux bénéfices des mesures de protection.

Part VI Clause 37 (3), M. le président, il y a un autre point que je voudrais aborder ici - les limites ou exceptions accordés à une catégorie des bénéficiaires identifiées en vertu des articles 14, 15, 16, 19, 20 et 21. Avant d'aller plus loin, je ne peux pas m'empêcher de rappeler que l'histoire du pays que nous construisons au regard des instruments juridiques internationaux concernant la jouissance plénière des droits de l'homme et la mise en œuvre d'un état de droit doit être la priorité du travail du gouvernement. De plus, compte tenu de notre respect de la diversité culturelle sous lequel on ne peut jamais parvenir à une politique de cohésion sociale sans respecter les libertés et les droits fondamentaux de tout un chacun, comme le décrit si bien notre Constitution.

Dites ainsi, je pense que c'est un abus portant atteinte aux étudiants avec handicap visuel ou surdité de se voir ne pas accorder la demande d'accès à ces mesures de protection ou certaine exception au-delà de la condition dominante. A l'issue du travail d'un tel *draft* pourquoi avoir manqué la perspicacité d'esprit en oubliant la cause des personnes vivant avec handicap de surdité. Ne serait-ce pas une discrimination entretenue de ne pas intégrer sur un même pied d'égalité la diversité que notre société constitue ?

M. le président, une fois de plus des obstacles à notre utilisation de ces mesures techniques de protection ne permettent pas, premièrement, que les personnes qui souffrent d'un handicap visuel et surdité accèdent aux œuvres car ils se voient carrément empêché d'utiliser du matériel permettant l'accès à des travaux intellectuels. Deuxièmement, les mesures de protection interdisent l'accès à nos étudiants qui souffrent d'un handicap visuel par manque de matériel adéquat; ordinateurs aux personnes aveugles et autres du même genre.

Troisièmement, toujours dans le cadre des exemptions reconnues dans les dispositifs qu'on a eus jusqu'à présent, il va de soi, que pour qu'un bénéficiaire soit exempté comme c'est le cas à l'Article 1, il doit avoir obtenu une copie faite légalement. Ce qui peut signifier, soit qu'il a acheté ou peut-être qu'il a eu en cadeau. Donc, ce qui fait que l'éditeur obtient quel que soit le

prix de son œuvre et la personne qui exerce l'exemption jouit pleinement la valeur du prix que le service de l'œuvre lui a rendu.

Comme stipulé dans l'Article 4 (3) (b) ce qui contente les deux Partis l'on pourrait imaginer. Malheureusement, en réalité l'équation ne se passe pas de la même façon. Peut-être que je me trompe, mais au visa du langage que le gouvernement propose aujourd'hui dans l'Article 23 (1) -

« It shall be permitted, without the authorisation of the author or other owner of copyright, to reproduce a published work for visually impaired persons in an alternative manner or form which enables their perception of the work, and to distribute the copies exclusively to those persons, (...) »

Il permet aux bénéficiaires qui obtiennent une copie légitime de faire autant de copies qu'ils le souhaitent et les distribuent gratuitement. De ce fait, les éditeurs concernés ne seront pas rémunérés équitablement comme ce qui va à l'esprit de l'Article 3 (a) et (b). Rendons-nous compte que la légèreté du langage du gouvernement ouvre la porte à la violation du droit d'auteur, la non-reconnaissance au droit économique, social, moral des éditeurs et des ambiguïtés techniques et juridiques. Par ailleurs, les personnes avec handicap visuel sont exclues de l'exemption préconisée en vertu de l'Article 37 (3).

Ceci dit, M. le président, il ne suffit pas de donner des exemptions, mais il s'agit de savoir si une personne qui a légalement obtenu une copie peut y avoir accès. Si la personne peut y avoir accès en contournant les droits numériques contrôle de gestion, elle devrait être en mesure de le faire sans encourir les sanctions civiles ou pénales. Car il est clair qu'une étudiante avec un handicap visuel n'aura pas l'accès et les moyens technologiques à contourner un travail. Donc, nous croyons qu'une entité devrait avoir le droit de se prévaloir lui-même d'une exemption dans la ligne dont il est sujet dans ce *draft* du *Copyright Bill*.

A mon analyse personnel, M. le président, la mise en place des techniques de protection constitue un but légitime dans la mesure où elle protège les droits des auteurs, des artistes à la copie illégale. Mais cependant, ces dispositifs posent encore de nombreux problèmes tant du point de vue technique qu'au plan juridique. Au plan technique, M. le président, comme nous avons vu, il y a incompatibilité entre les protections techniques et l'impossibilité de lecture pour certaines catégories de personnes précitées. Donc, de la même façon, une interdiction est faite

aux personnes qui devront accéder des droits d'auteur d'autrui, de la même façon les sociétés fabriquant les codes de décryptage devraient l'être. L'idée étant de respecter le principe de non discrimination et d'accès direct aux techniques de protection.

Alors, je propose qu'une commission de control soit mise en place, que l'effectivité des mesures de protection voit le jour. Et par ailleurs, une commission technique de contrôle devant vérifier ces mesures soit pour une meilleure évaluation sur la durée du travail du ministère. Je souhaite que les amendements apportés par nous soient pris en compte au nombre de ceux apportés du ministre en charge et qu'ils figurent dans le nouveau *Copyright Bill*. Je propose aussi un protocole IP et qu'une législation saine et bien élaborée qui régule les intérêts de la part des producteurs et des consommateurs.

Enfin, je tiens à attirer l'attention de l'honorable ministre Choonee sur quelques aspects que je considère fondamentaux à l'Article 2 - Interprétation, la liste du travail énuméré dans le nouveau Copyright Bill comporte les mêmes catégories du travail que l'ancien Copyright Act 1997. Malgré le boom de musique, de films, de clips et des pubs audiovisuels, le gouvernement continue à faire croire qu'il s'engage à promouvoir et protéger le secteur audiovisuel. Je propose que la protection soit accordée à ces catégories des œuvres comme c'est le cas dans la convention de Berne, Article 2 – la protection des œuvres. *Cinematographic works to which are assimilated works expressed by a process analogous to cinematography, musical compositions with or without words.*

M. le président, la définition de l'auteur, en vertu de l'Article 2 selon le nouveau *Copyright Bill* de l'honorable ministre Choonee, manque de consistance par rapport à celle apportée par la Convention de Berne. De ce fait, votre loi est très réductrice et n'est pas cohérente selon la définition internationale. Dans ce sens pour plus de clarté, il serait notable que le texte dise que l'auteur est celui ou celle qui est à l'origine responsable devant la loi d'une invention, d'une découverte, d'une nouveauté et dans le cadre précis, l'auteur est une personne qui a composé une œuvre de littérature, de science ou d'art, musique, peinture, sculpture, etc.

Toujours à l'Article 2, les termes '*broadcasting*' et '*broadcasting organisation*'; je trouve que le langage proposé pour définir les termes '*broadcasting*' and '*broadcasting organisation*' dépasse les limites établies dans la définition en vertu du nouvel Article 5 (3), ce qui n'est pas conciliable avec la loi du *WIPO Performances and Phonograms Treaty (WPPT)*. Aussi, je

voudrais savoir, M. le président, si les *broadcasters* feront partie de l'exécutif des *copyrights* sur le Board de ce *Rights Management Society*, Article 42. Si c'est le cas, je tiens à attirer votre attention sur le fait que les '*broadcasting organisations*' sont des utilisateurs des contenus. Alors, il est contre les principes de CISAC que ces utilisateurs et créateurs sont dans une même société pour éviter les conflits d'intérêts. L'honorable ministre a déjà vu le partenariat dans l'exécutif d'une confédération syndicale et vice versa ? Non ! Il y a d'autres plateformes tripartites où les choses peuvent être négociées.

Pour conclure, je constate qu'il n'y a pas de dispositions en ce qui concerne les droits de synchronisation qui constitue la musique et c'est un manque à gagner aux artistes. Au fait, je ne vois vraiment s'il n'y a pas une nouvelle liste de travail protégé. Je trouve que ce projet de loi n'est pas conciliable avec la Convention de Berne et, de ce fait, je souhaite que ce travail ne soit pas fait à la hâte, où on engage la vie des auteurs et créateurs pour les 30 ans à venir.

Merci, M. le président.

The Minister of Business, Enterprise and Cooperatives (Mr J. Seetaram): Mr Deputy Speaker, Sir, firstly I would seize this opportunity to congratulate my colleague the hon. Minister of Arts and Culture for introducing this Bill to the House. This is a bold measure and it reduces the rise of piracy and through the Bill which is one of the main aims is to address the issue of Copyright straightaway and this is a crucial matter.

There was in this era of fast and technological development, internet, new means of communication, opportunities abound for intellectual property pirating. This Bill has come to address the issue of piracy. Nevertheless, I see that through the speech of the previous interveners that there is the sense of consensus and on the other side some disagreements. Straightaway, I would address the object of the Bill and if I refer to the object itself we see that it provides for the protection of performers, producers of phonograms and broadcasting organisations. It also provides for limitations and exceptions with specific circumstances in relation to a work. It reviews the role and functions of the MASA, fair enough, but also it addresses the issue of remedy. It provides quick remedies to authors, composers and other copyright holders in cases of infringement and rights.

The object of the Bill, Mr Deputy Speaker, Sir, does not say “I am providing quick remedies to some authors or composers”. It is to all authors and composers. It is providing protection to all performers, producers of phonograms and broadcasting organisations. If one wishes we have to address the issue of the copyright infringement. The copyright infringement is the use of works protected by the copyright law without permission infringing certain exclusive right granted to the copyright holder such as the right to reproduce, to distribute, to display, to perform for the protective work or to make derivatives work. The copyright holder is typically the works’ creator or the publisher or any other business to whom the copyright has been assigned. In layman’s terms, in general, when we talk about breach or infringement of copyright, we usually use the term ‘pirates’ or ‘piracy’.

Although we know that piracy means prison, high seas robbery or kidnapping whereas here it is strictly concerning the intangible rights. What is the purpose of a copyright law? Copyright law provides an incentive to create software, music, literature or other works by ensuring that the creator will be able to reap the financial benefits of the work, that is, the essence of this law. On the other side, we talked about piracy. It is a slang, like I said, for copyright infringement and copyright law gives the creator of software, music literature or other works a limited monopoly to reproduce or distribute the created work. If you are accused of piracy, then someone is claiming that you have violated the copyright by copying part or all the work without authorisation or have enabled other people to make such copies. Again, why are we concerned about copyright holders and about piracy, like I said, it is an illegitimate distribution of copies that would prevent the copyright holder from benefitting from the sale of legitimate copies of the product.

This theory concerns significantly fewer people who would buy copies from the copyright holder and, if not, other copies that could be available cheaper or free. Again, we have come across so many opinions, so many comments where we say this is daylight robbery where we talk about breach of copyright and piracy as the real name being theft. *C’est un vol* and when we have such circumstances that come before us, obviously, we see that the artists cannot and will not enjoy its economical and moral rights of his own work as he is the creator of that work. If I go back in law, you will see in common law when we talk of larceny, it could not cater for breach of copyright as such being an offence inasmuch as if you go further back in

history, we do not have law which covered intangible property and copyright is not a personal property. You have to be dispossessed of that property then it is called a theft or larceny.

There was confusion in law but, nowadays, if you put it in simple legal terms and moral terms, it says that the act of copyright infringement is an unadulterated theft, if you are taking something which does not belong to you, without permission and compensation, in the process that you are also wrecking the value of that stolen product by flooding the market with unsanctioned copies. Whenever an author is deprived of the right to approve and to be paid for the use of their work, the author's property interest is diminished. I believe that we must allow every artist to unleash the entrepreneurs in them. An artist is also an entrepreneur who brings in money, creates jobs and gives a boost to the economy and to business itself. As the point raised by my predecessor when we look at clauses 6 and 7 of the Bill, we read about economic rights and it says as follows –

“Every author or other owner of copyright shall have the exclusive right to carry out or to authorise –

- (a) the reproduction of the work;
- (b) the translation of a work;
- (c) the adaptation, arrangement or other transformation of a work;
- (d) distribution to the public of the original or fixed copy of –
 - (i) a work;
 - (ii) an audiovisual (...).”

We know where the money is. It is in the distribution. Further, we also know that more financial benefit is in the rental, public performance and broadcasting.

My predecessor was talking about *l'ère numérique*, but it is catered for in clause 6 (h) - other forms of communication to the public of a work. And it goes further, this being the economic part of it, where the author has the right to reap the financial benefit out of his work. He has to earn a living. He might run an enterprise, and he can earn benefit and revenue out of it.

On the other side, there are the moral rights at clause 7. Besides economic rights, ‘the author shall have the right to claim authorship of the work’ and he can also ‘object to any distortion, mutilation or other modification’, or even if someone has altered or changed the real

content of the work, he can object to that. He has the moral right to do that. Further, without taking into consideration the economic right of the performer, ‘except where omission is dictated by the manner of use of the performance, and to object to any distortion, mutilation or modification of his performances that shall be prejudicial to his reputation.’ So, this has been catered for, and we don't see any clause that is discriminatory on that aspect.

So, this law has catered for it to be a unilateral law, applicable to everyone; each and every author. Further, I believe this is quite exceptional. There is clause 53 - Special remedies, Mr Deputy Speaker, Sir; judicial proceedings, special remedies, where the Supreme Court may grant remedies by way of damages, injunction or forfeiture of any infringing copy or any apparatus, article used to make those infringing copies.

Basically, this law is coming forward with a new clause that is giving powers to the Court for special remedies, and this is exceptional. So, empowering the Courts to come up with remedies such as damages, injunctions, which are quite traditional, but forfeiture of any infringing copies; *les copies qui sont piratées*, and also any apparatus used to do that, any equipment used to carry out the piracy. The Court has the right to come and forfeit those articles. So, this is quite exceptional, quite historical. This is not one *pas, deux pas, mais plusieurs pas en avant*. This is to protect the performers. The ambit of the Bill, the object is to provide protection for the performers, producers and broadcasting organisations. Those special remedies do that.

Further, clause 53(2) says also that Judge in Chamber's action, celerity in action, early judgments; ‘Judge in Chambers for injunction or order for a *mesure conservatoire* as is appropriate in the circumstances.’

Besides, if any action or claim is still underway, it provides in subclause 3 ‘forfeiture or seizure of any infringing copy or any apparatus, article being used for the making the infringing copy.’ And what is again brilliant, Mr Deputy Speaker, Sir, if you refer to clause 54 - Presumptions, presumptions that have been put in this Bill, it's quite historical. Let me state -

“(a) It shall be presumed, unless the defendant puts it in issue that -

(i) copyright or related right subsists in the work to which the action relates.”

And it is presumed that

(ii) “the plaintiff is the right holder if he claims so to be.”

If the plaintiff claims so to be, he is the right holder. This would be presumed by the Court, and also -

- “(b) shall be presumed, unless the contrary, that the person named as author of the published work, if it were its true name or a name which he was commonly known (...).
- (c) where it is proved or admitted that the author of a work (...).”

And at subclause (c) (i), it is presumed that the work is original and any allegation by the plaintiff that it was a first publication.

Those presumptions go in favour of the artist. It goes in favour of the author, and these powers of presumption are being given to the Court. I believe that it is quite exceptional, and we are moving forward with the protection of rights of authors and creators. I don't see any discrimination in this, Mr Deputy Speaker, Sir!

Further, we also have the clause 56 for offences, where it does provide if any person without the express authorisation of the author or the owner publishes, performs, communicates the work or broadcast it, or without authorisation infringes or manufactures. We have special fines. Any person who commits the offence shall be on first conviction be liable to a fine not exceeding Rs300,000 and to imprisonment up to term not exceeding two years. On a second subsequent offence, Rs500,000 and a term of imprisonment not exceeding eight years. So, it is provided. It goes to the favour of the author, of the creator. One will try to see how to protect the authors. What mode are you going to use? What are the requirements that you're going to put forward? What is the *modus operandi*? Obviously, you have to put tough laws, and you need to have a system where at the same time it is protecting the author and you have tough law, tough rules that are commensurate to the offence that caused harm to the author.

So, this is provided in the law. Again, I would say that, concerning the point raised by my predecessor, the issue of *l'ère numérique*, it is provided in subsection 6 (h), like I said. Again, we know it is an era of fast technological development.

There are new means of communication, opportunities abound, and that is why this part 6 (h) has been saying ‘other mode of communication.’ And again, when we see that we have

nowadays to promote science, to promote culture, we must make sure first of all, Mr Deputy Speaker, Sir, that our local artists, local performers can use their own creativity to earn a living properly. They can turn their creativity, their work in an enterprise. So, it is very interesting that this Bill is providing those provisions to cater for the protection of those authors, and again this Bill endeavours the balance between the rights of the performers as well as those entrepreneurs who are publishers, record companies and broadcasters.

I shall say, Mr Deputy Speaker, Sir, that these imperative, fundamental, crucial issues have been catered for in this Bill, and it is at the same time catering for the betterment of the author and again giving the assurance that authors, performers can reap a financial benefit out of their work, out of their oeuvre.

Thank you, Mr Deputy Speaker, Sir.

(7.00 p.m.)

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): M. le président, d'emblée, je voudrais dire, avant même de prononcer mon intervention que je suis aussi membre de la MASA, que je suis auteur-compositeur, que j'ai été élu au *Board* depuis octobre 2011 - élu en tête de liste, évidemment - par les artistes membres de la MASA.

Ce temps passé - deux ans et demi - à la MASA m'a beaucoup enrichi ; j'ai beaucoup appris, j'ai beaucoup compris aussi de la façon dont cette institution, unique en son genre, a failli à ses responsabilités durant une certaine période de son existence. Donc, je voudrais mettre cela bien au clair avant de commencer, parce que je pense que je suis l'unique personne dans cette Chambre portant deux chapeaux pour intervenir sur ce présent projet de loi, c'est-à-dire, en tant que parlementaire et aussi en tant qu'auteur/compositeur et membre de la MASA.

Ceci dit, M. le président, depuis cinq ou six ans, M. le président, que le pays, les artistes attendent ce projet de loi avec impatience. Au fait, avec l'évolution rapide de la technologie qui a chamboulé l'industrie de la musique et du showbiz, il était devenu nécessaire, M. le président, depuis des années déjà de donner un coup de neuf à notre *Copyright Act* de 1987. Au fait, il y a eu beaucoup de propositions de pas mal de *stakeholders* pour faire des amendements à la présente législation existante. Mais, il y a tellement eu de propositions de tout genre que, finalement, je pense que l'on ait opté pour un nouveau projet de loi, pour essayer de donner de

nouveaux moyens aux artistes, au pays, pour pouvoir affronter les nouveaux défis du temps que nous vivons.

M. le président, je dirais que je ne suis pas cent pour cent satisfait de moyens présents sous cette loi pour pouvoir adresser les difficultés du jour, comme l'a dit aussi l'honorable Mohamed. Donc, il peut y avoir législation, mais il faudrait donner les moyens de l'appliquer. Je vais voir, subséquemment, par rapport aux *regulations* qui vont venir si, enfin, les moyens vont pouvoir être légiférés pour donner des moyens qu'il faut à la MASA, au ministère, au gouvernement de pouvoir appliquer la loi afin que cela soit une loi en faveur des artistes mauriciens.

M. le président, donc, c'est un fait, avec la nouvelle technologie et les ordinateurs, les iPad, tablette, USB, portable, etc., que maintenant c'est devenu une habitude, une façon de vivre, de *download*, *upload*, partager *and sharing and whatever* de la musique locale et internationale et même sans que les ayants droit puissent y toucher quelque chose.

Le ministre, dans son discours, en deuxième lecture, M. le président, s'est longuement attardé sur la MASA, société d'auteurs, de compositeurs de l'île Maurice, pour faire, je dirais, le procès de cette institution, beaucoup plus que de proposer des solutions. Je pense, qu'avec raison, le ministre a frappé très fort sur cette société par rapport à la mauvaise gestion, mauvaise administration qui a prévalu à un certain moment. Le ministre a fait bien mention, comme il a dit dans son discours "*the then Board, the then Director*".

M. le président, permettez-moi de dire que les artistes se sont rendus compte de cette maladministration, de cette mauvaise gestion à la MASA qu'à partir de 2010. Alors, pour la petite histoire, tout commence un peu par des questions parlementaires que j'ai posées moi-même, ici, au Parlement en 2010/2011, quand je n'étais pas encore membre du *Board* de la MASA. C'était des questions pour pouvoir faire la lumière sur les *royalties* collectés de 2005-2010 et la distribution subséquemment par rapport à ces distributions et les chiffres qui furent relevés – je crois c'était le ministre Choonee qui était au Parlement – nous montraient quand même que le *quantum* collecté pendant les cinq ans, de 2005-2010, et la distribution faite aux artistes nationales et internationales, évidemment, ne reflétait pas le *quantum* que supposé le principe à respecter de 30%, qui, normalement - les 70% doivent être distribués – doit rester pour les dépenses d'administration, les frais d'opération.

