



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**WEDNESDAY 21 NOVEMBER 2018**

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Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
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Hon. Purmanund Jhugroo	Minister of Housing and Lands
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Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 32 of 2018**

**Sitting of Wednesday 21 November 2018**

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

**The National Anthem was played**

*(Madam Speaker in the Chair)*

## **PAPERS LAID**

**The Prime Minister:** Madam Speaker, the Papers have been laid on the Table.

### **A    Prime Minister's Office**

- (a)    Certificate of Urgency in respect of The Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018). (In Original)
- (b)    The Customs (Mutual Administrative Assistance Agreement (Madagascar)) Regulations 2018. (Government Notice No. 148 of 2018)
- (c)    The Freeport (Amendment) Regulations 2018 (Government Notice No. 150 of 2018)
- (d)    The Digest of Industrial Statistics 2017.
- (e)    The Digest of Statistics on Rodrigues 2017.

### **B    Ministry of Industry, Commerce and Consumer Protection**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 29) Regulations 2018. (Government Notice No. 149 of 2018)

### **C    Ministry of Civil Service and Administrative Reforms**

The Civil Establishment (Rodrigues Regional Assembly) (Amendment)  
Order 2018. (Government Notice No. 151 of 2018)



## ORAL ANSWER TO QUESTION

### SIFB – SUGAR PRODUCTION DATA – ALLEGED FRAUDULENT MANIPULATION

**The Leader of the Opposition (Mr X. L. Duval)** (*by Private Notice*) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether he will state if he is aware of an alleged fraudulent manipulation by the Sugar Insurance Fund Board of the sugar production data of small planters and of a similar adjustment to the account of *Compagnie Sucrière de Bel Ombre Ltée*, thus depriving some 10,000 sugar planters of a rightful compensation for Crop Year 2017, under section 25 of the Sugar Insurance Fund Act, amounting to some Rs450 m. and, if so, indicate the actions, if any, he has taken in relation thereto as at to date.

**The Prime Minister:** Madam Speaker, this question will be replied by my colleague, the hon. Minister of Agro-Industry and Food Security, hon. Seeruttun. Unfortunately, he is not yet here. So, in the meantime, I am asking the Chief Whip to get in touch with him.

*(Interruptions)*

**Mr X. L. Duval:** Madam Speaker...

**Madam Speaker:** Yes.

**Mr X. L. Duval:** On a point of order, if I may. This question is addressed rightfully to the Prime Minister who actually has five portfolios under his responsibility. It is the Sugar Insurance Fund Board. Section 2 says the Minister responsible for the Sugar Insurance Fund Board is the Minister responsible for the subject of finance. He, the Minister of Finance, the Prime Minister, appoints all the Board Members and the Prime Minister regularly answers questions in this House, the last one being B/487 on the SIFB. This is an insurance company, Madam Speaker, it does not concern small planters; it is an insurance company and the Prime Minister should not run away from his responsibility.

**Madam Speaker:** Well, hon. Members, first of all, I would have expected the hon. Minister to be here, but, secondly, as I have stated in the past, it is a long established principle that decisions on the transfer of questions rest with Ministers and it is not a matter on which the Chair seeks to intervene. The principle, I believe, is clear and it is reproduced in Standing Order 22 (4) which states that –

“Decisions on the transfer of questions rest with Ministers.”

However, I also wish to draw the attention of hon. Ministers that transfer of questions should be consistent and the transfer of questions for an Oral Answer should not be such as to have the effect of depriving a Member of the opportunity to put a supplementary question where the line of ministerial responsibility is not clear-cut.

Well, I would have expected the hon. Minister to be here.

**Mr X. L. Duval:** Madam Speaker, I wonder if I will carry on with my question, because the questions must be asked to a Minister for whom responsibility is assigned. The law says clearly, it has not been changed, that the responsibility for the Sugar Insurance Fund Board rests with the Minister of Finance. I cannot ask any Tom, Dick and Harry the question, and it cannot be answered by any Tom, Dick and Harry. This is a question and I must ask the question to the person who has responsibility. This is also a basic precept of asking questions in Parliament, Madam Speaker. I would like your help in this matter, your ruling. I am not wrong in asking the question to the Minister of Finance. It is his responsibility to answer. We have 10,000 sugar planters, most of them are in dire difficulty, and what is the message that we are giving to the sugar planters, that we do not care about them, it is being transferred to a junior Minister.