Donc, ainsi, je l'avais dit en public et le redis ce soir, M. le président, que j'avais constaté quand même un manque à gagner de plus de R 40 millions en 2005 et 2010 pour les artistes. Je l'ai dit! C'était des chiffres qu'on avait eus au Parlement. Aujourd'hui, en tant que membre de la MASA et président de la Commission des Finances à la MASA, je le confirme et je reviendrais là-dessus après, M. le président. Donc, c'est un peu l'élément qui a déclenché cet état de choses à la MASA. A partir de là, on a commencé, moi-même et certains autres membres de la MASA, à demander certaines explications.

M. le président, par contre, en ce temps-là, à la MASA, le directeur - qui est toujours directeur, mais suspendu - nous avait confirmé que la MASA ne dépensait pas plus que 30% des revenus. C'était des questions qu'on avait mis à l'Assemblée Générale de la MASA. Or, M. le président, comme je vous l'ai dit, selon les chiffres que j'ai pu obtenir, que ce soit ici ou là-bas, c'était clair qu'on était en train de dépenser beaucoup plus, mais dans quelle fourchette, en ce temps-là, je ne le savais pas encore.

Donc, M. le président, cette société qui est supposée faire des collections des usagers de la musique locale pour être distribuée ensuite aux membres des artistes mauriciens et même des artistes étrangers, a failli, je dirais complètement, en ce temps-là, dans sa mission et ne respectait pas vraiment les principes fondamentaux de la distribution de droits d'auteurs à travers ces exercices.

M. le président, ce combat que j'ai commencé alors au sein de la MASA, je dirais, commence à porter ses fruits. Il y a encore un long chemin à faire. Donc, c'est vrai, en ce temps-là, on n'était pas vraiment au courant de ce qui se passait au niveau de la gestion. Comme je vous disais, la direction persistait à dire qu'ils étaient dans les règles et ce n'est qu'après, M. le président, lorsqu'il y a eu la suspension du directeur et ainsi que certains membres du *Board* ont démissionné, qu'il y a eu de nouvelles élections au niveau de la MASA et une nouvelle équipe fut élue, y compris moi-même pour siéger au *Board* de la MASA.

M. le président, j'ai essayé de comprendre, à ce moment-là, comment on a pu avoir cet écart considérable au niveau de la distribution. Alors, je dois dire que cela n'a pas été facile de pouvoir avoir les informations. C'était très difficile parce qu'il y avait beaucoup de résistance à l'intérieur même du personnel de la MASA et on en a toujours. On s'est battu pendant presque

deux ans pour pouvoir faire un contrat d'un expert-comptable extérieur par appels d'offres pour pouvoir faire un état des lieux de la situation à l'intérieur de la MASA, M. le président.

C'est ainsi que j'ai pu comprendre comment les rapports qu'on recevait de la MASA nous montraient qu'il n'y avait pas d'abus. C'était facile parce que la comptabilité faisait ce rapport aux assemblées générales sur le principe de *accrual basis*. Dans ce *accrual basis*, M. le président, ils se permettaient de *overstate* les revenus. Je vais vous donner des exemples concrets par rapport au *Government Grant*.

Dans tous les rapports qu'on nous a soumis, le *Government Grant* mentionnait *receivable* de R 3 millions par an qu'il ne fallait pas supposément par rapport aux paiements de salaires additionnels pour le PRB. Donc, cela n'a jamais été le cas. Cela n'a été payé qu'une seule fois en 2008 mais répétitivement dans les autres rapports financiers annuels on voit qu'ils ont mis cela comme une estimation de *receivable revenue* et évidemment ce *receivable revenue* donnait un plus gros chiffre d'estimation de revenu en sus des *debtors* qui était une surestimation que pour gonfler les chiffres.

Finalement, lorsque vous regardez les dépenses vous aurez tendance à les comparer aux chiffres qui sont fictifs. C'est comme ça qu'on persistait à nous dire que le quantum était respecté. Mais on ne nous a jamais donné, M. le président, le rapport financier on a *cash basis system* ou on a *trial basis system* en fin d'année. On ne nous a jamais soumis cela. C'est ainsi que nous, le présent *Board*, lorsqu'on est arrivé, je dois le souligner quand même, M. le président, que nous n'avons pas eu des difficultés avec les membres nommés par le gouvernement sur ce présent *Board*. J'ai lu quand même pas mal de *Minutes* de l'ancien *Board*. Je ne veux pas dire que cela a été comme ça, mais nous, on a travaillé en collaboration avec tous les représentants, qu'ils soient du ministère ou les élus et cela nous a permis de faire toute la lumière sur pas mal de choses dont ceux qu'a mentionné le ministre dans son discours. Si on n'était pas sur ce *Board*, le ministre n'aurait jamais eu toutes ces informations et on n'aurait jamais su l'envergure de cette mauvaise administration qui prévalait à l'intérieur de la MASA. Normalement, ces R 3 millions qui étaient donc *overstated* et on a eu récemment un deuxième rapport du PRB qui a augmenté les dépenses de la MASA par encore au moins R 1.5 millions supplémentaires, ce qui nous arrive à au moins R 4.5 millions supplémentaires par rapport à 2008 que pour les salaires.

Ainsi, M. le président, les chiffres nous montrent que les dépenses pour les frais d'opération de la MASA actuellement dépassent largement les 50%. Cela irait peut-être jusqu'à 60% comme l'a dit l'honorable ministre Mohamed mais cela dépasse largement les 50%. Donc, c'est loin du 30% autorisé comme établi par des principes internationaux.

M. le président, selon une estimation qui est mienne, actuellement la MASA a une capacité de collecter un maximum de R 26 millions par an environ, et en gros les dépenses administratives, les salaires et les coûts des opérations moyennant presque ou frôlent les R 15 millions actuellement à la MASA. Il ne reste que R 11 millions de revenus pour les autres distributions et pour la caisse sociale.

En gros, cela fait 45% de revenus qu'il nous reste pour la distribution. Lorsqu'on enlève les 7% pour les charges sociales, pour les paiements qu'on fait aux pensionnés de la MASA, les artistes retraités, il nous reste, M. le président, en gros R 9 millions que l'on peut distribuer aux artistes Mauriciens et internationaux. C'est environ R 4.5 millions par an de ces revenus qui peut être distribués aux artistes Mauriciens. Telle est la situation actuelle, M. le président. Voilà en gros ce qui revient finalement aux artistes Mauriciens actuellement telle que la situation est au niveau de la MASA.

M. le président, cela a été la situation jusqu'à ce que le nouveau directeur soit suspendu. Comme je vous le disais, en 2011, le travail que le présent *Board* a fait nous a permis de mettre tout ça à jour et de voir clair dans le fonctionnement de la MASA, de voir plus clair dans ses revenus et ses dépenses et d'apporter un certain ajustement. J'apprécie beaucoup que l'honorable ministre Mohamed a dit qu'il faudrait voir au niveau des dépenses ce qu'on pourrait économiser et ce qu'on pourrait éventuellement faire pour augmenter les revenus.

M. le président, malgré les difficultés qu'on a eues, des résistances internes ou externes pour essayer de nous discréditer dans l'exercice de nos travaux, on a pu quand même prendre des décisions très difficiles, mais on a pu, par exemple, baisser les coûts des opérations par pas moins de R 2 millions. Il y avait à la MASA - et il y en a toujours - un surplus du personnel. Il y avait 36 je crois quand on est arrivé et là il y en a 23. Entre-temps certains ont été remerciés parce qu'il y avait vraiment des gens qui étaient là mais qui ne faisaient rien du tout. On a essayé de comprendre comment tout cela a pu être toléré par le précédent *Board* qui était là. Il y a beaucoup de questions qui restent sans réponses, M. le président. Mais il y a eu beaucoup de

tentatives d'essayer de nous décrédibiliser et même de nous faire partir du *Board* pour qu'on ne révèle pas toute la vérité sur les malversations qu'il y a eues au niveau de la société. La liste, M. le président, de ces maldonnes est très longue.

Je vais en ajouter par rapport à ce que le ministre avait cité. Premièrement, comme je viens de vous le dire, il y a eu le recrutement du personnel en trop mais aussi non qualifié. Il y a actuellement même à la MASA un officier qui n'a même pas son CPE ! C'est pour vous dire l'ampleur ! C'est incroyable ! Personne n'y croit. J'ai essayé de le dire en public depuis longtemps et maintenant je profite de l'occasion pour pouvoir dire aux artistes la gravité de la situation telle qu'elle a été tolérée par l'ancien *Board* et l'ancien directeur à la MASA.

Il y a un surplus du personnel et en plus non qualifié et il y en a même qui n'ont même pas leur CPE et qui sont officiers ! Qui dit mieux, M. le président ! Il y a du personnel en trop, des dépenses de l'ordre de R 3.5 millions pour l'organisation d'un concert. Dix milles de DVD qui traînent encore et peut-être 700 de vendu, et plus de neuf milles qui traînent ici et là à la MASA, à la Réunion et à Rodrigues qu'on n'a pas pu récupérer des sous. C'est l'argent des artistes qui a été investi dans ce projet, M. le président. On a pu récupérer en gros R 900,000 sur R 3.5 millions.

Donc, vous calculez vous-même, M. le président, la perte qu'il y a eu pour les artistes dans ce projet où pas mal de petits copains en ont profité à la MASA. Il y a eu beaucoup de petits copinages je dois le dire avec certains artistes, très peu, mais quelques artistes étaient dans cette clique et aussi je dirais même avec la complicité de certaines personnes à l'extérieur. Mais on a quand même un *Fact-Finding Committee* qui n'a pas encore terminé ses travaux et j'espère qu'avec le nouveau *Board* qui sera mis sur pied, il va pouvoir terminer. On a quand même un *interim report*, un *draft* qui a été circulé. Donc, le travail est terminé pour l'audit interne, mais il reste peut-être deux ou trois sessions pour le *Fact-Finding Committee* pour pouvoir terminer. On verra plus clair à ce moment là. Donc, R 600,000 aussi pour des voyages sans but précis étaient dépensées chaque année à la MASA; R 600,000 pour des voyages qui n'aboutissaient à aucun intérêt pour les artistes membres de la MASA. Plus de R 500,000 payées annuellement en terme de *legal fees*, M. le président, et ça c'est à la sueur des artistes.

(Interruptions)

La liste est longue.

Donc, les réparations pour une voiture que la MASA possède; des réparations qui dépassent presque le prix même de la voiture chaque année. Je dirais les réparations et l'essence. Alors, c'était clair qu'il y avait d'autres réparations qui se faisaient aux frais des dépenses de la voiture de la MASA. Mais tout ça s'est arrêté depuis que le nouveau *Board* est là. Donc, que ce soit les R 500,000 dépensées annuellement pour les *legal fees*; les R 600,000 de voyages est passé de R 600,000 à R 60,000 et en ce qui concerne la voiture on dépensait tellement qu'à un certain moment, on pensait la vendre mais maintenant on se rend compte qu'une fois sous contrôle par miracle, par magie, il n'y a plus de réparation et elle consomme dix fois moins d'essence qu'avant.

Donc, tout ça pour vous dire les malversations, les maldonnes administratives qu'il y avait au sein de la MASA. En plus, des contrats ici et là étaient donnés à des petits copains pour la caméra ou autre chose. Donc, tout cela était quand même contre l'intérêt de la MASA. Bref, il y avait quand même une clique et aussi quelques artistes qui eux étaient bien servis, une petite poignée, M. le président. Ces mêmes personnes, qu'elles soient à l'intérieur ou à l'extérieur de la MASA, n'ont pas cessé de se servir de la presse pour faire toute sorte de déclaration pour essayer d'éliminer le présent *Board*. Dieu merci, M. le président, avec ce présent projet de loi, la guerre est maintenant terminée et la vérité fait enfin surface.

Mais ceci dit, M. le président, *the then* MASA - comme l'a si bien dit, M. le ministre - avait quand même un président. C'était un président qui était nommé par le gouvernement et il y avait aussi une majorité de membres; composé du président et des cadres du gouvernement, un nommé du ministère des Arts et de la Culture. Je ne comprends pas comment ces cadres, qui étaient en majorité quand même par rapport aux élus, aux artistes, ont laissé passer toutes ces maldonnes, ces mauvaises gestions à tous les niveaux de l'administration de la MASA.

Donc, comment, M. le président, *the then Board* a pu laisser passer toutes ces bêtises, toutes ces conneries. Il y avait sept artistes élus, comme je viens de vous le dire, et aussi huit membres du côté du gouvernement qui formaient le *Board* de la MASA. Donc, ce n'est pas une plateforme, je dirais, où il y a une opposition entre les élus et les nommés du gouvernement et les fonctionnaires, non. Au sein du *Board* on essaye toujours de trouver consensus par rapport à tout ce qui est rationnel, légal, et qui relate de la bonne gouvernance. C'est ce qui a prévalu depuis octobre 2011. Donc, la bonne gouvernance, je dirais, M. le président, a commencé à prévaloir à

partir d'octobre 2011 malgré toutes les difficultés qu'on a eues pour pouvoir instaurer, je dirais, cette bonne gouvernance au sein de la MASA.

Mais je suis d'accord avec le ministre qu'il n'y avait pas cette détermination avant octobre 2011, c'est-à-dire, pour une gestion saine et transparente. Ce ne sont pas les artistes, M. le président, qui en sont la cause. Ce qui m'avance à mon point pour dire que ce projet de loi ne doit pas faire payer aux artistes les mauvaises gestions qui prévalaient avant octobre 2011.

Donc, je suis content que finalement, le ministre a fait un pas en avant pour réintroduire quand même - à travers les amendements qu'il a proposés aujourd'hui - la possibilité à quelques artistes d'être élus; de faire partie du *Board*. Trois sur onze, ce n'est pas assez. C'est difficile parce qu'avant c'était sept sur quinze. Donc, le rapport de force a considérablement diminué par rapport à ce qu'on nous propose aujourd'hui mais quand même ce n'est pas la fin du monde. Heureusement quand même trois élus seront sur le *Board* et je suis sûr que le prochain gouvernement va améliorer pour amener cinq sur onze. Alors, comptez sur moi pour faire pression dans cette direction dès que l'occasion me le permettra, M. le président.

Maintenant, M. le président, revenons à cette société; je dois tout d'abord, avec respect, souligner la contribution de beaucoup d'anciens artistes qui ont travaillé et qui ont peiné au niveau du pays pour pouvoir amener le *Copyright Act* qu'on a eu en 1986. Entre autres, je voudrais saluer certains anciens auxquels je pense tels que Tommy Rabot, Marclaine Antoine, Serge Lebrasse, Empeigne, M. Legris entres autres qui ont combattu pour l'avancement des artistes.

Sachez, M. le président, que la *MASA House* que nous avons aujourd'hui, ce bâtiment avec ces équipements qui coûte des millions et des millions a été acheté de la sueur des artistes. C'est une propriété privée appartenant aux artistes et tous les mobiliers, les équipements qui s'y trouvent aussi, M. le président, appartiennent aux artistes. Je n'aurais pas compris si le gouvernement comme-ci venait avec ce projet de loi réquisitionner tous ces biens d'autrui pour les mettre dans le domaine public d'un trait de plume. Pour moi, ce serait une atteinte aux droits constitutionnels des artistes. Est-ce imaginable qu'un gouvernement puisse être aussi injuste envers les artistes du pays? C'est presque du vol, voulant arracher aux artistes ce qu'ils ont acquis à la sueur de leur front, M. le président. Ce n'est pas avec le *grant* que le gouvernement donne à la MASA depuis des années; c'était R 1 million au départ, maintenant c'est R 950,000

donc R 50,000 en moins qu'avant. Donc, je ne comprends pas cette réalité. Evidemment, personne ne comprendrait. Je suis sûr que dans cette Chambre même les membres du côté du gouvernement peut-être ne l'ont jamais réalisé. Au départ lorsqu'on avait créé cette institution, la MASA, le gouvernement donnait à cette époque-là, R 1 million comme *grant* et au fil des années, ça a été ramené à R 950 000 au lieu d'être augmenté et le personnel de la MASA qui comptait en ce temps là trois ou quatre personnes, et même, à un certain moment 36, compte aujourd'hui 23 personnes.

Donc, M. le président, je pense qu'il est temps maintenant pour le gouvernement d'apporter des *regulations* comme il faut pour permettre à la MASA - sous la loi, ce ne sera plus la MASA, ce sera le *Right Management Society*. Donc, il faut trouver les moyens maintenant pour pouvoir donner les ressources qu'il faut à la MASA, à la société et aux artistes pour pouvoir faire face à la nouvelle situation économique qui prévaut depuis que nous avons des technologies très avancées qui a fait chuter considérablement la vente des CDs, non seulement à Maurice mais mondialement. Au niveau mondial, la chute de la vente des CDs, des phonogrammes est de 70%, M. le président. Donc, vous pouvez imaginer les manques à gagner des artistes par rapport aux CDs. Donc, il est devenu impératif que le gouvernement prend en considération, sous des *regulations*, et vient avec un tarif à être voté, à être légiféré pour que les usagers de la musique locale et internationale puissent être obligés de payer pour l'exploitation des œuvres et des travaux artistiques.

Ainsi, M. le président, la MASA a déjà travaillé un volumineux document, un tarif qui a été soumis à l'honorable ministre depuis quelques mois déjà. Donc, je comprends que l'honorable ministre a préféré attendre la proclamation de cette loi pour pouvoir venir après avec des *regulations*, avec des tarifs. Donc, je me permets, M. le président, de rappeler à l'honorable ministre que nous attendons avec beaucoup de confiance et d'impatience ces *regulations* qui vont pouvoir donner des moyens à la société de collecter, comme il se doit, des *royalties* en faveur des artistes, membres de la MASA.

Avec cette loi, l'honorable ministre peut aussi imposer des *taxes and levies* sur tout ce qui est de support qu'on s'en sert pour *download*, transférer et *record* de la musique. Par exemple, je dirai les clés USB, les portables, les ordinateurs, les tablettes. L'honorable ministre peut, sous la loi, maintenant imposer une certaine taxe qui peut contribuer, M. le président, à rémunérer ces

artistes qui sont injustement non-rémunérés aujourd'hui par rapport à cette technologie qui fait tant de mal aux artistes mauriciens et aussi au niveau international.

Il faudrait d'une façon obligatoire, légalement parlant, M. le président, trouver des solutions. Donc, jusqu'ici, M. le président, il y a eu pas mal des usagers de la musique qui ne respectent pas les travaux des artistes. Ils s'en servent pour leur business mais refusent de payer des sommes ne serait-ce que modiques des fois pour l'utilisation des travaux des artistes. Il nous faut, M. le président, *an enforcement* solide de la loi qui puisse obliger ces usagers de la musique de présenter les reçus de la MASA aux autorités locales, au *Tourism Authority* et à la *MRA* avant même pour qu'ils puissent avoir leur licence d'opération. L'honorable ministre doit amener des *enforcements* pour que la présentation du reçu du paiement de la MASA soit obligatoire avant qu'ils puissent obtenir leur licence l'opération.

Donc, je n'invente rien en proposant cela, M. le président. Il existe déjà de telles provisions, par exemple, les déclarations à la *NTA* pour ceux qui ont des *goods vehicles*. Donc, s'ils se présentent pour renouveler leur déclaration, ils sont obligés de présenter leur licence aux autorités locales pour qu'ils puissent avoir. On pourrait faire la même chose, M. le président, en ce qu'il s'agit du paiement de redevance, des droits par les différents usagers de la musique à Maurice qu'ils soient les magasins, les hôtels; n'importe quel usager qui doit fonctionner avec une licence devrait, au préalable, présenter leur reçu de la MASA avant de pouvoir obtenir leur licence d'opération. Cela éviterait à la MASA d'aller mendier, comme c'est le cas actuellement, de porte en porte auprès des usagers pour qu'ils puissent avoir leur redevance et ils seront obligés, à ce moment là, de respecter et reconnaître les artistes et payer son dû à travers ces *enforcement* qu'on attend beaucoup, M. le président.

Donc, l'honorable ministre sait qu'on compte beaucoup sur ces *regulations*. J'espère qu'il est en train de prendre bonne note et qu'il ne va pas tarder, M. le président, à amener les règlements qui s'imposent pour pouvoir appliquer la loi.

M. le président, côté l'audiovisuel, je vais dire un mot pour vous dire que la situation est identique. C'est vrai que pour les CDs et les phonogrammes cela concerne plus la musique mais il y a aussi les DVDs. Il y a aussi les courts-métrages. Je cite le groupe 'Komiko' par exemple. C'est un groupe qui est très apprécié au niveau national et international. Quand vous allez sur *You Tube* ils ont au moins deux millions de *views* mais pas de sous en retour. Alors, M. le

président, est-ce normal, est-ce juste et rationnel que cela soit ainsi par rapport à tous ces gens, ces acteurs qui se tuent au travail, à essayer de donner une certaine dimension nouvelle à la culture mauricienne et aussi à créer une industrie musicale et culturelle comme on le souhaiterait qu'il y en ait ici à Maurice. Donc, M. le président, ne serait-ce pas possible comme l'a fait SACEM ? On a mentionné SACEM tout à l'heure. SACEM a fait un contrat. Je peux le voir sur l'internet, il n'y a pas longtemps de cela, avec *You Tube*, pour qu'il puisse payer quelque chose à la SACEM. Est-ce qu'on ne pourrait pas en faire autant ? Alors, il faut nous donner les moyens de pouvoir le faire. Donc, s'il y a de la volonté, M. le président, on trouverait probablement des moyens pour pouvoir faire payer aux usagers de la musique, des arts et de la culture les dus des différents artistes qu'ils soient auteurs, compositeurs ou *performers*, M. le président.

M. le président je dois aussi attirer l'attention de l'honorable ministre qu'actuellement pas mal d'artistes qui sont des mauriciens *perform* à l'étranger. Récemment, j'ai soulevé la question au *Board* de la MASA. Ils sont en tournée internationale assez régulièrement, en Australie, en France, aux Etats-Unis, au Canada et très souvent à Londres et en Angleterre. On a constaté que toutes ces tournées qu'ils ont faites, ils n'ont rien reçu comme *royalties* malgré que les organisateurs ont payé aux différentes organisations à l'étranger. Donc, comment se fait-il qu'il y ait des organisations étrangères qui paient aux autorités pour pouvoir organiser des concerts avec des artistes mauriciens et ces mêmes *royalties* auraient dû être payés à ce moment-là aux artistes mauriciens à travers les sociétés.

Mais, malheureusement, jusqu'ici il y a eu qu'Eric Triton qui a pu se battre pour pouvoir être payé. Tous les autres, je parle du groupe Cassiya, Zot Sa, Bruno Raya, Mario Armel entre autres, tous ceux qui font régulièrement ces tournées internationales malheureusement ils ont rien reçu depuis des années et des années, M. le président. Ce n'est pas normal, M. le président. Et je demanderais au ministre de donner les moyens qu'il faut à la société afin de trouver une solution pour ces artistes mauriciens.

Donc, M. le président, ces artistes mauriciens qui font ces tournées au niveau international, sont payés en devises étrangères. Ce sont des euros, des livres sterling, des dollars et lorsqu'ils reviennent au pays, ils nous emmènent en retour des devises étrangères et ils ont fait leur *marketing* eux-mêmes. Ils n'ont pas été aidés par les autorités locales. Ils n'ont pas été aidés

par le gouvernement pour faire ces tournées au niveau international et ils nous emmènent quand même des devises étrangères. Et, croyez-moi, M. le président, si leur dû était payé, leurs royalties, cela aurait été quand même des devises en plus pour le pays, donc des revenus non seulement pour ces artistes mais aussi des revenus substantiels afin de contribuer à l'économie du pays.

Ainsi, M. le président, il existe la possibilité de développer une industrie culturelle et musicale qui, jusqu'ici, n'a pas eu l'attention des autorités du pays. Il y a un potentiel énorme qui se perd et nous accordons une trop grande considération à l'aspect académique de formation au détriment de formation dans le domaine artistique. Donc, je suis sûr, M. le président, qu'il y a beaucoup de possibilités dans ce domaine. Il y a donc des ressources qui dorment encore à Maurice. Il faut bien, M. le président, qu'il y ait un bon coup de fouet et des décisions appropriées pour faire avancer l'industrie de la culture, l'industrie musicale à Maurice.

M. le président ce projet de loi, par rapport à celui de 1985, donne la possibilité aux *performers* d'être éligibles pour recevoir des *royalties*. Tel n'était pas le cas par rapport au *Copyright Act* de 1997. Cette présente loi donne la possibilité aux *performers* de recevoir des *royalties* - ce qui est tout à fait juste mais faut-il encore que cette loi nous donne les moyens nécessaires de trouver le fonds qu'il faut afin de payer correctement ces *performers*, c'est-à-dire, les musiciens, les acteurs, les interprètes, les chorégraphes et les danseurs. Tous ces gens qui n'étaient pas membres et qui ne recevaient pas de *royalties* avant, vont avoir cette possibilité de recevoir des *royalties* pour leurs créations, leurs inventions. Donc, je ne peux qu'accueillir favorablement cette décision. Mais faut-il, quand même, M. le président, avoir la possibilité, les moyens de collecter les fonds qui s'imposent pour qu'ils puissent être distribués aux *performers* dont cette nouvelle législation fait provision, M. le président.

M. le président, en passant, je vais saluer quand même l'effort qu'a fait le ministre. J'ai eu l'occasion, en ma capacité de membre de la MASA, d'avoir une session de travail avec le ministre et je constate que plusieurs amendements, que j'ai proposés au nom des membres, ont été pris en considération. Donc, c'est bien du côté du gouvernement d'avoir pris ces propositions en considération. Par exemple, l'amendement qui a été circulé par rapport à la section 43 afin de donner la chance à trois membres élus de faire partie du *Board* mais je citerai la section 42(a), M. le président. Donc, j'attire encore une fois l'attention de la Chambre et du

ministre sur ces sections qui donnent la possibilité aux artistes ou à un agent de *manage* leurs droits. Comme je l'ai demandé et je le demande encore: est-ce que ça veut dire que ces individus vont pouvoir eux-mêmes faire la collection de leurs *royalties*. Est-ce que ces agents vont faire des collections et la distribution ? Donc je prévois, M. le président, une cacophonie lorsque cela va être mis en place. Croyez-moi! Il y a pas mal de gens qui probablement vont essayer de collecter personnellement leur dû auprès de la MBC, des hôtels ou des magasins.

Donc ce projet de loi leur donne cette possibilité et même les agents peuvent avoir des agents, des agents collectifs afin de faire un travail parallèle à ce que fait actuellement la société. A quoi cela va nous amener, M. le président ? A une cacophonie générale dans la collection et la distribution. Donc, je persiste à croire et je le dis encore une fois, pour moi, il fallait avoir une agence, cela peut être la MASA ou une autre institution qui serait capable de collecter leur dû pour tous les artistes et faire la distribution. En plus, cela va être très difficile pour les usagers de la musique. Ça va être difficile! Imaginez un hôtel qui doit recevoir 50 personnes par jour qui viennent demander leur dû par rapport à leurs *royalties* pour l'utilisation de leurs œuvres. Cela va être compliqué pour les usagers de la musique à Maurice. Donc, je voudrais attirer l'attention du ministre par rapport à cette problématique qui va se poser avec l'application de cette loi.

A la section 35(i), M. le président, provision est faite pour que les producteurs payent la moitié de ce qu'ils collectent aux *performers*. Donc, collecter veut dire aussi collecter et distribuer, mais à qui ? Ces producteurs vont-ils collecter ces droits pour être distribués aux *performers*? Là encore, sous la loi, on donne la possibilité au producteur d'être aussi des agents pour collecter des *royalties* ici et là. Cela va *double the trouble* comme on dit. Donc, ça vient encore compliquer la situation par rapport à la collection des droits pour les ayants droit de la musique à Maurice. M. le président, ce projet de loi aura quand même un lot de problèmes dans son application si ces détails dont je viens de mentionner ne sont pas pris en compte par le ministre.

M. le président, je pense que si on a avancé par rapport à cela, on a encore un bout chemin à faire et je souhaite bonne chance à ce nouveau projet de loi. Il y a beaucoup de travail qui nous attend et ce sera une occasion pour moi de tirer ma révérence au niveau du *board* de la MASA, et laisser la possibilité à un autre *Board* élu de prendre position mais je reste quand

même membre à part entière de la MASA et je veillerai à la mise en application et aussi à *the improvement of this piece of legislation that is in front of this Assembly today.*

M. le président, *I am done.*

(7.48 p.m.)

Mr R. Issack (Fourth Member for Stanley & Rose Hill): M. le président de la séance, permettez que je commence mon discours par une anecdote. Quelques années de cela, je me trimbalais dans un hôtel. Désœuvré, je regardais à droite et à gauche quand soudain j'entendis quelques notes de musique, une belle mélodie m'ensorcela. J'étais complètement figé parce que cette musique est restée quelque part en moi. Et quand j'ai cherché, quand j'ai voulu savoir qui était au piano, c'était mon ami, l'honorable Barbier lui-même.

Et c'est vrai, il est musicien, il est auteur, il est compositeur. Compositeur, je sais, parce qu'il a composé une chanson qui, pendant les élections générales - je crois que le Dr. Beebeejaun s'en souviendra - nous a fait danser. Et quelle chanson avait-il composée ? « *Cot mo coq licou tou ni ?* » C'était une très belle chanson. Peut-être il aura à la chanter une nouvelle fois. Mais, c'est pour vous dire que la musique, la chanson, l'art, c'est aussi notre ami, Jean Claude Barbier.

M. le président, il y a une question fondamentale que l'on doit se poser en lisant le projet de loi. Est-ce que ce projet de loi est dans l'intérêt des artistes, ou est-ce contre leurs intérêts. Je ne parlerai de l'aspect technique ; je ne m'appesantirai que sur l'aspect artistique. J'espère que vous allez comprendre l'essentiel de ce que je vais dire, même si cela paraîtrait tout d'abord farfelu, ou même superflu.

Imaginons l'honorable Madame Juggoo qui nous berce avec une chanson ! C'est arrivé plusieurs fois. Elle a une voix vraiment mielleuse. Il ne faut pas oublier notre ami, l'honorable Roopun qui, lui, quand il entend la chanson '*Chaudavi Ka Chand*', quitte ce monde, retourne en arrière ; il retrouve sa belle. Malheureusement, notre ami, l'honorable Bhagwan, n'est pas là. Il aurait rigolé s'il avait vu un film, parce qu'il aime bien cet homme, 'Hitler', rôle incarné par Charlie Chaplin. L'honorable Madame Labelle, nous l'avons déjà vu en Afrique du Sud, une bonne danse africaine ne la laisse pas insensible. Il y a du rythme. Un poème pourrait bien attendrir l'honorable Mademoiselle Anquetil. Et puis, il se peut qu'une belle photographie d'une

mère allaitant son enfant, puisse fossiliser le Dr. Beebeejaun, l'honorable Premier ministre par intérim, pédiatre de surcroît.

Cette éruption des sens, des émotions, provient d'où ? Des artistes ! Ce sont des artistes qui peuvent nous donner autant d'émotions, autant de sensations qui peuvent titiller notre intellect. Parce qu'ils sont des génies, parce qu'ils ont un don, parce qu'ils ont une passion. Il faudrait que nous prenions conscience de leur rôle dans notre quotidien. Et les artistes ne sont pas seulement des chanteurs, des musiciens ! Ce sont des hommes et des femmes qui possèdent un talent à l'état pur. Ce sont des personnes qui viennent de l'avant avec l'imaginaire. Ce sont des gens originaux en eux-mêmes. Ils sont inspirés, et ils nous inspirent. D'ailleurs, Virginia Woolf avait dit –

“La seule vie qui soit passionnante est la vie imaginaire.”

Justement, l'artiste cristallise l'imaginaire, l'artiste nous emmène dans un monde irréel bien souvent ; il nous fait voyager au-delà de nous-mêmes. Il nous fait comprendre la notion du beau, le sens du beau pour le corps, pour le cœur, pour l'esprit. Les artistes c'est le raffinement. Ils produisent tout le temps quelque chose qui ne nous laisse pas insensible ; c'est le beau. Je ne me souviens pas qui a dit cela, mais il y a un poète qui a dit –

“A thing of beauty is a joy forever.”

Donc, ayons une reconnaissance pour ces artistes. Nos artistes, c'est tout un patrimoine. Dans diverses sphères, nous avons des artistes qui nous ont enrichis, qui nous donnent un certain bonheur que nous ne verrions pas ailleurs. Notre littérature, par exemple, est vieille de deux siècles. Il y a des écrivains ! Mais je me pose la question parfois. Il y avait la MASA. Mais, est-ce qu'au sein de la MASA se trouvaient les artistes de toutes les catégories ?

Il est temps, M. le président, que nous cessions maintenant de gloser sur la MASA. La MASA, dans quelques instants, va être du passé. Il va falloir poser un regard sur l'avenir. Tout le monde le sait, particulièrement le ministre Mookhesswur Choonee. Quand je ne suis pas d'accord, je le dis. Quand je ne suis pas d'accord avec lui, je lui dis : je ne suis pas d'accord. Mais, aujourd'hui, je suis d'accord avec lui. Je suis d'accord avec ce projet de loi, parce que, comme l'a dit - malgré qu'il soit notre adversaire - le *Leader* de l'opposition aujourd'hui : c'est un pas en avant. Mais, en écoutant notre amie, l'honorable Madame Radegonde-Haines, elle, elle

a dit que nous faisons un pas en arrière. Donc, je ne sais pas qui a raison, qui a tort. Le *Leader* qui fait un pas en avant, et Madame Radegonde-Haines qui parle de marche arrière. Donc, peut-être c'est cela le pas de danse.

(*Interruptions*)

Mais il faut aussi que nous prenions cela en considération.

M. le président, nous avons dans notre pays, dans notre arc-en-ciel artistique, le polylinguisme. Est-ce que toutes les langues sont représentées au sein de la MASA ? J'espère, qu'avec la nouvelle formule, nous aurons toutes ces couleurs, toute cette ouverture. L'île Maurice c'est toutes les langues du monde ; c'est toutes les traditions.

Dans ce projet de loi, on parle également de folklore. Il y a la tradition orale, l'oralité, l'oraliture. Il va falloir que nous regardions l'art et la culture dans toute sa dimension qui dépasse l'universalisme. Il ne faut pas que nous ayons une vision réductrice ou restrictive de l'art et de la culture. Le projet de loi qui arrive est justement pour les artistes et quand on parle des artistes c'est de tous les artistes. On ne peut pas catégoriser. Il faut brasser dans le même creuset.

M. le président, nous avons une très riche culture. Nous avons des artistes, des écrivains et des chanteurs qui ont transcendé les frontières. On a qu'à penser à Mario Ramsamy qui chante 'Les démons de minuit', Jean-Marie Le Clézio de souche mauricienne qui est Prix Nobel. Il y a des artistes que nous avons eu tendance à négliger ou à mettre de côté mais qui pourtant font honneur à l'île Maurice. Je crois que c'est Loïs Masson qui a ses œuvres exposées dans des musées en Europe, aux États-Unis et au musée de l'Université de Montréal. Il n'y a pas longtemps il y a eu deux jeunes sculpteurs, un de Bambous, je crois, et une jeune fille de Roche Bois. Le jeune homme de Bambous, un certain Orian, si je ne me trompe pas. La jeune fille est une Kalleecharan. Deux sculpteurs de classe, ils ont du talent, ils pourraient avoir une carrière locale et internationale.

Oui, on parle de *copyright* mais l'art et la culture ne sont pas simplement les droits d'auteur. Ce sont des auteurs. Ce sont des créateurs. Ils créent. Ils cisèlent. Est-ce qu'on leur donne cette opportunité ? Est-ce qu'on les encourage ? Est-ce qu'on les encadre ? Je crois que

cela devrait être aussi la responsabilité et la mission de tous nos artistes et surtout ceux qui se trouveront sur le nouveau *Board*. Mais, malheureusement, notre ami Jean-Claude Barbier...

The Deputy Speaker : L'honorable Jean-Claude Barbier !

Mr Issack : L'honorable Jean-Claude Barbier - parfois on est trop ami et on oublie - ne doit pas démissionner de sa mission. Il se peut qu'il soit de nouveau sur le *Board*. Rien ne dit qu'on a tout effacé, bien au contraire ! La contribution de chacun est importante. Il ne faut pas faire de la politique. La politique de l'art n'est jamais l'art de la politique !

En art et en culture il n'y a pas de barrières, de frontières ni de couleurs. Nous sommes unicolores ! Toutes les couleurs de l'arc-en-ciel se mélangent et tout devient blancheur !

(Interruptions)

Rouge c'est l'Etat !

(Interruptions)

Rouge la fatigue zot hein !

(Interruptions)

Oui, M. le président, c'est bien, l'honorable Barbier a fait référence à Komiko. Nous avons des gens qui travaillent, qui s'escriment, qui s'éreintent et qui font tout pour faire vivre le théâtre. Mais, en même temps, c'est triste de constater qu'on a oublié le théâtre. Il faut que les artistes se serrent les coudes, qu'on se mette ensemble et qu'on travaille ensemble pour le bien-être de tous les arts, y compris le théâtre.

On ne fait presque plus d'histoire dans nos écoles et collèges. Mais il faudrait que nous revivions, que nous ressuscitions ce passé riche. On a eu des auteurs, des dramaturges comme Max Moutia. Je crois qu'il y a eu Arthur Martial. Dans le passé à partir de 1822 le théâtre de Port Louis fut inauguré, mais auparavant, il y avait Mahé de Labourdonnais qui avait initié le théâtre à l'Ile Maurice. On a connu des moments glorieux mais, malheureusement, aujourd'hui, nos deux théâtres - Plaza - se trouvent dans un état lamentable.

Il y a Gaëtan Raynal qui a écrit un livre sur le Théâtre de Port Louis. Quand j'étais Lord-maire je lisais ce livre, mais il y a des choses très intéressantes. Un jour, je crois que les pompiers étaient entrés dans le théâtre pour arroser tout le monde !

(Interruptions)

Oui, c'est vrai !

(Interruptions)

Je ne sais pas pour quelle raison ! Il y avait peut-être un grain de folie quelque part ou ils avaient reçu un ordre. Ils ont fait irruption dans le théâtre et ils ont commencé à arroser tout le monde. Il y a beaucoup de choses intéressantes que nous ignorons de notre propre culture et art.

Il faudrait donc que cette loi que nous apportons donne une nouvelle orientation justement à nos artistes et à ces gens férues de la culture. Je voudrais saisir, en passant, l'occasion pour remercier Finlay Salesse pour son émission 'Dimanche Culture'. Nous sommes en train de perdre, M. le président, les valeurs culturelles et artistiques qui s'étiolent. Pourquoi ? Parce que nous n'avons pas su, pendant toutes ces années, donner à tous ces arts leurs valeurs alors que ces valeurs là sont inestimables. Je l'ai dit, la MASA c'est du passé. Peut être qu'il ne faudra plus en parler et les artistes qui formaient partie de la MASA doivent au contraire s'estimer heureux qu'on vienne de l'avant avec une nouvelle loi pour eux ! La loi n'est pas pour l'honorable ministre des Arts et de la Culture. La loi est pour les artistes, pour l'Ile Maurice et pour le patrimoine. C'est tout un patrimoine qu'on veut préserver. Avec la nouvelle loi, nos artistes ne doivent pas se décourager. Ils ne doivent pas personnaliser le problème. Bien au contraire, c'est une autre occasion à saisir. Il faudrait tirer des leçons de ce qui s'est passé au niveau de la MASA. Il faut en tirer des leçons de l'incurie qui y a prévalu. Il faut tirer des leçons de tout ce qui a donné une mauvaise image de cette institution moribonde désormais.