**Madam Speaker:** Well, hon. Leader of the Opposition, if you will allow me, hon. Prime Minister, I believe there is an abundance of precedence in the House of Commons along the lines of the ruling I have given. The Chair has no power, whatsoever, in these matters. So I won't be able to rule on the question of transfer of questions which rest with Ministers. I hope you will appreciate this, hon. Leader of the Opposition. A point of order, unless it is...

*(Interruptions)*

I have given my ruling on this issue.

**Mr Bérenger:** Madam Speaker, I heard you refer to Standing Order 24 to say - what I understand - that the Speaker can do nothing. I find nothing in Standing Order 24 that says so. Can I know which part of Standing Order 24 you are referring to, Madam Speaker?

**Madam Speaker:** Yes. I am specially referring, as I said, to Standing Order 22(4). Look at Standing Orders 22(4), it says that –

“Decisions on the transfer of questions rest with Ministers.”

And, as I have already stated, there is an abundance of precedence in the House of Commons along the lines of the ruling I have just given. So, the Chair has absolutely no powers in these matters. Yes!

**The Prime Minister:** May I, in order to explain to the House why it is that this question is being transferred to my colleague. The issue with regard to the PNQ falls squarely under the MCIA Act and I refer the House to Section 4 of the objects of the Authority with regard to the MCIA Act, and I read –

“The objects of the Authority shall be to –

- (a) monitor, oversee and coordinate all activities relating to, and ensure a fair, efficient and effective administration and operation of, the cane industry;...”

*(Interruptions)*

Listen!

*(Interruptions)*

Yes, but let me explain even if the Minister...

**Madam Speaker:** Hon. Leader of the Opposition! Please calm down! Calm down!

**The Prime Minister:** The Act also states that...

*(Interruptions)*

Madam Speaker, the Act also refers to –

“as and when appropriate, examine...”

That is the MCIA.

“... the accounts of millers and planters and offer advice on the forms to be used in connection with the presentation of those accounts;”

And again it refers to resolving -

“disputes between planters, millers and middlemen;”

I believe this is what the question is all about. The crux of the matter is on the issue regarding figures which have been produced, and it concerns the MCIA which is going to do the investigation.

Now, the SIFB, of course, gets all the figures from the MCIA, and then, obviously, in accordance with the law, decides on whether compensation should be given or not. The SIFB cannot enquire upon itself. It is up to the MCIA to do so in order to see whether figures are correct or not. That is the reason why it is transferred to my colleague, the Minister of Agro-Industry and Food Security.

**Mr X. L. Duval:** Madam Speaker, just one last thing. To be quite clear, during PNQ time...

**Madam Speaker:** Hon. Leader of the Opposition, I believe that we are taking the time of the House on the question of transfer of questions. The hon. Minister of Agro-Industry and Food Security is there. Hon. Minister of Agro-Industry and Food Security, I am really sorry, I have to tell you that you know already you had to reply to the PNQ and it was scheduled for 11.30 a.m. and I do not think it is opportune for any Minister who has a PNQ or a question to reply, he is not present in the House. Having said so, the matter is settled and I would expect the hon. Minister now to give his reply.

**Mr X. L. Duval:** The time is ongoing from now. The time we start is from now.

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Madam Speaker, let me, first of all, apologise for being late. It is unfortunate, but it just happened that I had to complete my reply. So, with your permission, I am going to reply to this PNQ...

**Dr. Boolell:** On a point of order, Madam Speaker, I would like to know whether the hon. Minister informed the Speaker that he would be late.

**Madam Speaker:** That is not a point of order but I would have expected the hon. Minister to inform me at least that he would be late.

**Mr Seeruttun:** Again, Madam Speaker, with your permission, I am going to reply to this PNQ in view of the fact that the sugar sector falls under the aegis of my Ministry.