J'espère de tout cœur que *the Rights Managament Society* jouera son rôle pleinement, que les artistes collaboreront avec nous, entre eux et tout le monde ensemble, pour l'épanouissement de l'art, de la culture, de tous les artistes. Néanmoins, je souhaiterais qu'il y ait une vraie démocratisation des arts et de la culture et que cette démocratisation soit reflétée au niveau de la composition de cette société naissante. Et aussi, je crois que notre ami, l'honorable Shakeel Mohamed avait parlé de cela. Il faudrait que tout se professionnalise. On ne pourrait jamais aller loin, on parle de la technologie, d'un monde en mouvance, un monde tout le temps évolutif, mais si on ne professionnalise pas, on n'ira pas loin. Il ne faudra pas non plus que la société soit une question de sous; *money is a bad servant*. Ça va nous desservir. Il ne faut pas qu'on soit focalisé uniquement sur l'argent. Mais ceci dit, n'oublions pas l'état de nos artistes; nos artistes

donnent tout, ils font tout pour nous plaire, pour plaire le public, mais dans quel état vivent-ils, qu'est-ce qu'ils ont, est-ce qu'on les encourage ? Bien souvent, ils ont à chercher des sponsors, ils ont à chercher de l'argent, alors qu'un artiste en lui-même c'est quelqu'un de riche. Ils nous partagent leurs richesses, ils nous donnent le meilleur, le plus profond de ce qu'ils ont à eux, ils nous le donnent. Ils nous donnent alors qu'ils n'ont rien. Mais il faudrait aussi que la nouvelle loi soit une nouvelle vie pour nos artistes et pour le patrimoine culturel et artistique de l'île Maurice.

Merci, M. le président.

The Deputy Speaker: I suspend the sitting for one hour and fifteen minutes for dinner.

At 8.14 p.m. the sitting was suspended.

On resuming at 9.35 p.m. with the Deputy Speaker in the Chair.

Mrs F. Labelle (Third Member of Vacoas and Floreal): Mr Deputy Speaker, Sir, my speech will focus on the first and the fifth declared main objects of this Bill. Mr Deputy Speaker, Sir, while looking at the Explanatory Memorandum we read that the main object is to be compliant with the WIPO Copyright Treaty and the WIPO Performances and Phonogram Treaty.

Mr Deputy Speaker, Sir, I start by asking a first question and I think hon. Roopun put nearly the same question. Can the hon. Minister confirm to this House that it is compliant with the WIPO Copyright Treaty or any other treaty that authors do not have a real say in a committee, in a society or organisation which administers their rights? Fortunately, there has been an amendment coming, otherwise I could have said they don't have any say in a committee.

Mr Deputy Speaker, Sir, what does WIPO say? WIPO says -

'In these countries, legislators also tend to intervene in order to ensure that this aspect of the copyright system may continue to prevail and to guarantee that the exercise and enjoyment of rights remain in the hands of the original individual creators or, at least, their collective bodies (rather than being transferred to corporate bodies in the management of which they do not have a real say).'

When I look at this committee and I say this is why WIPO says that because they are aware there is such a danger.

Mr Deputy Speaker, Sir, from what I have read, one of the main concerns of WIPO is the autonomy of authors for the simple reason that copyright is a private right and it is an exclusive right for the authors.

Mr Deputy Speaker, Sir, this is why if we look at Section 40 of the present law, we see that -

‘40. Rules

- (1) The Board may make such rules as it thinks fit in order to implement the objects of the Society (...).’

And, most importantly, this section stipulates -

- ‘(2) Any rules made under subsection (1) shall not be -
- (a) laid before the Assembly;
- (b) approved by a Minister; (...).’

and this to give autonomy.

Mr Deputy Speaker, Sir, you are in the Chair and if Mr Speaker was there, I am sure this would have reminded him of what he did to insert this paragraph in the law in 1997. It was after full discussion with the WIPO, according to my information.

When we look at Model Law of WIPO - and I think hon. Roopun asked that question - in which country have we such provision, as in this present Bill, for the establishment of the Society? This Bill is providing to manage rights of authors or owners of copyright because for the simple reason that the latter are encouraged to set up independent societies to manage their rights and this independence exists since long. If we go back we know that it is since 1770 with the copyright society for dramatic and literary works. We also know about the 1850, the first copyright society in France (SACEM) and so on. So, we have all these treaties, be it the Berne Convention, the WIPO and so on. The WIPO provides that they have these societies and, of course, they have to become a member of the CISAC which is also a private institution. However, Mr Deputy Speaker, Sir, we have, before this House, a Bill which provides the establishment of a society to manage the rights of authors, phonogram producers and performers and under merely – I say ‘merely’- the sole control of Government since when we look at the

section 43 and now, there has been an amendment, but it is all the officers: Attorney-General, Minister of Industry, so on and so forth. Now, with this amendment, the hon. Minister is proposing some three members of the society. This confirms this danger that the authors will not really have a say in the management of their rights.

Mr Deputy Speaker, Sir, to justify this new society, the hon. Minister has mentioned the misdemeanours of MASA and I had some difficulties to understand. I ask myself a question: why is the hon. Minister shooting him in his feet because when he was talking about all these misdemeanours it's as if the Ministry was completely absent in the affairs of MASA.

Just as a matter of example, the hon. Minister talked about the 10,000 DVDs. I don't know whether it was 10,000 or 5,000. Let it be. Concerning the "*Femme Océan Indien*", I think that the actual Chairperson of MASA was one of this *Femme Océan Indien* in this project. This decision was taken. Well, I am not saying that it was a right decision. It was in the presence of the representatives of Ministries, including the Ministry of Arts and Culture. The Minister said that all have stopped when the Director and the Deputy Director have been arrested. Has this been put aside when the Director and Deputy Director have been arrested? I don't know. The other misdemeanor he mentioned concerns the 50,000 holograms for Nigeria. He said that the holograms, like these famous DVDs, are lying in the stores.

According to my information, Mr Deputy Speaker, Sir, it was at the request of members of the African Committee of SISA that MASA ordered this hologram because MASA had an agreement with the provider and I think the hologram is about 15 cents each. This was to show what Mauritius was achieving through MASA. I think it was not Nigeria. It was Niger. I would have thought that a representative from the Ministry of Arts and Culture, as a Member of the Board, would have enquired to know why these holograms have not been sent to Niger. The Minister should inform the House, of what has happened? Why his representative is unable to tell us why these are still lying in the stores?

The hon. Minister was talking about holograms without going through the proper procedures. Is it that proper procedures were not followed or is it that the supplier for holograms has been kept confidential and this for obvious reasons? Because there were working sessions for the designs, committees where representatives of the Ministry of Arts and Culture were present.

There are records that letters were sent to PMO to request the assistance of Police, and so on. And this concerns the holograms.

Another misdemeanor is that no annual report has been prepared by the society. Here too for how many years? The hon. Minister did not mention the date of the last report. He proudly announced that he has appointed a new Board. Must I take it that this new Board has not provided him with the information? Can the hon. Minister precisely acknowledge which financial years have not been audited and reported? Is it after 2011 and up to now or before? I think these are information that we have the right to know.

Another misdemeanor that the hon. Minister mentioned is that the Bollywood singers and artists were left out of the system. Must I take it that the hon. Minister is not aware that copyright fees have been paid by MASA to the IPRS, the Indian Performing Rights Society, through MRA? And I have the figures for different years.

MASA paid Bollywood authors, composers and publishers who are members of the IPRS. Is the hon. Minister not aware that the famous authors of India are members of other societies like the PRS England, Switzerland, and so on? But as a matter of reciprocity, can the hon. Minister tell us whether the organisers of performances from Bollywood pay the necessary licence to MASA before giving concerts in the territory of Mauritius as per the provision of the Act.

My other question is: is the hon. Minister not aware that MASA has been one of the first societies in the world who paid copyright fees to IPRS for the presentation of Mahabharat show in Mauritius in the year 2009 or 2010? I am mentioning this, Mr Deputy Speaker, Sir, because I don't think that it is good for the image of our country to say that Bollywood singers and artists were left out of the system, particularly when I'm not sure that it is the case. Why such a statement? Is it because MASA refused to pay some Rs450,000 as air tickets to foreign artists who participated in the 2006 independence celebration? I don't know.

Mr Deputy Speaker, Sir, when I put this statement, together with the words of the hon. Minister, *je cite* -

« l'île Maurice, M. le président, est une nation arc-en-ciel, donc nous devons donner l'occasion à tous les artistes de s'épanouir en leur donnant des chances égales. »

Le ministre a peut-être trop dit ou pas assez.

Is the hon. Minister aware that MASA has financed the sega singers like Gérard Louis and Joganah on tours to Europe, the Bhojpuri singers like Mr Taucouree and Mrs Gujadhur to participate in musical festival and workshop in India and encouraged Gazhal singer like Idrish Lall Mohamed whom everyone knows? Has the hon. Minister sought information from MASA how many times IPRS has spent a penny for copyright fees for the benefit of Mauritian authors? We have our performers who go to India. How much money has been paid? We know that the actual Chairperson, for example, often performs in India.

MASA has sponsored shields for the competition. I think about the *séga de la rue*, the Bhagavad Gita recital and all these competitions of the MBC for oriental and the sega and so on. So, we need some clarifications. Is it not a fact that MASA had organised its MASA awards on different occasions. All categories of musical artistic and literal authors were recipients.

Another misdemeanour that the hon. Minister mentioned, Mr Deputy Speaker, Sir, the functioning of the Artist Solidarity Scheme Pension, has not been clear. Mr Deputy Speaker, Sir, on 21 June 2010, the hon. Prime Minister, Dr. Navinchandra Ramgoolam launched the pension plan. Must I take it, Mr Deputy Speaker, Sir, that the hon. Prime Minister launched a pension scheme, which after nearly four years is not clear? *C'est grave!* According to my information, Mr Deputy Speaker, Sir, this project was voted in a General Assembly in 2004, but was implemented in 2010, and the hon. Prime Minister launched this plan. Why in 2010? It is because the Ministry of Arts and Culture did not show much interest in the pension for artists.

All the procedures were left to MASA, and after long discussions with insurance companies, it was successfully launched by the hon. Prime Minister. And after four years, the hon. Minister is saying that the pension has not been clear. And, however, Mr Deputy Speaker, Sir, in 2011, when the Ministry took over the day-to-day running of MASA, the Pension Fund Committee was dismantled, and I think my information is correct.

Up to now, despite the fact that MASA is actually under the control of the Ministry, the pensions are being paid without proper monitoring. If the plan is not clear as the Minister stated in the House, I believe he owes this House, the artists, the population at large some explanations.

Another issue, misdemeanour, is the procedures for the recruitment of staff having bypassed leading to the overstaffing and so on. I do not know whether the hon. Minister is referring to a certain Mrs B.C who was suspended from her job, appeared before a Disciplinary Committee, dismissed by the Board in 2010. *Elle avait un massage particulier pendant les heures du bureau au bureau.* But she has been reintegrated in her job afterwards in 2012 by order of the Ministry of Arts and Culture.

In fact, Mr Deputy Speaker, Sir, she was responsible for the programmes for Niger. In this case, I am not going to ask the Minister for information. *Vous avez dit politique de petits copains!* Mr Deputy Speaker, Sir, this sends me back to the National Heritage Trust Fund, the saga and this has been sufficiently aired. The Minister knows well when I talked about the National Heritage Trust Fund, regarding this lady, *une protégée particulière* who has been blamed in different audit reports, suspended for I do not know how many years, but then gets back into her job.

Let us continue with MASA. Let us take a last example. I am to stop with that. I am going to take a last example of misdemeanour. The hon. Minister mentioned, I quote –

“I will not comment on the charges of conspiracy and of authorising of words without having ascertained the legitimacy that has been laid on the Director of MASA and also of his deputy. They have been interdicted after being arrested by the Police in July 2011 and February 2012 respectively.”

Mr Deputy Speaker, Sir, does the hon. Minister want this House to believe that he is not aware that both cases have been struck out, one on 13 March 2013 and the other one on 28 March 2013? Hon. Minister Mohamed mentioned the expenses incurred at MASA. These two gentlemen, since nearly three years now, have been suspended and after two years the case has been struck out, after one year - in March 2014, exactly one year - they are being paid their salaries, the artists are paying their salaries, they are sitting at home and there is an officer in charge who is an officer from the Ministry, he is being paid for this particular work. I think something like Rs40,000. An officer in charge getting a salary of some Rs40,000 who, of course, cannot be present at MASA, very often. He has his job at the Ministry of Arts and Culture. So, he is there from time to time. When the artists need him, he is not there and the poor artists are

paying for the two suspended gentlemen and an officer without receiving an appropriate service, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I will not dwell upon any further into the reasons given by the hon. Minister to grant himself more, as he said, ‘powers to check and correct the abuses’.

Mr Deputy Speaker, Sir, let me take another point. The Minister mentioned extensive consultations with WIPO, US Copyright office, US Patents and CISAC and other copyright scholars. Mr Deputy Speaker, Sir, I have taken cognizance of a mail from CISAC. I am, of course, going to table a copy of this mail. CISAC has never been consulted on this Bill and more so CISAC has requested a meeting with MASA and they have been informed that an appointment cannot be scheduled before October 2014. *Voilà ce que je lis dans le courriel, M. le président –*

“Malgré notre insistance, il disait que nous puissions suivre de près la révision à la Mauricienne, etc., malgré notre insistance, MASA n’a pas pu nous trouver une date avant la première semaine d’octobre 2014 pour cette visite.”

I am tabling a copy of this mail. In turn, I do not know whether the Minister can table the letter of recommendation emanated from WIPO acknowledging the provisions of this Bill. According to my source and information, the Copyright Director for Africa of WIPO has never seen this Bill which is in front of the House.

I am just asking you a question and I would like to be enlightened! Moreover, Mr Deputy Speaker, Sir, what about consultations with those who are directly concerned, that is, the authors, composers, publishers and so on. There was, in fact, a meeting in 2012 at the *Conservatoire François Mitterrand* where some selected artists were invited, but they never consented to the Bill which was presented to them and I think it was written ‘draft number 00’ and it did not contain all the provisions here.

I am also interested to know about the concerns raised by the AACM in a petition submitted. They submitted some 31 points. I am not saying that all the 31 points should have been taken care of, but what about requests such as - you mentioned it - *provision dans la nouvelle loi pour appréhender le piratage en ligne. Ils avaient suggéré que la Mauritius Telecom participe pleinement et de façon tangible à la protection des auteurs.* I think someone was

mentioning of what a country has done with You Tube. *Ils avaient demandé que la MASA assiste légalement les victimes du piratage, moyennant un accord entre la victime et la MASA* and some other points like that.

Mr Deputy Speaker, Sir, let me share with you what an artist told me some days ago. *Le Copyright Bill n'est pas...*

(Interruptions)

Non, mais ils se croient dans la cour de récréation, probablement, lui et sa collègue !

(Interruptions)

This is done towards the House.

The Deputy Speaker: Hon. Minister Seetaram, please!

Mrs Labelle: Je continue, M. le président.

(Interruptions)

The Deputy Speaker: Please, do not interrupt the intervener.

Mrs Labelle: L'artiste me disait, M. le président : "Le *Copyright Bill* n'est pas une loi de protection, mais c'est une loi de dépossession, par conséquent, anti-démocratique et anticonstitutionnelle."

C'est vrai, - avant l'amendement présenté - elle annule, du coup, l'Assemblée générale des artistes, et usurpe du même coup le pouvoir des ayants droit sur la gestion de leurs droits. Maurice est le seul pays au monde où les ayants droit sont mis à l'écart. On étatisé la culture !

M. le président, je ne dis pas que ce projet de loi est anticonstitutionnel ; je ne sais pas. Mais, parler de dépossession, j'ai tendance à partager cet avis. Je m'explique. M. le président, ce projet de loi prévoit de prendre les biens de la MASA, y compris un bâtiment acheté à plusieurs millions - mon collègue, l'honorable Barbier, en a fait mention. Le coût de ce bâtiment a été payé à partir des fonds provenant des travaux des artistes. Le gouvernement n'a pas contribué un seul sou dans l'achat de ce bâtiment ! Ce sont ces artistes ! Quand vous regardez ces artistes, sachez qu'ils ont contribué pour l'achat de ce bâtiment.

L'honorable Barbier l'a dit ! L'allocation que le gouvernement donne n'est même pas suffisante pour payer les employés de la MASA, et l'allocation est restée la même pendant des années, à R 950,000. C'est vrai que cela a été augmentée pour 2014 à R 1,045,000. Et voilà qu'une loi arrive, crée une entité qui va recevoir les biens de la MASA, y compris le bâtiment, mais il y a très peu de place pour les artistes au sein du comité de gestion de cette nouvelle entité. N'est-ce pas là faire preuve d'un manque de considération et de respect vis-à-vis de nos artistes ? Or, M. le président, l'autonomie des artistes est sacrée. J'ai mentionné ce que WIPO a dit. Ils se sont sacrifiés, ils n'ont pas perçu certaines sommes d'argent qu'ils auraient pu percevoir. Ils ont investi dans le bâtiment ; on prend le bâtiment et tous les ayants droit. Où est leur rôle dans ce comité de gestion ?

M. le président, je voudrais prendre un dernier point, notamment l'article 42 de cette loi, *Management of rights*, où il est dit que, et je cite -

“Copyright and related rights may be managed by an individual right holder or his lawful authorised agent (...).”

(Interruptions)

If I have to keep silent for the Members to talk, I can do so, Mr Deputy Speaker, Sir; if it is better for the House, for the other Members who are just giggling over there! You have to guide me!

The Deputy Speaker: If the hon. Member feels interrupted, of course, I will ask them to remain silent!

(Interruptions)

Please do not disturb the hon. Member!

Mrs Labelle: I was saying, Mr Deputy Speaker, Sir, that it is being stated -

“The copyright and related rights may be managed by an individual right holder or his lawfully authorised agent under a written contract of agency or power of attorney.”

What does WIPO say? We are talking about compliance with WIPO. It says -

“An author cannot contact every single radio or television to negotiate licences and remuneration for the use of his work. Conversely, it is not practical for a broadcasting

organisation to seek specific permission from every author for the use of every copyrighted work. It is impracticable to manage these activities individually.”

Sometimes, you tell people you are giving a choice, but *vous les mettez dans un trou! Si cela peut faire croire à certaines personnes qu’elles vont pouvoir* manage their rights and so on. *Qu’est-ce qui va se passer ? Donc, M. le président, je trouve cette provision dangereuse pour les artistes, mais je crois que l’honorable Barbier, en tant qu’artiste - moi je ne le suis pas - a lui-même mentionné ce fait.*

Mr Deputy Speaker, Sir, based on the above facts that I have just mentioned, I conclude that the reasons given by the hon. Minister to get rid of MASA do not stand good, and this Bill is in opposition with several provisions of the WIPO treaty regarding the autonomy of artists, authors and so on. If we dig further, we can even conclude that it is against the Universal Declaration of Human Rights, Articles 20 and 21, as well as Article 3 of the TRIPS agreement.

When we talk about the autonomy of the artists - I will end on that, Mr Deputy Speaker, Sir - may I remind the House that the actual hon. Prime Minister, some years ago - I think it was in 2009 - realised that the artists did not have sufficient autonomy. He set up a committee, which was chaired by late hon. Dr. David, to look into the autonomy of artists. On his passing away, I do not know what has happened to this committee, but I have to point it out that this very actual hon. Prime Minister did realise, and this is the reason for which he set up this committee. But, unfortunately, I think there has not been any follow-up, and we are today in the presence of such a Bill, where the autonomy of the artists is at stake.

I have done, Mr Deputy Speaker, Sir.

(10.07 p.m.)

The Minister of Industry, Commerce and Consumer Protection (Mr C. Sayed-Hossen): Mr Deputy Speaker, Sir, I am privileged to be part of the debates today on the Copyright Bill which was introduced in the National Assembly in December last, and for which I wish to congratulate my colleague, the hon. Minister of Arts and Culture.

While preparing my submission, Mr Deputy Speaker, Sir, I did some research and I found something which was quite interesting - and probably other Members of this House know about it -, namely that copyright law, albeit not under the same guise, was initiated some three

centuries ago, not with the objective of protecting literary rights, but with the objective of liberating artistic, mainly literary works, by limiting the term in terms of time, of exclusivity before the works entered the public domain and could become valid for reproduction. In those days, end of 17th and beginning of 18th century, in the days when most artists would only survive if they had a sponsor, *un mécène* - copyright meant democratisation against the power of monopolies and the power of money actually, even against the power of monarchies in certain places. In those days, copyright freed knowledge and creativity. It was only at the end of the 19th century that the Berne Convention came about to provide authors with rights over their intellectual production.

Actually, Mr Deputy Speaker, Sir, the last decades have witnessed tremendous changes in society from the social and cultural point of view, economically and even physically. Creators today, artists, contribute to the creation of economic wealth also, to social wellbeing and cultural diversity in many countries.

I remember that The Guardian, for example, wrote about that very beautiful book: 'A Fine Balance' written by the young but brilliant Indian author, Rohinton Mistry and 'The Guardian' said that - talking about the book - like all great works of fiction, this book enhances our understanding of life. In general, Mr Deputy Speaker, Sir, culture adds value to life but, most especially, reflects the spirit and the identity of a nation. And, of course, things have evolved.

Nowadays, the scope of the very concept of copyright has widened and the advent of new digital technologies has greatly facilitated the creation and the reproduction of new works. Therefore, in such a context, there was a glaring need to review our Copyright Act which dates back, if I am not mistaken, to 1997 and my colleague, the hon. Minister Choonee, has dared to take up the challenge, if I may say, to face the music and undertake that long overdue exercise. The new legislation, indeed, takes into account the present situation and addresses the ongoing difficulties which artists, as a whole, meet in their professional career.

I have listened attentively to my colleague, hon. Mrs Labelle, and a few times actually, hon. Mrs Labelle mentioned the word 'dispossession' or 'dispossessed' and also mentioned that the autonomy and the independence of artists is a sacred right. We agree, but I see nothing in this Bill, Mr Deputy Speaker, Sir, that would limit the creativity of artists or would dispossess the

artists neither of their power of creating nor of the assets that they have, with their own sweat and labour and mind and intellect, created.

This Bill is more about structures. It's not about limiting the creativity of artists; it's not about putting artists in a specific framework and requesting them to create and to perform in that limited framework. Indeed what hon. Mrs Labelle probably has forgotten to mention is that this Bill responds positively to requests - maybe unspoken requests but still requests - which have been formulated by artists themselves, because we all know that artists have been constantly complaining about the present mechanism which does not cater for their needs and indeed jeopardises their own survival. The main contention is that a few artists have been busy hijacking this mechanism and have acted in their own self-interest instead of pursuing the cause of artists in general. The entrenched perception, which has been created, is that a few privileged ones have had no respect for democratic values as they have been acting to the detriment of the majority and these few ones have also been at the same time judge and party. During copyright distributions, they are the ones who ratify their own remunerations apparently without ensuring a fair and equitable share to fellow artists constituting the majority.

Moreover, with globalisation and the rapid development of information technology, our artists - artists in general, but here we are talking about our artists - are at the mercy of the element of piracy impacting negatively on their sources of revenue. There is, thus, a need to strike the right balance so that all the stakeholders receive their fair share, their equitable share which in turn with multiplier effect will bring along social and economic development for all and this new Bill, indeed, Mr Deputy Speaker, Sir, adopts both a democratic approach as well as a holistic approach to the complex problems of not only artists but also of all other relevant stakeholders such as broadcasters, record companies, publishers, phone users, etc., etc.

This approach is indeed revolutionary as it deals with a problem from a macro perspective instead of the micro one presently in force and, the end result, the objective that is expected is a system which is transparent and accountable.

As pointed out by my colleague, the hon. Minister Choonee, creativity and the legislative requirements to promote and protect creativity constitutes one of our main preoccupations. Artists cannot operate in a vacuum. I take good note of what hon. Mrs Labelle has said about the sanctity of the autonomy and independence of artists, but still artists cannot operate in a vacuum

which is the reason why there have been a number of legislations worldwide, globally to protect artists against piracy, against illegal and illicit reproduction.

An artist whatever, however free they are needs to be cushioned in a framework which protects their products so that they may improve their own standard of living through the cumulative remunerations of their efforts. And, the new Copyright Bill provides the appropriate conditions and environment for the take off of the creative industry. It will provide opportunities to creators, performers and artists to unleash their potential whilst earning a decent living, because it is essential, Mr Deputy Speaker, Sir, that we keep pace with the development in technology and recognise its use by consumers, but we also have to acknowledge the contribution of creators in enhancing the daily life of our citizens. We need, on one hand, to fight piracy and on the other hand, to boost creativity.

Mr Deputy Speaker, Sir, my colleague, hon. Minister Choonee has already highlighted the details and the objectives of this Bill and it is not my intention to repeat what has already been said. However, I wish to lay emphasis on an issue which many tend to overlook, but which according to me is of utmost importance. I am here referring to our international obligations which have been mentioned by a few of my colleagues in this House. Our adhering to concerned bodies and institutions and compliance with international treaties compel us in one way or another to provide the right and relevant legal framework. To date, as far as I know, there are four such instruments; the Universal Copyright Convention, UCC, 1952 Geneva to which we adhered on 20 November 1970, the Berne Convention for the Protection of Literary and Artistic Works to which we adhered on 10 May 1989, the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) on 01 January 1995 and the Beijing Treaty on Audiovisual Performances on 26 June 2012.

As technology is fast progressing, Mr Deputy Speaker, Sir, there is a need to not only update to keep abreast of new developments, but also to safeguard and protect our local artists. In Mauritius when we refer to copyright in many quarters this is being equated to MASA. While this is obviously and evidently not strictly speaking the case, it cannot be denied that an important part of this new piece of legislation covers the area which is now under the responsibility of MASA, and we all know that numerous complaints have been received from artists themselves about the functioning of this organisation.

My colleague, the hon. Minister Choonee has already highlighted the numerous shortcoming of this organisation, not only himself but even some hon. Members on the other side of the House have highlighted the shortcomings of MASA; the way it has been operating up to now.

Indeed, MASA has been operating in an opaque manner and without any accountability, let alone transparency. So much so that Police investigations in its operational set up has led to arrests and suspension of key members of its management team. Internal auditing has also shown serious operational mismanagement resulting in substantial loss of revenue for artists and, of course, there is also the perception that MASA operates for the benefit of a few to the detriment of the majority. Of course, this unenviable situation calls for immediate redress. A respected institution needs to operate in transparency and the Board and management are both required to be accountable. All members of MASA should enjoy the same rights and privileges and there cannot be a distinction based on any sort of criterion.

The need to revamp MASA is a glaring need so that it may capture the confidence of artists who will be invigorated to produce more for the social and economic progress of our society and this Bill provides for a new set up based on transparency, accountability, quality service together with good corporate governance. The new Rights Management Society which is called upon to replace MASA will bring the fundamental changes required so as to address the issues I have just mentioned. The composition of the new society is also being reviewed so that it remains nimble in structure, effective in delivery and with a democratic, transparent and accountable set up. This Rights Management Society will also operate, Mr Deputy Speaker, Sir, in a broader perspective than MASA as it will incorporate related rights also known as neighbouring rights which are the rights of performers, producers of phonograms and broadcast in organisations as is provided for in section 43 of the Bill.

Mr Deputy Speaker, Sir, this new Copyright Bill, especially with the introduction of an elective process in the structure, will empower artists to take a new course of action where decision-making will remain in their hands. It is indeed empowerment. I am convinced that the majority of artists as well as others, at least those stakeholders who are concerned by this, will undoubtedly welcome this new landscape which is definitely a paradigm shift from an outdated, obsolete, potentially abusive set up to a modern, transparent and accountable mechanism. Those

few whose privileges are being eroded by this Bill, will undoubtedly shout on the rooftops, will undoubtedly cry wolf, but I think they should be reminded that the chaotic situation that is presently the case, has to meet the end that it rightly deserves.

This Government is resolute to democratise the process as is being done and the mechanism for this sector in order to bring about the transparency and accountability, especially a fairer and more equitable system for the benefit of artists as well as for other stakeholders.

I thank you, Mr Deputy Speaker, Sir.

(10.24 p.m.)

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, ceux qui nous observent aujourd'hui pourraient se demander, mais au final, y a-t-il consensus autour de ce projet de loi. La réponse est oui et non parce que comme le disait plus tôt l'honorable *Leader* de l'Opposition, ce projet de loi, à la lumière, au regard de l'amendement introduit cet après-midi pour réintroduire le principe électif au Conseil d'Administration du nouveau *Rights Management Society* est un pas en avant mais insuffisant.

Donc, oui et non ! Oui, il y a consensus dans la mesure où, depuis longtemps déjà, le monde de l'art et de la culture réclame une mise à jour, une actualisation du cadre légal régissant les droits d'auteur dans notre pays. Oui, il y a consensus lorsque l'honorable ministre, le gouvernement, à travers ce projet de loi, vient introduire les dispositions spéciales pour ce sujet, un handicap visuel. Qui pourrait ne pas applaudir ? Oui, il y a consensus dès lors qu'en termes de recours légaux, il y a de nouvelles voies de se faire justice qui sont offertes aux créateurs, aux artistes. Là-dessus il ne saurait y avoir débats. Mais par contre, quant à certaines dispositions de ce projet de loi, il ne peut y avoir consensus. Je m'explique.

Mais avant que je m'explique, laissez-moi répondre à une observation de l'honorable ministre Mohamed qui disait que voici un projet loi où l'on ne peut faire de politique. Je ne suis pas ce raisonnement parce que dès lors que nous parlons de la liberté de créer des artistes, de la liberté à être octroyée au monde de l'art et de la culture, tout devient éminemment politique car notre perspective, notre positionnement découle d'une vision politique de ce que doit être notre société.

Mais permettez que je m'explique pourquoi je dis qu'il n'y a pas nécessairement consensus sur tout ce que représente ce projet de loi, mais avant même le projet de loi sur le procédé adopté par l'honorable ministre. M. le président, cela fait 18 ans que je siége à cette Chambre, donc, j'ai une certaine expérience parlementaire.

(Interruptions)

Ceux qui ne veulent pas écouter peuvent quitter la Chambre. Je suis sûr que vous conviendrez de cela, M. le président. Nous sommes en démocratie. Je suis, ici, pour m'exprimer librement et ceux qui ne veulent pas écouter peuvent quitter la Chambre.

(Interruptions)

The Deputy Speaker: Yes, I do not want any interruptions, please !

Mr Obeegadoo: Je disais, M. le président...

(Interruptions)

The Deputy Speaker: Hon. Minister Jeetah !

Mr Obeegadoo: *Boucou leçon capav donne toi, bizin donne toi !*

(Interruptions)

The Deputy Speaker: I am sorry. Please, resume your seat! Hon. Minister Jeetah, I do not want you to interrupt the hon. Member.

(Interruptions)

I am sure you have got the message, hon. Minister Jeetah!

Mr Obeegadoo: M. le président, je disais que nous avons témoigné d'un fait assez rare au sein de cette Chambre avec des amendements proposés à la dernière minute. Mardi dernier déjà, lors de l'allocution de l'honorable ministre, la présentation du projet de loi en deuxième lecture et encore une fois aujourd'hui des amendements circulés à 16h30 juste avant que n'intervienne l'honorable *Leader* de l'Opposition, des amendements à la onzième heure pour ne pas dire à l'emporte-pièce. Et comment expliquer cela, M. le président ? J'ai lu et j'ai relu, une fois n'est pas coutume, le discours de l'honorable ministre des Arts et de la Culture qui nous rappelle que ce projet loi, il le prépare depuis 2006. Voici déjà sept ans,...

(Interruptions)

Non, non, lui, il n'était pas là en 2002.

(Interruptions)

Si, il y était peut-être ; mais c'est en 2006 qu'il sollicite et qu'il obtient la collaboration du WIPO, des consultants nous viennent de l'extérieur pour ce qu'il appelle *to conduct an in-depth analysis* et je vais résumer.

In 2009, another study was carried out by trade.com and since then my Ministry and the State Law Office have had extensive consultations with WIPO; extensive consultations have been held with the artist community since November 2011; a draft zero of the Bill was presented to the artist community during a workshop held at Domaine Les Pailles. Other consultations were also held either on the sectoral basis or in groups. The latest consultation with artists in Mauritius was held in September last. The Bill was again reviewed by the consultants of WIPO and WTO this month, itself, during a Consultative meeting on TRIPS.

Eh bien, lorsque ce projet de loi est finalement introduit à l'Assemblée nationale, pas cette semaine-ci ni la semaine dernière mais le 06 décembre 2013, l'on se serait dit mais c'est un projet de loi mille fois visé, révisé, perfectionné, relu, corrigé ; bref, un modèle de projet de loi. Et du 06 décembre 2013 à la reprise parlementaire, la semaine dernière le 25 mars, nul l'amendement recommandé par ces experts illustres nul l'amendement recommandé suite à toutes ces consultations avec les artistes jusqu'à mardi dernier, où nous parvienne la première série d'amendements du ministre.

Comment se l'expliquer ? Je ne me l'explique pas parce que, M. le président, j'ai moi aussi une expérience ministérielle. J'ai eu l'honneur d'être ministre au sein de trois gouvernements sous trois différents Premiers ministres. Certes, je n'ai pas été ministre aussi longtemps que le ministre Choonee parce que moi, de toute manière, j'ai été loyal vis-à-vis d'un seul parti dès mon engagement en politique, mais j'ai quand même une certaine expérience. Je sais très bien qu'un projet de loi ça se prépare, ça se discute avec tous les concernés ensuite on présente une ébauche devant le Conseil des ministres, qui est discuté, amendé, approuvé et ce n'est qu'alors que le projet de loi est peaufiné avec l'assistance du Parquet pour être présenté en première lecture; circulé à l'Assemblée nationale.

Donc, ce projet de loi qui est déposé le 06 décembre 2013 ne tombe pas du ciel. Il découle de tout un long processus de consultation sept ans durant et approuvé par le Conseil des ministres et pourtant ne voilà-t-il pas que, mardi dernier, toute une série d'amendements sont proposés par le ministre, et l'Opposition demande alors le report des débats pour nous permettre de prendre connaissance de ces amendements. Et nous revenons à l'Assemblée une semaine plus tard, prêts pour intervenir, et là, alors à 16h30 aujourd'hui une deuxième série d'amendements sont apportés, ne laissant aucune chance à un député qui veut vraiment comprendre chacun de ces amendements le temps de lire et de saisir la portée de chacune de ces modifications proposées au projet de loi. Pourquoi ? M. le président, je n'arrive pas à comprendre d'autant plus que j'ai essayé de faire l'effort de lire un à un ces amendements et le résultat est assez éloquent.

La première partie de tout projet de loi, comme vous le savez, ce sont les définitions ; alors, il y a toute une série de changements apportés aux définitions. Par exemple, *what is 'publication' and 'published'* qui est complètement reformulé, remanié; les sous paragraphes 2 et 3 de la clause 2 sont biffés tout simplement. La clause 3 qui explique avec force détails quel est le champ d'application de la protection des droits d'auteur qui est totalement levée. La sous clause 3 qui parle des droits de l'auteur d'autoriser des copies, etc., est enlevée. La sous section 4, qui dit: *'the protection of work shall not be subject to any formality'*, qui existait dans l'ancien projet de loi, est enlevée et cela est de même pour la clause 4 qui pourtant vient nous offrir une définition de ce que sont les *derivative works* ; de même pour la clause 6, *Economic Rights*. Et je lis, je relis et je me dis: c'est vrai que cette loi qui nous a été présentée était rédigée de manière un peu approximative. Finalement on enlève des répétitions, des clauses qui répètent ce qui était dans la section dans la clause de définition.

I know too well the competencies at the State Law Office to attribute to the State Law Office the responsibility for such revisions one after the other of the Bill. La réponse doit être ailleurs, M. le président, et j'espère que le ministre viendra nous expliquer pourquoi, comment. Quelqu'un de ce côté de la Chambre me disait qu'il doit justifier le score que lui est attribué par le sondage de « L'Express », mais non, je n'irai pas aussi loin. Je n'arrive pas à comprendre. Vous savez si j'avais demandé le report des débats, je suis sûr que mardi prochain il y aurait eu encore une série d'amendements, mais comment peut-on parler de bonne gouvernance du pays, M. le président ? Comment peut-on parler de la responsabilité qui nous incombe en tant qu'élu,

de viser correctement un projet de loi, si l'on nous impose à la toute dernière minute des amendements comme cela était le cas aujourd'hui à 16h30 ? Si encore la seule clause à être amendée avait été la composition du conseil d'administration pour réintroduire le principe électif, j'aurais pu comprendre qu'il y a là un ministre attentif au propos du *Leader* de l'Opposition qui voudrait dégager un consensus autour de ce projet de loi. Mais comme je vous le disais, c'est toute une série d'amendements.

(Interruptions)

Il semblerait que mes propos dérangent certains. Je disais, donc, M. le président, je ne m'explique pas. Le procédé adopté pour ce projet de loi est une véritable insulte au bon fonctionnement de notre parlement et à la bonne gouvernance.

Ensuite le deuxième aspect de ce projet de loi ou à l'image de mes collègues, l'honorable Barbier et l'honorable Madame Labelle, l'on ne peut suivre le gouvernement, c'est le procès qu'il fait à la MASA. Soyons clairs! Que la MASA ait fait l'objet d'une gestion calamiteuse, cela a été dénoncé en premier lieu par l'Opposition. Ce sont mes collègues, l'honorable Barbier et l'honorable Madame Radegonde-Haines qui ont présenté tant d'interpellations au parlement pour faire la lumière sur le fonctionnement de la MASA, donc ce n'est pas de mon propos de venir défendre la gestion, sans doute calamiteuse, de la MASA des années durant.

Mais la question qu'on se pose c'est: à qui la faute ? Dès lors qu'on considère les dispositions de la loi de 1997 et que l'on prenne conscience du fait que la majorité, au conseil d'administration, était désignée par le ministre, que le président du conseil d'administration était désigné par le ministre, qu'il y avait, donc, une quasi-majorité de fonctionnaires, de représentants de divers ministères ; dès lors que l'on sache que le directeur tout-puissant de la MASA est lui-même désigné par ce conseil d'administration. A qui la faute ? Comment peut-on oser faire porter le chapeau aux artistes ?

Lorsque le ministre, mardi dernier, vient présenter un projet de loi qui nie le principe électif, qui nie le droit au monde des arts et de la culture d'élire leur représentant au conseil d'administration de cette nouvelle institution à être créée, c'est faire porter le chapeau de la mauvaise gouvernance à la MASA, aux artistes, en leur disant : 'mesdames et messieurs, c'est vous les responsables de la catastrophe qui a été la MASA, donc, vous ne pouvez pas, vous n'êtes plus compétents pour désigner ceux qui vont gérer la MASA.' Et c'est l'Etat qui va tout

reprendre. C'est l'étatisation qui est, donc, le recours, la solution, le remède à la faillite des artistes. C'est ce que venait nous dire le ministre et j'ai lu et relu son discours de mardi dernier. Et pourtant, à qui la faute ? Pas une seule fois le ministre est-il venu nous dire pourquoi, comment, furent désignés ceux qui ont présidé à la destinée de la MASA durant toute cette période de gestion calamiteuse.

Comment le ministre ne peut-il pas reconnaître les efforts de cette nouvelle équipe qui depuis deux ans sous la férule de notre collègue, l'honorable Barbier, avec l'équipe qui se fit élire au conseil d'administration, sous la direction de Mme Meera Mohun nommée par le ministre, cette équipe qui a tenté depuis deux ans de redresser la MASA, de faire la lumière sur tous les excès passés, de remettre sur ses jambes la MASA. Il faut bien rendre hommage à cela, ces artistes qui ont tenté, tant bien que mal, de faire leur travail correctement. Et cela, le ministre n'en a pipé mot ! M. le président, comment dès lors être d'accord ensuite ? Je pourrais donner tant d'exemples de situations, de circonstances où c'est le ministère, lui-même, qui a trainé les pieds.

Quelques exemples pour faire vite ! Aujourd'hui même, au cours de la rencontre avec la presse, les artistes ont parlé de l'augmentation des tarifs qu'a proposés le conseil d'administration de la MASA depuis 2013 déjà et par rapport à quoi le ministère n'a pas réagi. C'était, sans doute un moyen, parmi d'autres, d'aider la MASA à se relancer. Je pourrais donner en exemple, la *Mauritius Broadcasting Corporation*, qui, parce qu'elle bénéficie de la protection de l'Etat est toujours en retard dans les versements de ses cotisations à la MASA.

Je pourrais donner l'exemple découlant de la clause 13 de la loi de 1997. Vous savez sans doute, M. le président, que puisque l'on ne peut récolter les cotisations, les paiements, dès lors qu'il y a un téléchargement par voie électronique, c'est à la douane qu'on est censé appliquer *a levy* sur les instruments d'enregistrement et parce que le ministère n'a pas daigné faire des règlements pour rendre opérationnel cette clause 13, il n'y a jamais pu avoir collecte de revenus à la douane. C'est un fait connu de tous qui s'intéressent à ce domaine. Voilà donc des exemples de là où le ministère a trainé les pieds. C'est pour cela qu'on se pose la question : si la MASA n'a pas fonctionné comme elle aurait dû l'avoir fait ces dernières années, à qui la faute ? Pourquoi dès lors sanctionner les artistes en leur niant jusqu'aujourd'hui, 16h30, le droit d'élire leur représentant ? Et l'avenir, M. le président ! La MASA va, donc, disparaître, selon les vœux

du gouvernement, pour être remplacée par la *Rights Management Society*. La *Rights Management Society* qui aura un conseil d'administration. Avant, vous le savez, ce conseil d'administration était composé de 15 personnes. Huit personnes désignées par le ministre et sept élues par les artistes.

La semaine dernière l'on nous proposait neuf membres : cinq fonctionnaires, quatre experts désignés par le ministre. Les artistes, les créateurs avaient tout simplement disparu. Suite à la prise de position vigoureuse de l'Opposition, l'on introduit trois nouveaux membres à être désignés par les membres de la société eux-mêmes et l'on augmente les représentants de l'Etat à six. Donc, les artistes, c'était 7 sur 15. Mardi dernier, ils étaient 0 sur 9 ; aujourd'hui, ils sont 3 sur 11. Comme le disait le *Leader* de l'Opposition, un pas en avant, mais de toute évidence insuffisant.

Voyons au-delà du conseil d'administration, quelle sera la gestion de cette nouvelle *Rights Management Society* ? C'est là que j'ai été édifié par le ministre Mohamed qui est venu cet après-midi donner un cours magistral au ministre des Arts et de la Culture sur ce qui se fait au-delà de nos frontières et comment devrait être gérée cette *Rights Management Society*. Il n'est pas dans mes habitudes de citer le ministre Mohamed, mais allons voir ce qu'il nous disait cet après-midi. Il nous a dit que, comme on le sait, à l'extérieur le principe général pas plus de 30% de ce que l'Etat, de ce que la société peut obtenir comme revenus pour les artistes, 30% pour les frais administratifs, 70% pour les artistes. A Maurice, c'est le monde à l'envers, près de 60% au-delà de 50%, mais près de 60% pour les coûts administratifs et le reste pour les artistes, les miettes. Pourquoi ? Ou bien l'on n'arrive pas à récolter les revenus que l'on devrait ou bien il y a des excès pour ce qui est de la gestion elle-même ou les deux à la fois. Donc, le ministre Mohamed nous dit quoi ? Il nous dit –

“to bring down the cost of management, we must do away with the traditional way of managing, of running the show. We cannot entrust this new Body to civil servants.”

Voilà ce qu'il nous dit -

« It must be run as a business. »

Et il donne l'exemple de la Grande Bretagne -

“ (...) where there is a private agency that is licenced for the business of revenue collection.”

Et il fait des suggestions quant à l'IBA, le contenu en programmes locaux pour tout ce qui est présenté à la radio et nous cite La France où la SACEM est dirigée par les artistes créateurs mais la gestion au quotidien est confiée à des professionnels du privé. Voilà la très belle leçon qu'a donnée le ministre Mohamed au ministre Choonee. Mais a-t-il été entendu ? Au regard du projet de loi, certainement pas ! Au regard du projet de loi, M. le président, en terme de gestion nous allons retourner à exactement la même situation, mais en pire ! Parce qu'avant il y avait quand même un conseil d'administration avec des artistes comme Meera Mohun, comme Jean-Claude Barbier, qui allaient veiller à ce qu'à la fin du jour ce sont les artistes qui bénéficient de l'opération de cette société. Je n'ai rien contre les fonctionnaires, c'est le ministre Mohamed qui disait qu'il ne faut pas confier aux fonctionnaires le *management* et c'est ce que propose le ministre Choonee. Il n'y a qu'à voir la composition du conseil d'administration! Ceux-là vont choisir le directeur. Mais, attention! Avant que je ne vienne au directeur, je voulais insister dessus, la pratique internationale, ce n'est pas l'étatisation ! Je souhaiterais et je le demande de manière la plus solennelle qui soit que le ministre vient nous citer en exemple quel est ce pays démocratique, quelle est cette démocratie avancée où la gestion des revenus des artistes se fait par l'Etat? Se fait sous le signe du monopole d'Etat? L'étatisation des arts et de la culture, est-ce de la bonne gouvernance? Donnez-nous l'exemple d'un autre pays qui agit de la sorte, M. le ministre ! Au contraire! Si Maurice devait suivre les bonnes pratiques sur le plan international, il faudrait que les artistes, les créateurs puissent jouer pleinement leur rôle au sein du conseil d'administration et que la gestion soit confiée à des professionnels du privé, bien sûr, avec un droit de regard de l'Etat et du ministère. Voilà ce qui devrait se faire et voilà ce que précisément ne fait pas et ne propose pas ce projet de loi.

Un de mes collègues du barreau m'a même donné un exemple, M. le président. Il m'a donné l'exemple du projet 'Maurice C'est un Plaisir' pour lequel on avait commandité la préparation d'un logo. Ce logo est un 'V' à l'envers avec un petit point. Je ne sais pas comment on pourrait décrire cela. C'est un 'V' à l'envers avec un point en dessus.

(Interruptions)

Une montagne avec une tête! D'accord ! Au coup de R 30 millions, paraît-il ! Vous me direz pourquoi je parle de cela, quelle est la pertinence! Eh bien, si l'on va confier la *Society for the Rights Management* à l'Etat, l'on se serait dit que l'Etat sait protéger ses intérêts. Eh bien, surprise, surprise! Tout récemment, il y a une compagnie privée du nom de Tamac Distribution *Ltd.* qui a enregistré le même logo comme étant le sien!

(Interruptions)

Alors, me disait ce collègue, si l'Etat est incapable de protéger ses droits eu égard à un logo qui a coûté R 30 millions, comment cet Etat va-t-il, à travers ses représentants, protéger les droits d'auteur, de nos créateurs et de nos artistes? Où allons nous, M. le président avec ce projet de loi?

L'avenir, le bâtiment de la MASA, je ne m'étendrais pas là-dessus car je pense que mes collègues, l'honorable Barbier et l'honorable Mme Labelle ont bien souligné les préoccupations immédiates des artistes en face à ce qui ressemble à *a compulsory takeover*, la dépossession et l'appropriation et...

(Interruptions)

... l'expropriation - merci honorable Roopun - pour ce qui est d'un immeuble qui a été construit ou acheté aux frais des artistes.

(Interruptions)

Acheté et rénové. Tout cela j'espère que le ministre viendra nous expliquer comment l'Etat se propose de justifier cette appropriation avant qu'elle ne soit contestée devant les tribunaux.

Donc, le fonctionnement proposé de ce *Rights Management Society* ressemble trop à ce que fut la MASA. Prenons l'exemple du directeur. Il va y avoir dans cette nouvelle structure un directeur tout-puissant comme ce fut le cas pour la MASA. Voyez la nouvelle loi, il y a une clause qui nous dit -

« *The society will be composed of -*

(a) The Director or his representative;

(b) Any other divisions that may be created.”

Je simplifie. Tout comme ce fut le cas pour la MASA. Donc c'est du pareil au même et pire avec l'étatisation puisqu'il n'y aura pas de représentant des artistes et des créateurs au sein du conseil d'administration! Vous comprendrez donc, M. le président, autant nous voudrions qu'il y ait consensus sur un projet de loi pareil, au final comme le dit le *Leader* de l'Opposition, un pas en avant oui mais nettement insuffisant.

Nous avons une autre inquiétude qui a été évoquée par mon collègue l'honorable Barbier. C'est la collecte des revenus aux artistes. Auparavant il y avait la MASA et la MASA seule. Je me réfère à la clause 13 de la loi de 1997. Tous les revenus sont payables à la MASA. Désormais cela change. Selon la clause 16, renforcée par la clause 35 de la nouvelle loi -

« Those dues, the revenue, the remuneration will be payable to either the author or the copyright owner or to the Society. »

This, Mr Deputy Speaker, Sir, is a recipe for disaster and nothing less!

Comme le disait un artiste aujourd'hui dans leur rencontre avec la presse, c'est quelqu'un du nom de Richard Hein, que je ne connais pas et qui vient poser la question et dit -

« Est-ce que chaque artiste ira frapper à la porte des radios, par exemple, pour réclamer son dû ? »

Dans d'autres pays ce n'est pas le cas ! Le ministre Mohamed a donné l'exemple de la SACEM qui fait le travail pour les artistes. A Maurice on va désormais laisser à chacun. Donc, vous vous imaginez chaque peintre, chaque sculpteur ou chaque chanteur débutant va aller frapper aux portes des radios pour demander son dû. Mais ce n'est pas faisable! Cela va se faire au détriment des artistes qui luttent pour joindre les deux bouts. J'estime que c'est une erreur grave. C'est faire fausse route et c'est condamner de nombreux artistes à la précarité et objectivement cela va décourager ceux qui rêvaient de pouvoir vivre de leur art. Je ne sais d'où vient l'inspiration du ministre pour proposer une telle solution qui va, encore une fois, à l'encontre de ce qui se fait dans d'autres pays dont nous pourrions nous inspirer, qu'il s'agisse des États-Unis, de la France ou de l'Angleterre.

Donc, je vais conclure, M. le président, en disant que, oui, c'est un pas en avant, nous avons une nouvelle loi après dix-sept ans, mais largement insuffisant. Largement insuffisant, parce que le monde des arts et de la culture qui est - j'espère qu'on le réalise au sein de cette

Chambre - tellement important à la vie de la nation mauricienne. Nos artistes, nos créateurs méritaient mieux que cela, M. le président ; méritaient bien mieux que cela. C'est, donc, une occasion ratée que ce projet de loi; une occasion ratée de valoriser nos créateurs, nos artistes ; une occasion ratée de leur doter de moyens de pouvoir vivre de leur art, de pouvoir vivre de leur activité créatrice.

C'est, donc, une occasion ratée d'encourager, de promouvoir, de susciter l'évocation artistique, et de démocratiser l'accès à l'art ; une occasion ratée et, que dire d'autre, qu'il nous incombera, donc, à nous, dans un proche avenir, une fois au gouvernement, de revoir la copie du ministre, en accord avec les meilleures pratiques internationales, à l'écoute des artistes et des créateurs. Il nous incombera, à nous, d'apporter tous les amendements qu'il faudra à ce projet de loi. Et voilà, pourquoi, bien malgré nous, parce que nous aurions souhaité un consensus parfait, il nous faut conclure en disant: un pas en avant, mais nettement insuffisant.

J'en ai terminé, M. le président.

(Interruptions)

(11.02 p.m.)

Mr Choonee: Mr Deputy Speaker, Sir, in my Second Reading speech, I commented, and I just quote -

“Mr Speaker, Sir, this Copyright Bill is the fruit of long and serious consultations in the interests of artists. Hence, my solemn appeal to the House; let us keep politics out of it. Let us have the humility to set aside our ego and political agenda, and contribute to the realisation of the creative industry. Respect for artists can only be demonstrated through our readiness to make constructive proposals in the interests of all artists.”

“I am, therefore, open to reasonable suggestions from hon. Members of the House for the uplifting of the status of performers, producers, dancers and artists in general. What is important is that, at the end of the day, these people, the artists, are empowered to earn a decent living through their creative talents.”

Mr Deputy Speaker, Sir, « un pas en avant »; c'est ce qu'a dit le *Leader* de l'opposition. Un pas en avant, un pas dans la bonne direction, un pas qui contribue à la réalisation de l'industrie culturelle. Effectivement, M. le président, nous sommes - *I said it at the beginning of*

my speech last week - en train de réécrire l'histoire, car nous avons réussi à faire pratiquement l'unanimité des deux côtés de la Chambre avec ce projet de loi. Cet auguste Assemblée qui représente la voix du peuple s'est élevée au-dessus des considérations partisans pour tracer la voie à une société des auteurs plus équitable, plus rentable, et qui fonctionnera dans le seul but de protéger les droits d'auteurs.

In this respect, Mr Deputy Speaker, Sir, I wish to thank all the hon. Members on both sides of the House for their concern and their suggestions. However, I will hasten to add that some of the hon. Members missed the gist of the Bill. I am sorry to say that. Not much of comments have been made on the technicality. Everybody says it is a technical Bill. Very little comments have been made on the technicality and the legislative aspect of the Bill, when this Bill has been prepared with the support of the State Law Office. I thank my hon. friend from the State Law Office and all his staff for having had the patience to see this Bill evolve for years together, as mentioned by the hon. Members of the Opposition. And when hon. Members come today to say why I brought the amendment, it's simple! Can legislation move as fast as technological developments?

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

Mr Choonee: Yes, sorry. Mr Deputy Speaker, Sir, I don't know which mobile you use. We have reached Galaxy S5 today in Samsung. How fast is technology moving, and how fast can legislation move? Legislation will always follow technology. Today, we talk of cloud computing. Wow! How can we prevent downloading and uploading, when we don't even have a hard disk to save? The files are up there! How can we? We have no means to control so many things that are happening through internet, and the advancement of technology. So, hon. Members have to understand!

Now, my coming up with the amendments last week: simple! I said that mid of last month we had the Bill reviewed again by Consultants of WIPO and WTO - last month, mid of March - during a consultative on TRIPS and intellectual property related issues, organised by the Ministry of Foreign Affairs, Regional Integration and International Trade. If I get something, an added value addition to whatever Bill that I was presenting, experts, Consultants from WIPO and WTO give us additional suggestions, help us to improve our Bill, do we say no in this country? Do we say no, when they came on the invitation of the Ministry of Foreign Affairs to look at so

many aspects, including the intellectual property rights? They commented, they re-paragraphed some of the clauses, they changed some of the wordings, and it was an improvement on what we were presenting.

I have said it last week when I came with the amendments, and my dear friends, hon. colleagues, should read very well. The amendments that I have circulated today are inclusive of all the amendments I circulated last week, and it is mentioned 'following amendments which I propose to move.' Part of the amendments was circulated last week and - very few - the last paragraph 26 has been the addition that I have had this week at the last minute, and I agree that it came out the last minute; we could not do otherwise, we had to get it better. So, all these amendments are for the betterment, for us to improve the Bill and the Act when voted in the interest of the artists. So, this is what we have done!

Mr Deputy Speaker, Sir, all my hon. colleagues have intervened. I won't be long, but I if were to comment on all that the hon. Members in the Opposition are saying, it looks funny at times.

(Interruptions)

Funny! Some hon. Members say: 'bravo, it's a very good Bill!

I had meetings with one of the hon. Members who is an elected member of MASA, hon. Barbier. We consulted, we interchanged views, we improved, we compared notes, and today we have improved! We agreed on it! And you won't believe it, it is for the first time in this House, I understand, that hon. Members of Government and hon. Members of the Opposition are sitting together in the interest of artists. When I put forward the comments concerning MASA and its administration, the previous team that was leading MASA, my friend for the first time ever, hon. Barbier, came and said much more things about MASA and about the harms that were being done by that team in MASA!

The hon. Member raised many points that I didn't even raise, and he, coming from inside MASA, knows it better than me. The hon. Member was right to say to the House and to this country at large what was happening at MASA. But having said that, we have got to understand. Who appointed them? A government! This government! Okay, we agree we were wrong somewhere, because when we appoint, we don't do the day to day running of the management of

an association. Somebody commented on the pension scheme. Yes, it is true, and it was there! The hon. Prime Minister launched the pension scheme. But was he the one to follow the day to day management, running and the selection of people who were getting the pension? Go and find out! If you are all sincere, go and find out from MASA how much money has been distributed, how the distribution has taken place, and whether it was an equitable and transparent way of giving pension to people! You mentioned about press articles.

The Deputy Speaker: You must address the Chair, hon. Minister!

Mr Choonee: Yes, Sir. Reference was made to a press article on today's paper; one of the press articles that appeared today. Artists came to see me afterwards; I met them today during lunch time. We had a working session, and they raised some points. After having talked to the press, they came to me. Anyway! Whatever is reported in the press, please, hon. Members of the Opposition, don't take that to be the Bible! Don't make as if everything that is written there is the truth. I have asked my officers to go ahead with a *mise au point* to say exactly what happened. It is the contrary of what happened that has been reported in the press. And my dear good friends artists, be careful! When you share information with the media, *si ce n'est pas aujourd'hui, demain on saura la vérité ! Ne dites pas des faussetés à la presse. La presse est là pour créer des sensations pour vendre son journal !* When it comes to the press, be careful! I can even mention that press. *Zot commence donne point!*

(Interruptions)

The Deputy Speaker: There is no need to dwell upon that!

(Interruptions)

Hon. Minister, there is no need to dwell upon that!

Mr Choonee: I will go by your advice, Mr Deputy Speaker, Sir, but people have to be careful. Hon. Members and the media have to be careful. I am not seeking for marks in this country. I am not in the armchair, writing editorials. I am not of that flock! I don't belong to that group of Mauritians! I belong to those Mauritians who are down to earth, who walk on the streets, who pulse day to day *coaltar*.

(Interruptions)

Day to day, we know what they are doing!

(Interruptions)

If somebody is serious there...

The Deputy Speaker: I would like you to confine yourself to the Bill.

(Interruptions)

Mr Choonee: *Mo copyright sa!*

(Interruptions)

Zot ti merit ! If members of the media or hon. Members of the Opposition are serious, they can't come and quote such things here! Why am I having to say all this? It is because somebody talked about it. I have to defend myself, Mr Deputy Speaker, Sir. I have to. Who will if I don't do it? Who else will? Let me tell the media, to this august Assembly and the hon. Members in the Opposition: be careful. Be careful when you make comments on me. Be careful.

The Deputy Speaker: Hon. Minister!

(Interruptions)

Just round off your summing up, please!

Mr Choonee: Mr Deputy Speaker, Sir, I will advise some members of the media and some hon. Members of the Opposition to be with me for one week if they can afford to, to try to know whom I interact with, who are the people who are around me, who are my officers, what are my 30 parastatal bodies doing, how many people are professionals there, how do they operate. Let them come and see!

(Interruptions)

Come and see! Then, you will come to know what the work of the Minister of Arts and Culture is. *30 para tatiques!* Every public holiday is a working day for me, for my officers, without overtime! No overtime given! Every public holiday, every weekend, whole of the week, Parliament, Cabinet; they are all working days for us.

(Interruptions)

I am not in the armchair to write reports.

The Deputy Speaker: Hon. Minister, is the summing up over?

Mr Choonee: My summing up; I am coming to it!

(Interruptions)

Comments were made on the building of MASA. If we are serious again, if we were to look into how and when, and by whom the purchase of that building was made, what was the cost of that building, which was a *restaurant chinois vendeur mine*, and what was the cost of the reparation of that building, and whose money was it! Our artists are telling that it is their money, but they have forgotten that, during those years, the local artists were getting their royalties. Whose money was it? It was the money collected for international artists. That money - hon. Barbier knows about it - has been used to make or buy or replenish or improve and repair the MASA building which is at Beau Bassin. Today, I took an engineer from MPI to go and evaluate the building. *A ce moment-là, cela avait coûté R 7 millions pour le bâtiment, pour les réparations c'était R 17 millions, et aujourd'hui, quand on a fait l'évaluation*, the assessment, the engineer said that the building is in a dilapidated shape, which is not worth more than a few million rupees. Ça c'est le bâtiment de la MASA.

En ce qui concerne le staffing, today we are coming up with a new society; the Rights Management Society, which is replacing the MASA, of which we know everything. I have decreased the number of members for obvious reasons! Cut down cost! Save money to give to those artists who are very deserving! Save money for them, cut down cost! Do you think it pleases this Government to pay for officers who have been suspended? *Au moins quatre! Ça quatre là même zot casse zot conné combien li faire ?* If we had that as savings, that money would have gone to the artists! Don't just put the blame, as if we are not doing anything, and that my officers were not there. They were there!

The Deputy Speaker: Address the Chair, please!

Mr Choonee: Was there transparency? Were my officers aware of what was hidden there? It is only now, and I thank hon. Barbier and the new team, the six elected members et là aussi je dois apporter une précision. C'est nécessaire d'apporter cette précision. Il y avait 7 membres dans l'équipe de l'honorable Barbier. Il le sait très bien. Parmi les 7 membres – ce n'est pas communaliste; c'est la vérité tout court - il y avait Meera Mohun. Durant les élections, ce ne sont pas les 7 membres qui sont élus dans son groupe, que 6, la septième n'est pas élue. La

septième c'est Meera Mohun. Alors, qu'est-ce qu'on fait ? Je donne raison à l'honorable Barbier. Il est venu me voir. *Li dir Mookesh, ena ...*

(Interruptions)

Sorry, I withdraw.

(Interruptions)

I withdraw.

The Deputy Speaker : Yes, you have withdrawn already.

Mr Choonee: To say to you...

(Interruptions)

A dangerous one ! It so happened that she was not elected and then we had to do something. And what was done ? I never thought of : « Oh, she belongs to that group. So, we need not do that. » That she was from another group. Let me go for somebody else. I was convinced. They are artists. She is a good artist. She has been left behind for obscure and cloudy reasons and I made the first step on the agreement of the members who were there.

(Interruptions)

On their recommendation, we got Meera Mohun to become the Chairperson of MASA. Today, consensus is there. She is now the Chairperson of MASA plus so many ex-officios, but, again, comments were made that : « Oh, you had 7 Ministries. » But most of them were not - I don't blame them. Maybe because they were not attending to those meetings. I don't blame them, because maybe the mood there is such *pena lère, anytime nu pé alle craze MASA*. MASA is your house. Artists' house, *ou ale craze li*. Who will be motivated to go and sit in such meetings ? So, often it happens that most members were not attending. And because sincerely so many things were obscure - hon. Barbier said it ; I said it - so many things were happening which were not transparent.

So, Mr Deputy Speaker, Sir, this is the right step in the right direction. We know what we are doing. We are working for the welfare and the benefit of the artists, and we will see to it that all our artists are satisfied.

Mr Deputy Speaker, Sir, if I go into details of all that has been said, I think it will be too long.

(Interruptions)

My friends want me to say thank you. C'est 11.25 du soir, pas du matin, so, I won't be long, mais j'aurais aimé dire, en même temps – il y a trop de commentaires à faire si je parle sur tous ces papiers, ça va aller au-delà de minuit. Je ne vais pas le faire mais je vais que dire qu'on travaille dans l'intérêt supérieur des artistes, et moi, en tant que ministre responsable, je voudrais donner la confiance aux artistes que je suis leur ami avant tout.

I am not working against the artist community. But remember, artist is a very broad term. If we go by the definition of UNESCO, every art form, performers, *artistes peintre*, sculptors, publishers, writers, authors, *arrangeurs*, call it by so many names, they are all part of the system. As at now, I ask the question : why have so many files been kept aside in MASA of those people who wanted to become a member of MASA ? I still have no reply. So, this new Rights Management Society will come up with the registration to start with of all artists in the country, we'll do some good homework, we'll go and market what exactly the Rights Management Society is supposed to do. And let me be very open to one thing! Some concern has been raised by the Opposition; I agree MASA was the sole organisation that used to collect and distribute fees, royalties.

Today, what we are saying? Some people say: in other countries, it is a private entity. Okay, but if an artist chooses, as his constitutional right to go and collect his royalties on his own, what can we do? *Si mo ene artiste peintre, beau tableau, il ou elle veut faire la collection de son royalties directement. Qu'est-ce qu'on peut faire ? Deuxième, on dit qu'en parallèle a group of artists may think of having an agent to do the work. What is wrong? I know it will not be a healthy sign to allow so many collecting agencies at the same time. I know. Mais est-ce que ce n'est pas un droit constitutionnel d'un artiste d'avoir ses droits d'opérer seul ? Why should we impose a law and say you have to be a member of the society? Do you call that democracy ?* La démocratie c'est la liberté d'expression mais aussi la liberté de faire ce qu'on veut, d'actions, de fonctionnement. Alors, c'est à cause de ça qu'on a introduit cette ouverture. J'espère que ça marche. And I said since the beginning, we have moved in the right direction, you say it is not enough, we will run in the right direction. Be careful ! This Government means business. For

those who are worried, this Government means business, we'll give the results which are expected by the artists and I will end by saying to my friends, the artist community that even the judicial proceedings, nobody commented on that.

Do you know what are the facilities that we are giving to artists now? To the new proceedings that we have introduced, clause 53 or 56 – lisez ça, vous comprendrez qu'est-ce qu'on fait pour les artistes maintenant, ce qui n'existait pas auparavant. All these are in the right direction. I want to send a signal to the artist community that this Government is putting artists first.

Thank you, Mr Deputy Speaker, Sir.

Question put and agreed to.

Bill read a second time and committed.

Committee Stage

THE COPYRIGHT BILL

(NO. XXX OF 2013)

(The Deputy Speaker in the Chair)

Clause 1 ordered to stand part of the Bill.

Clause 2 (Interpretation)

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

Mr Choonee: Sir, I move for the following amendments in clause 2 –

“(i) in subclause (1) –

- (A) in the definition of “artistic, literary or scientific work”, in paragraph (b)(ix)(B), by adding the words “or applied art”;
- (B) in the definition of “audiovisual work”, in paragraph (b), by adding the words “, and cinematographic elements of computer games”;

- (C) in the definition of “exclusive licence”, by deleting the words “, including the copyright owner”;
- (D) in the definition of “licence”, by deleting the words “for a limited period” and replacing them by the words “wholly or in part”;
- (E) in the definition of “original work”, in paragraph (a), by deleting the words “skill or labour, or individual creation or intellectual creation” and replacing them by the words “individual creation”;
- (F) in the definition of “public performance”, by deleting the word “is” and replacing it by the word “means”;
- (G) by deleting the definitions of “publication or published” and “published work”;
- (H) in the definition of “work”, by deleting the words “under sections 3(1) and 4(1)”;
- (I) by inserting, in the appropriate alphabetical order, the following new definition –

“publication or published works” means works published with the consent of their authors, whatever may be the means of manufacture of the copies, provided that the availability of such copies has been such as to satisfy the reasonable requirements of the public, having regard to the nature of the work”;

- (ii) by deleting subclauses (2) and (3).”

Amendments agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Protection of works)

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

Mr Choonee: Sir, I move for the following amendments in clause 3 –

“(i) by deleting subclause (1) and replacing it by the following subclause –

(1) Every artistic, literary or scientific work shall be an original intellectual creation in the artistic, literary or scientific domain.

(ii) in subclause (2), by deleting the words “when they are” and “their” and replacing them by the words “where it is” and “its”, respectively;

(iii) by deleting subclauses (3), (4) and (5).”

Amendments agreed to.

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

Clause 4 (Derivative works)

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

Mr Choonee: Sir, I move for the following amendment in clause 4 –

“By deleting clause 4 and replacing it by the following clause –

4. Derivative works

The protection of any derivative work shall be without prejudice to any protection of a pre-existing work or traditional cultural expression or expression of folklore incorporated in or utilised for the making of such a work.”

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Subject matter not protected)

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

Mr Choonee: Sir, I move that in clause 5(a) the words “, even if expressed, described, explained, illustrated or embodied in a work” be deleted.

Amendment agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Economic rights)

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

Mr Choonee: Mr Chairperson, I move for the following amendments in clause 6 –

“(i) in subclause (1) –

(A) in paragraph (c), by adding the words “, including its cinematographic adaptation”;

(B) by deleting paragraph (d) and replacing it by the following paragraph –

(d) the distribution to the public of the original or a fixed copy of a work;

(ii) by deleting subclause (2) and replacing it by the following subclause –

(2) (a) Subject to paragraph (b), the right of distribution under subsection (1)(d) shall not apply to the original or a copy of a work that has already been subject of a sale or other transfer of ownership in any country.

(b) The exhaustion of the right of distribution referred to in paragraph (a) shall not extend to a copy of a work that has been obtained in breach of the legal provisions protecting the copyright ownership in that country.

(iii) in sub clause (4), in the definition of “work”, by deleting the words “ or distinctive”;

Amendments agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

*Clause 7 (Moral rights)**Motion made and question proposed: “that the clause stands part of the Bill”.*

Mr Choonee: Mr Chairperson, I move for the following amendments in clause 7 by deleting subclauses (2), (3) and (4) and replacing them by the following subclauses –

“ (2) (a) The rights referred to in subsection (1) shall, after the death of the author, be maintained until the expiry of the economic rights.

(b) These rights shall be exercisable by the heirs of the deceased author or such institution as may be prescribed.

(3) A moral right shall be unassignable.

*Amendments agreed to.**Clause 7, as amended, ordered to stand part of the Bill.**Clauses 8 to 14 ordered to stand part of the Bill.**Clause 15 (Duration of Copyright)**Motion made and question proposed: “that the clause stands part of the Bill”.*

Mr Choonee: Mr Chairperson, I move that in clause 15(5) that the words “or photographic work” be deleted.

*Amendments agreed to.**Clause 15, as amended, ordered to stand part of the Bill.**Clause 16 (Private reproduction for personal purposes)**Motion made and question proposed: “that the clause stand part of the Bill”.*

Mr Choonee: Mr Chairperson, I move for the following amendments in clause 16 –

“(i) in subclause (2) –

(A) by adding the word “and” at the end of paragraph (b);

- (B) by deleting paragraphs (d) and (f), the existing paragraph (e) being relettered paragraph (d);
- (C) in the newly relettered paragraph (d), by deleting the words “; and” and replacing them by a full stop;

(ii) by deleting subclause (3) and replacing it by the following subclause –

- (3) Equitable remuneration shall be paid to the author or copyright owner or to the Society, as applicable.”

Amendments agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clauses 17 ordered to stand part of the Bill.

Clause 18 (Quotation)

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

Mr Choonee: Mr Chairperson, I move that in clause 18 subclause (1) be deleted and replaced by the following subclauses –

“(1) The quotation from a work that has lawfully been made available to the public shall be permitted without authorisation of the author or other owner of copyright, where the quotation –

- (a) is compatible with fair practice;
- (b) does not exceed the extent justified by the purpose, and
- (c) is used for the purpose of caricature, parody or pastiche.

(2) The quotation shall be accompanied by an indication of source and the name of the author where the name appears in the source from which the quotation is taken.”

Amendments agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 (Reproduction and other utilisation for teaching and scientific non-commercial purposes)

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

Mr Choonee: Mr Chairperson, I move that in clause 19 subclause (1) be deleted and replaced by the following subclause –

“(1) The following acts shall be permitted in respect of a work without the authorisation of the author or other owner of copyright –

- (a) the utilisation for scientific research purposes or by way of illustration for teaching of a work that has lawfully been made available to the public, in publications, broadcasting or sound or visual recordings, where such utilisation –
 - (i) is compatible with fair practice; and
 - (ii) does not exceed the extent justified by the purpose;
- (b) the reprographic reproduction, for face-to-face teaching in educational institutions of which the activities do not serve direct or indirect commercial gain, of published articles, other short works or short extracts of works, to the extent justified by the purpose, where –
 - (i) the reproduction of any particular work is an isolated act occurring, if repeated, on separate and unrelated occasions;
 - (ii) no more than a single copy for each pupil or student and the teacher is made; and

- (iii) there is no collective licence offered or made available by a collective administration organisation of which the educational institution is or ought to be aware, under which such reproduction may be made.”

Amendments agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 (Reproduction by libraries and archives)

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

Mr Choonee: Mr Chairperson, I move that in clause 20(b), the word “the” be deleted and replaced by the words “its own permanent collection or the”;

Amendments agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clause 21 ordered to stand part of the Bill.

Clause 22 (Reproduction and adaptation of computer programmes)

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

Mr Choonee: Mr Chairperson, I move for the following amendment in clause 22 –

- (i) in the heading, by deleting the words “and adaptation of computer programmes” and replacing them by the words “, adaptation of computer programmes and decompilation”;
- (ii) by adding the following new subclause –

(3) The authorisation of the lawful owner of a computer programme is not required where reproduction of the code and translation of its form are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer programme with other programmes, unless the following conditions are

satisfied –

- (a) those acts are performed by the licensee or another person having a right to use a copy of a program;
- (b) the information necessary to achieve interoperability has not previously been readily available;
- (c) those acts are confined to the parts of the original program which are necessary in order to achieve interoperability.”

Amendments agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 (Visually impaired person)

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

Mr Choonee: Mr Chairperson, I move for the following amendment in clause 23

- “(i) in subclause (1) –
 - (A) by deleting the words “visually impaired persons” and replacing them by the words “persons who are blind, visually impaired or otherwise print disabled”;
 - (B) by inserting, after the word “distribute”, the words “and make available”;
 - (C) in paragraph (a), by deleting the words “the visually impaired” and replacing them by the words “these persons”;
- (ii) in subclause (3), by adding the words “, and it shall be permitted for an authorised entity to distribute or make available that copy to a beneficiary person or an authorised entity abroad”;
- (iii) by adding the following new subclause –

(4) For the purposes of subsection (1), it shall be permitted to make the changes needed to make the work accessible in the alternative format.”

Amendments agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 25 ordered to stand part of the Bill.

Clause 26 (Distribution of copies of works)

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

Mr Choonee: Mr Chairperson, I move for the following amendment in clause 26 by deleting clause 26 and replacing it by the following clause -

“26. Distribution of copies of works

Where a work has been distributed by means of the sale of fixed copies to the public, the copies may, without the author’s authorisation and without payment of remuneration, be redistributed by means of sale.”

Amendments agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27 (Public lending)

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

Mr Choonee: Mr Chairperson, I move that in clause 27 the words “which is included in a book, periodical or other printed article” be deleted.

Amendments agreed to.

Clause 27 as amended, ordered to stand part of the Bill.

Clauses 28 to 36 ordered to stand part of the Bill.

Clause 37 (Technological protection measures)

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

Mr Choonee: Mr Chairperson, I move for the following amendment in clause 37(3) –

“ by inserting, after the words “16,” the words “18,”.

Amendments agreed to.

Clause 37 as amended, ordered to stand part of the Bill.

Clauses 38 to 42 ordered to stand part of the Bill.

Clause 43 (Establishment of Society)

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

Mr Choonee: Mr Chairperson, I move for the following amendment in clause 43 –

“(i) in subsection (4) –

(A) by inserting, after paragraph (e), the following new paragraph, the existing paragraph (f) being relettered as (g) –

(f) a representative of the Industrial Property Office, not below the rank of Principal Industrial Property Officer;

(B) in the newly relettered paragraph (g) –

(I) by deleting the figure “4” and replacing it by the figure “2”;

(II) by deleting the full stop and replacing it by the words “; and”;

(C) by adding the following new paragraph –

(h) 3 members of the Society, to be elected in such manner as the Society may determine.

(ii) by deleting subsection (6) and replacing it by the following subsection –

(6) At any meeting of the Board, 7 members shall constitute a quorum.”

Amendments agreed to.

Clause 43, as amended, ordered to stand part of the Bill.

Clauses 44 to 45 ordered to stand part of the Bill.

Clause 46 (Membership of the Society)

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

Mr Choonee: Mr Chairperson, I move that in clause 46(1) the words “or performer” be deleted and replaced by the words “, performer, publisher or the holder of an exclusive licence”.

Amendments agreed to.

Clause 46, as amended, ordered to stand part of the Bill.

Clauses 47 to 60 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Copyright Bill (No. XXX of 2013) was read the third time and passed.

Second Reading

The Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah) gave notice of his intention not to move the second reading of the Mauritius Research Council (Amendment) Bill (No. I of 2014) today.

ADJOURNMENT

The Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Deputy Speaker, Sir, I move for the adjournment of the House to Tuesday 08 April 2014 at 11.30 a.m.

Question put and agreed to.

Mrs Bappoo rose and seconded.

The Deputy Speaker: The House stands adjourned.

At 11.42 p.m. the Assembly was, on its rising, adjourned to Tuesday 08 April 2014 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

RING ROAD PROJECT - LAND ACQUISITION

(No. B/76) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Housing and Lands whether, in regard to the Ring Road Project, he will table a list of the landowners whose land have been compulsorily acquired in respect of Phase I and Phase II thereof respectively, indicating in each case the -

- (a) extent of the land, and
- (b) compensation paid or payable to the owner and tenant thereof.

Reply: The information requested is being placed in the Library of the National Assembly.

DEUX FRERES & QUATRE SOEURS VILLAGES - LANDSLIDE

(No. B/78) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the landslide problems in the Deux Frères and Quatre Soeurs villages, he will state where matters stand.

(Withdrawn)

ILES VANILLES CONCEPT - MAURITIUS CONTRIBUTION

(No. B/79) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Tourism and Leisure whether, in regard to the *Iles Vanilles concept*, he will state the -

- (a) content of the constitutive document thereof binding Mauritius;

- (b) financial contribution of Mauritius in relation thereto, as at to date, and
- (c) present implication of Mauritius in the business and marketing strategy thereof.

Reply: With regard to part (a) of the question, the House may note that the constitutive document of the “*Ile Vanilles*” concept is a standard document that sets out the framework and broad parameters for the conduct of its business.

The document covers, *inter alia*, the objectives of the organisation, its duration and composition, the admission and disqualification of members, the setting up of its Board, the appointment of its members and president as well as their roles and the formulation of its strategies and Action Plan.

Concerning part (b) of the question, I am informed that Mauritius has so far made no financial contribution to the organisation.

Regarding part (c) of the question, the vision and marketing strategy of the organisation rests with the Board. In this context, Mauritius has participated in the formulation of the 2013 marketing plan. In addition, at the ITB fair recently held in Berlin, Germany, Mauritius took the lead to devise a joint plan for the promotion of cruise amongst the different Vanilla islands. We now look forward to the formulation of the 2014 plan to be discussed at the forthcoming meeting of the Board to be held at the end of this month in Seychelles.

GRNW - DROP-IN-CENTRE

(No. B/80) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Drop-in-Centre of Grand River North West, she will state where matters stand as to the operation thereof for the development and protection of children from any form of sexual abuse and exploitation.

(Withdrawn)

MR P. D., AMBASSADOR - APPOINTMENT

(No. B/82) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Foreign Affairs, Regional Integration and International Trade

whether, in regard to Mr P. D., Ambassador, he will state the capacity in which he is serving and since when, indicating -

- (a) his qualifications, and
- (b) terms and conditions of appointment.

(Withdrawn)

MINISTRIES & PARASTATAL BODIES

- EMPLOYMENT RIGHTS (AMENDMENT) ACT 2013

(No. B/86) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Employment Rights (Amendment) Act 2013, he will state if the sections 4 and 11 thereof apply to the civil servants and to the employees of the parastatal bodies and, if so, indicate the actions taken by his Ministry to ensure that the Ministries and the parastatal bodies are complying therewith.

(Withdrawn)

MEDICAL CLINICS - FOREIGN MEDICAL SPECIALISTS

(No. B/87) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to the foreign medical specialists who occasionally visit Mauritius to practise in private medical clinics, he will state the conditions with which they need to comply.

(Withdrawn)

ELDERLY & HANDICAPPED – GRANT IN LIEU OF MEDICAL CARE

(No. B/88) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the elderly and the handicapped persons, she will state the number thereof who are opting for the grant of Rs500 *in lieu* of medical care, indicating the steps taken by her Ministry to ensure that this financial scheme is more beneficial than the medical visits thereto.

Reply: I am informed that as at 26 March, 155 persons have opted for the cash in lieu of domiciliary medical visit out of present 6,443 beneficiaries.

The low rate of uptake of the new option, as announced in the last Budget Speech, is very much indicative that most beneficiaries still prefer to obtain the free domiciliary medical visit. This is due to the fact that apart from being free to the beneficiary, it allows several other advantages which include, *inter alia* -

- No unnecessary stress or hardship for the beneficiary for travelling to hospitals;
- Patient is seen in his home environment and is thus psychologically more at ease.
- There are direct social interactions between the practitioner and the elderly person.
- Moreover, medication prescribed by visiting doctor is available free at all pharmaceutical outlets of the Ministry of Health and Quality of Life.

Furthermore, my Ministry will start a monitoring programme whereby the elderly care unit will, on a regular basis, visit each beneficiary, who has opted for the Rs500 grant, to ensure that the additional payment is actually benefitting the person. This monitoring will be also supported by the elderly watch network, who visit elderly persons victim of abuse and neglect. It is to be noted that in case, those who have opted for the cash grant, would wish to come back to the previous system, they can do so.

Also, my Ministry has kept the monthly domiciliary visit for the present 116 centenarians, as a special care package to them.

I wish to inform the house that my Ministry has also embarked on a major upgrading of the present domiciliary service. This upgrading is being done in conjuncture with feedback from beneficiaries, medical practitioners and the recent recommendations of audit reports. It will include, among others, the reinforcement of the pool of present medical practitioners, enforcement of a protocol for delivery of service by the medical practitioner and the implementation of a new IT system.

Continuous Medical Education programmes will be organised by the Medical Unit in order to keep doctors updated with new trends in geriatric medicine.

INFORMATION AND COMMUNICATION TECHNOLOGIES AUTHORITY

– BOARD COMPOSITION

(No. B/89) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Information and Communication Technology whether, in regard to the Information and Communication Technologies Authority, he will, for the benefit of the House, obtain therefrom, information as to the composition of the Board thereof, indicating -

- (a) their respective -
 - (i) qualifications, and
 - (ii) terms and conditions of appointment, including the salaries and allowances drawn, and
- (b) cost of the laptops and mobile phones provided thereto.

(Withdrawn)

CEB - GENERAL MANAGER - APPOINTMENT

(No. B/90) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to the name of the General Manager thereof, indicating -

- (a) his qualifications;
- (b) his terms and conditions of appointment, and
- (c) the mode of recruitment through which he has been appointed.

(Withdrawn)

POINTE AUX PIMENTS – ELDERLY - RECREATION CENTRE

(No. B/91) **Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the recreation centre for the elderly at Pointe aux Piments, she will state -

- (a) when the project was designed, and
- (b) the cost thereof.

(Withdrawn)

LOÏS LAGESSE TRUST FUND – EMPLOYEE - CONTRACT

(No. B/92) **Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether she will state if she has received representations from an employee of the Loïs Lagesse Trust Fund in respect of her employment contract and the problems she is facing thereat and, if so, indicate the actions taken in relation thereto, if any.

(Withdrawn)

BERTHAUD ROAD - RESURFACING

(No. B/94) **Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Berthaud Road, in Constituency No. 19, Stanley and Rose Hill, he will state if his Ministry has initiated any action for the resurfacing thereof and, if so, indicate the expected start and completion dates thereof.

(Withdrawn)

BEACH AUTHORITY - GENERAL MANAGER - APPOINTMENT

(No. B/95) **Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the Beach Authority, he will, for the benefit of the House, obtain therefrom, information as to the terms and conditions of

appointment of the General Manager thereof, indicating if he is subject to an inquiry by the Independent Commission Against Corruption and, if so -

- (a) give details thereof, and
- (b) indicate if the appointment of a new General Manager thereof is being envisaged.

(Withdrawn)

HARBOUR BRIDGE PROJECT

(No. B/96) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Harbour Bridge Project, he will state if it has been freezed and, if so, indicate -

- (a) the reasons therefor, and
- (b) if the inhabitants concerned therewith have been informed accordingly.

Reply: Once decision is taken on the implementation of the Road Decongestion Programme, the inhabitants concerned will be informed.

INFORMATION COMMUNICATION AND TECHNOLOGIES AUTHORITY – BOARD MEMBERS – OVERSEAS MISSION

(No. B/98) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked Minister of Information and Communication Technology whether, in regard to the Information Communication and Technologies Authority, he will, for the benefit of the House, obtain therefrom, information as to the number of overseas missions undertaken by the Chairperson, the Board Members and the General Manager thereof respectively, since 2012 to date, indicating the –

- (a) amount of money spent in terms of air tickets and per diem allowances in each case, and
- (b) percentage of total missions that has gone to the other staff members thereof.

(Withdrawn)

INDEPENDENCE DAY CELEBRATION – LOCAL ARTISTS - REPRESENTATIONS

(No. B/99) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West)

asked the Minister of Arts and Culture whether, in regard to the local artists, he will state if he has received representations therefrom wherein they have voiced out their grievances for having been left out in the organization of the festivities in connection with the celebration of the Independence Day and the Republic Day on 12 March last and, if so, indicate the outcome thereof.

Reply: I have not received any representation from local artists regarding grievances for having been left out in the organisation of the Independence Day and the Republic Day on 12 March.

In fact, my Ministry has received several phone calls as from 13 March 2014 from one artist who was also a part-time Adviser at the Ministry of Arts and Culture from 1998 to 2000. I am informed that the artist cum former part-time Adviser expressed some reserve on the organisation and the content of the show and requested for a meeting with me.

As the artist informed that a group of artists would also attend the meeting, my Ministry requested the artist to send a written request listing the issues to be raised along with the names of the artists.

The artist agreed to the proposal and even noted down the fax number of my office.

My Ministry did not receive any letter from the artist. However, I was informed that a press article on the same subject appeared two days later i.e on Sunday 16 March signed by the same artist and former part-time Adviser along with eleven artists.

Even in the absence of the written request from the artist cum former Adviser, a meeting has been fixed for Wednesday 02 April and the latter was informed accordingly on Wednesday 16 March (i.e) prior to the receipt of this PQ. The artist confirmed the names of three other artists who would also attend the meeting.

I will also have a meeting this week with four artists whose name appear as signatories of the press article of 16 March, but who have dissociated themselves from the contents therein. I am informed that they have even requested the Editor-in-chief of the newspaper to make amendments accordingly.

FISH AUCTION MARKET - OPERATIONAL

(No. A/23) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Fisheries whether, in regard to the project for the setting up of a Fish Auction Market, he will state –

- (a) the initial cost, nature and purpose thereof;
- (b) the expected completion date of the building therefor, indicating the total cost incurred, as at to date, and
- (c) if it is operational and, if not, why not.

Reply: Regarding part (a) of the question the initial cost of the Fish Auction Market (FAM) project is Rs25 m.

The nature of the project was to construct a building designed to comply with world class food safety and quality standards, including the EU Health and Sanitary Regulations to align with the HACCP.

The purpose of the FAM is to support the development of the seafood industry by allowing the setting up of an efficient fish marketing system for the marketing of quality fish from the industrial, the semi-industrial and the small-scale fisheries, as well as the by-catch unloaded by calling fishing vessels at Port Louis.

Regarding part (b) of the question, the construction of the building was completed in December 2011. The total costs incurred amounted to Rs28.8 m.

Regarding part (c) of the question, the FAM is not as yet operational.

The installation works carried out in respect of the electrical, mechanical and refrigeration equipment for the cold room of the FAM have not been completed to the satisfaction of the

Ministry. Legal action is being contemplated against the defaulting contractor after consultations with the State Law Office.

TAMARIN – TRAFFIC LIGHT

(No. A/25) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Tamarin, he will state if consideration will be given for the advisability of installing a traffic light at the intersection of Carlos Road and the main road to ensure the safety of pedestrians and of vehicles and, if so, when, and, if not, why not.

Reply: I am informed that there is adequate visibility (approx. 100 m.) on both sides of the intersection of Morcellement Carlos and the Black River Road A3 for drivers to see vehicles coming on the main road. Both roads are large enough to allow vehicles to manoeuvre safely without encroaching on the other lanes.

Furthermore, from surveys carried out, it has been observed that there is no major daily traffic congestion that would warrant the installation of traffic lights at that junction.

However, it should be noted that since traffic volume keeps changing with time, the Traffic Management and Road Safety Unit will keep monitoring vehicular movement at the junction and appropriate traffic management measures will be applied on a felt need basis.

TAMARIN - DRAINAGE SYSTEM

(No. A/26) Mrs J. Radegonde-Haines (Fourth Member for Savanne & Black River) asked the Minister of Local Government and Outer Islands whether he is aware that there is no proper drainage system in Tamarin at Avenue Carlos and in the vicinity thereof, thus constituting serious health hazards to the inhabitants and to the users thereof and, if so, indicate if remedial measures will be taken in relation thereto and when.

Reply: I am informed that major drain and road works were carried out by the District Council of Black River in the region of Morcellement Carlos in 2005-2006. However, part of

Carlos Road (Jacarandas Avenue) from its junction with Avenue Lauriers Roses and Avenue Bois Mapou were not upgraded and no drain works were undertaken due to financial constraints.

I am informed that a request for the construction of an appropriate drain network at Avenue Carlos and the upgrading of the road has been made to the National Development Unit for its consideration.

MINISTRY OF GENDER EQUALITY, CHILD DEVELOPMENT AND FAMILY WELFARE – PLANNING AND RESEARCH SECTION

(No. A/27) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Planning and Research Section of her Ministry, she will state the –

- (a) name of the Head of Section thereof and
- (b) researches
 - (i) carried out thereat since 2010 to date and
 - (ii) scheduled to be carried out in 2014.

Reply: Dr Suryadeve Kaleeah is the Head of the Planning and Research Unit of my Ministry since October 2004.

With regard to part (b) of the question, I refer the hon. Member to my reply to PQ B/70 of 2013 where I pointed out the constraints of the Unit.

With regard to part (b) (i) of the question, reports worked out are as follows -

2010

- Combined 6th and 7th Periodic Reports on the Convention on the Elimination of all forms of Discrimination against women

2011

- Preparation of the Third, Fourth and Fifth Periodic Report – The Convention on The Rights of The Child

- Mauritius Country Report on the AU Solemn Declaration on Gender Equality in Africa

2012

- Terms of Reference for the Situation Analysis on Family Values in Mauritius
- Terms of Reference for the Impact Assessment on Strengthening Values for Family Life Programme
- Terms of Reference for the Audit of the Child Development Unit
- Terms of Reference for Balancing Work and Family Life Programme

2013

- Terms of Reference of the Preparation of an Integrated Strategy for the Ministry in accordance with its mandate and its corresponding Programme-Based Budget
- Terms of Reference for a Study on Commercial Sexual Exploitation of Children (CSEC)
- Terms of Reference for the Development of a National Child Protection Strategy

With regard to part (b) (ii) of the question, the PRU is currently working on the following -

- A review of the -
 1. National Action Plan on the National Children's Policy (2004)
 2. National Action Plan to Combat Domestic Violence(2007)
 3. National Action Plan on the Family in the Republic of Mauritius (2009)
- Commissioning of -
 - (i) study on commercial sexual exploitation of children in Mauritius and Rodrigues, and
 - (ii) National Child Protection Strategy

FAMILIES IN DISTRESS SCHEME – ONE-OFF FUNERAL GRANT

(No. A/28) **Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the one-off funeral grant, under the Families in Distress Scheme, she will –

- (a) give a list of the -
 - (i) parents/legal guardians having benefitted therefrom in the case of the accidental death of a child;
 - (ii) widows and widowers having benefitted therefrom in the case of the loss of a spouse in dramatic circumstances, since 2010 to date on a yearly basis, indicating the quantum thereof in each case, and
- (b) if her Ministry is proposing to increase the quantum thereof.

Reply: In regard to the one-off funeral grant under the Families in Distress Scheme, I am informed that from 2010 to date no disbursement has been made in the case of accidental death of a child.

As for part (a) (ii) of the question, 32 families have benefitted from financial assistance under the Families in Distress Scheme for the period 2010 to date. The details are being placed in the Library.

With regard to part (b) of the question, my Ministry has approached the Ministry of Finance and Economic Development for an increase to be made to the current quantum.

PORT LOUIS – HAWKERS - SURVEY

(No. A/29) **Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Local Government and Outer Islands whether, in regard to the hawkers operating in Port Louis, he will state if any survey has been carried out to ascertain the number thereof and, if so, table copy thereof and, if not, why not.

Reply: I am informed by the City Council of Port Louis that surveys were conducted in April 2009 and October 2012 respectively regarding hawkers operating illegally within the commercial area of the city. The findings of these surveys are as follows –

(a) Survey in 2009

Location	Number
Victoria Square & Dumat Street, John Kennedy, Monneron Street, Jemmapes Street Near Ah Ling, Perdreau Street, Cassam Lane, Barkly Lane inc Monneron Fair	342
Farquhar Street & Immigration Square, Queen Street	142
City Centre (Remy Ollier Street, L. L'Homme Street, Royal Street, J. Rivière Street, Sun Yat Sen Street, Corderie Street, J. Mosque Street, E. Anquetil Street, Sir W. Newton Street, Bourbon Street, Louis Pasteur Street)	371
TOTAL	855

(b) Survey in 2012

Location	Number
Victoria Square & Dumat Street, John Kennedy Street, Monneron Street, Rev. Lebrun Street, C. Antelme Street, Cassam Lane, Barkly Street in front of ex-Post Office	325

TRANQUEBAR - DRAINS

(No. A/30) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the project for the construction of drains in the region of Tranquebar, Port Louis, he will state where matters stand.

Reply: The National Development Unit has undertaken the following drain projects in the region of Tranquebar, Port Louis -

1. Canal Kitchry (first 220 metres)

- Cleaning and excavation works
- Construction of Stone Wall with reinforced concrete bed
- Construction of drains
- Construction of two bridges

} Completed

2. Canal Kitchry (from Chainage 260 to Mahatma Gandhi Bridge)

- Survey being carried out

3. Gayasingh Bridge

- Reconstruction of bridge
- Enlargement of river

} Completed

4. Rivulet behind Brito Industries

- Dredging, cleaning and construction of rock revetment completed.

5. Ruisseau du Pouce

Survey for dredging, cleaning and realignment works completed.

MAURITIUS SWIMMING FEDERATION - COACHES

(No. A/32) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to swimming, he will, for the benefit of the House, obtain from the Mauritius Swimming Federation, a list of the coaches thereof licensed for the 2014 season, indicating the -

(a) respective grade thereof, and

(b) club of which they are members.

Reply: The information is being placed in the Library.

BLUE BAY PUBLIC BEACH - PARKING

(No. A/34) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Local Government and Outer Islands whether he is aware of a lack of parking space at the Blue Bay public beach due to the disorderly parking of vehicles, that the lighting points thereat are defective and being hindered by overgrown trees and, if so, will he, for the benefit of the House, obtain from the Beach Authority and the District Council of Grand Port, information as to if remedial measures will be taken in relation thereto and, if so, when.

Reply: I am informed by the Beach Authority that 15 parking facilities for buses and 65 parking facilities for other vehicles are available at the Blue Bay public beach. However, with the large influx of beach users at this public beach which is a highly frequented one, these facilities are still inadequate and additional parking facilities cannot be provided due to unavailability of land.

As regards the lighting system at the public beach, I am informed that due to regular tempering of electricity from the inspection boxes of lighting poles by unknown beach users, water was infiltrating into these boxes during rainy period thus causing blackout of the lighting system. The lighting system has been reinstated in October 2013 by construction of a cubicle and electrical panel. To prevent the problem of tampering, the Beach Authority is making necessary arrangement for the repair of the doors of the inspection boxes.

As far as the problem of lighting points being hindered by overgrown trees is concerned, the Beach Authority has sought the clearance of the Forestry Service for the lopping of the branches and a reply is still awaited.

MORCELLEMENT BLUE BAY - ROADS - REPAIRS

(No. A/35) **Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the roads found at Morcellement Blue Bay, he will,

for the benefit of the House, obtain from the National Development Unit, information as to if they are in bad state with the presence of pot holes and, if so, indicate if remedial measures will be taken in relation thereto and, if so, when.

Reply: I am informed that the roads at Morcellement Blue Bay are practicable though there are a few pot holes. The National Development Unit is causing survey to be carried out; and in light of the report, necessary action will be taken.

MORCELLEMENT RAFFRAY, PAILLES - WASTEWATER

(No. A/36) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether he is aware of the regular overflow of faecal matters near the mosque situated at Perruche No. 3, Morcellement Raffray, in Pailles and, if so, state if remedial measures will be taken in relation thereto and, if so, when.

Reply: Further to the reply to PQ A/257 of 23 October 2012, I am informed by the Ministry of Environment and Sustainable Development that there is no overflow of wastewater near the mosque situated at Perruche No. 3, Morcellement Raffray, Pailles. However, I am informed by the Ministry of Environment and Sustainable Development and the Ministry of Health and Quality of Life that, following a site visit effected on 28 March 2014, stagnation of liquid waste was found on the premises of an inhabitant at Perruche No. 1, Morcellement Raffray, Pailles.

A Sanitary Notice was served upon the inhabitant on 29 March 2014 to empty his improved pit within a delay of 48 hours and the St Pierre Sanitary Health Office has confirmed that the inhabitant has complied with the Sanitary Notice.

The Morcellement Raffray, Paillies is an unsewered area and will be connected to the sewerage network under the Pailles Guibies Sewerage Project. The project is currently at design stage.

POINTE AUX SABLES, MORCELLEMENT REY - ROADS - RESURFACING

(No. A/37) **Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Morcellement Rey, in Pointe aux Sables, he will, for the benefit of the House, obtain from the National Development Unit, a list of the roads thereat having been resurfaced over the past two years.

Reply: I wish to inform that roads are resurfaced and mended on a felt need basis. Over the past two years, the following roads in Morcellement Rey, Pointe aux Sables, have been resurfaced -

1. Bosquet Road
2. Sunny Hill Street
3. Camp Benoit to La Concorde Street
4. Avenue des Cerisiers
5. Jupiter Road
6. Neptune Road
7. Glaeuils Street
8. Mouettes Street
9. Floribunda Street

ALBION PUBLIC BEACH & CITÉ MARCEL GABON - FLOODING

(No. A/38) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Albion public beach and Cité Marcel Gabon, he will state if urgent measures will be taken to avoid the recurrent flooding problems thereat and, if so, give details thereof.

Reply: My Ministry has not received any report about flooding at Albion public beach. Nonetheless, arrangements are being made for a site visit to be effected involving representatives of the NDU, the Local Authority concerned and the inhabitants of the locality.

As regards Cité Marcel Gabon, a contract has been awarded on 23 February 2014 for drain works. However, owing to wayleave problems, the alignment of the drain has been modified. Works are expected to start on 02 April 2014.

**LA CONFIANCE, COLONEL MAINGARD - FOOTBALL GROUND -
CONSTRUCTION**

(No. A/39) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the project for the construction of a football ground at La Confiance, Colonel Maingard, he will state -

- (a) the work in progress, indicating the expected completion date thereof;
- (b) the amount of money -
 - (i) paid to the contractor as at to date, and
 - (ii) retained as retention money, and
- (c) if there is any delay in the execution thereof and, if so, indicate the -
 - (i) length thereof, and
 - (ii) reasons therefor.

Reply: The construction of a new football ground at La Confiance, Colonel Maingard, was undertaken by the National Development Unit.

The details are as follows -

- (a) The works have been practically completed on 22 February 2014.
- (b) (i) An interim payment of Rs5,730,245.53 has been effected to the contractor as at date.

- (ii) Amount retained as retention money is Rs595,953.78 (incl. VAT)
- (c) (i) Works have been delayed by 57 days.
- (ii) The reasons for delays are as follows -
 - bad weather conditions;
 - unavailability of required steel pipe for fencing in the local market, and
 - excavation works were temporarily stopped during examination period at La Confiance College.

PORT LOUIS MARITIME & PORT LOUIS EAST - ROADS, DRAINS & STREET LIGHTING

(No. A/40) **Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the classified roads in Constituency No. 3, Port Louis Maritime and Port Louis East, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the projects, if any, earmarked for implementation thereat, in relation to the -

- (a) pavements;
- (b) roads;
- (c) canals;
- (d) drains, and
- (e) street lighting, indicating in each case the -
 - (i) scope of the works
 - (ii) location thereof, and
 - (iii) expected start and completion dates thereof.

Reply: The Road Development Authority has identified the following projects for implementation in Constituency No. 3 this year. The implementation of the programme of works will, however, be subject to the availability of funds.

Scope of Works	Location	Start Date
Resurfacing works (Rs8 m.)	Military Road From CAB Office Nicolay to ABC roundabout	During 2014
Upgrading of footpaths with resurfacing (Rs9 m.)	St François Xavier Street	During 2014
Upgrading of footpath/drains with resurfacing (Rs18.5 m.)	Magon East Street	During 2014
Resurfacing Works (Rs7.5 m.)	Route des Pamplemousses from Abercrombie to Bernardin de St Pierre	During 2014

Bids for the appointment of district contractors under the Framework Contract have been received and are being evaluated at the Central Procurement Board.

CWA - PRIEST PEAK SERVICE RESERVOIR - WATER SUPPLY

(No. A/41) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Priest Peak Service Reservoir, in Port Louis, he will, for the benefit of the House, obtain from the Central Water Authority, information as to the regions being supplied therefrom, indicating if he has been informed of the irregular water supply and/or low water pressure after every heavy rainfall and, if so, indicate the remedial measures that will be taken, including if the hours of water supply will be extended and, if not, why not.

Reply: I am informed by the Central Water Authority that the Priest Peak Reservoir, of capacity of 6,600 m³ supplies some 14,000 m³ of water per day to certain regions in Port Louis, namely, Route des Pamplemousses, St. Francois, Military Road, Cite Martial, Roche Bois, Ste. Croix, Lower Vallée des Prêtres and the Freeport Area in Mer Rouge.

These regions are supplied a minimum of 10 hours daily as follows -

4.00 a.m. - 9.00 a.m.

4.00 p.m. - 9.00 p.m.

The Priest Peak Reservoir is fed from Pailles water treatment plant and partly from Nicolière treatment plant. Lack of water resources, mainly during the dry season and limited treatment capacity of the Pailles treatment plant constitute the main constraints that prevent an uninterrupted supply of water in Port Louis from this reservoir. This situation is compounded with the clogging of the filters at the Pailles treatment works after a heavy rainfall. Accordingly, water from Priest Peak Reservoir is also diverted to the regions of Plaine Verte and Port Louis Centre which depend solely on Pailles treatment plant.

A new rapid gravity treatment plant of capacity 80,000 m³/day is being constructed at Pailles. The plant which is expected to be operational by March 2015 will ensure an uninterrupted supply of water to Port Louis even after heavy rainfall.