I wish to inform the House that the Mauritius Cane Industry Authority under the purview of my Ministry is responsible to monitor, oversee and coordinate all activities relating to the cane industry and it is also mandated to resolve disputes between planters and millers.

Moreover the MCIA, through the Control and Arbitration Department (CAD), determines the quantity of sugar and co-products accruing to planters and millers.

On the other hand, the Sugar Insurance Fund Board (SIFB), falling under the aegis of the Ministry of Finance and Economic Development, has, amongst others, the responsibility to insure the sugar industry against loss due to cyclones, drought, excessive rainfall or fire.

Madam Speaker, I am informed by the SIFB that there is no manipulation of sugar production data of small planters.

As regards the account of *Compagnie Sucrière de Bel Ombre Ltée*, I am informed by the SIFB that the premiums payable by planters have been reassessed for Crop 2017 and adjusted accordingly.

In the event that sugar production percentage is below the prescribed threshold of 83%, adjustment will be made accordingly and insureds will be compensated.

In the meantime the SIFB has commissioned a forensic audit in respect of the matter. In parallel, I am also informed that ICAC is currently conducting an investigation following an anonymous letter it has received.

**Mr X. L. Duval:** I would like to ask the Minister firstly, Madam Speaker, how can he justify ICAC intervening in this matter? It is not a matter of corruption or gratification, it is a matter of embezzlement, and it should fall under the Police. Why has not he, or his boss who has not answered the question, referred this to the Police and not to the ICAC?

**Mr Seeruttun:** First of all, Madam Speaker, as I said, ICAC is investigating following an anonymous letter received. So, that is on one question. If the hon. Leader of the Opposition is asking why the ICAC, that is because they have received a letter by an anonymous writer, and they have been conducting their investigation. But, following some omissions made in the assessment of the premium to be paid by *Compagnie Sucrière de Bel Ombre Ltée*, the corrections had been made but, in the meantime, the Board decided to have a forensic audit to be carried out to see how it happened and what are the corrective measures that need to be taken.

**Mr X. L. Duval:** There is a letter that was produced, given to the CEO, this time it is Chief Entertainment Officer, not Chief Executive Officer there. The CEO was handed a report by a senior member of staff on 08 August of this year giving full details of how the accounts were manipulated, massive manipulation. Have you had cognizance of this report which deals with Rs450 m. embezzlement? And, more importantly, has the Minister of Finance had cognizance of this report and, if so, on what date?

**Mr Seeruttun:** Madam Speaker, the whole purpose of having that audit is to be able to assess if any malpractice has taken place. If the conclusion shows that there is need to have further investigation, this will be referred to the relevant authority. Do you know about this report and does your boss know about this report of 08 August, 100 days ago, about a fraud of Rs450 m. in his Ministry? Do you have that report?

Madam Speaker, this is why the Board has decided to conduct that forensic...

*(Interruptions)*

Following certain allegations made, that is why the question arose and the Board decided to conduct a forensic audit to see whether there has been any malpractice or not.

**Mr X. L. Duval:** Have you seen the report, and if you have seen the report, tell me what is in it?

*(Interruptions)*

And on what date? Is it this morning or was it given because it is 100 days ago? On what date?

*(Interruptions)*

Just let me finish! On what date the Board of Directors decided for the forensic audit? Is it this morning that the Chairman has decided? Give me the date of the decision for a forensic audit, please?

**Mr Seeruttun:** Well, I can confirm that the report was received on 11 August 2018 and following that the Board was convened. They decided to appoint a private firm to carry out that audit, and we are awaiting the report, so that we can take matters further, if need be.

**Mr X. L. Duval:** Are you willing to circulate a copy of that Board meeting, supposed Board meeting, that appointed the forensic audit?

**Mr Seeruttun:** Well, I have to check with the Board to be able to decide on whether this can be made available to the House. But I do not see any problem in that if the Board is agreeable.

**Mr X. L. Duval:** My information from Board members is that the Board was never apprised of this report alleging this huge massive fraud. When was the Board – the hon. Minister can also circulate that Minute - of the Sugar Industry Pension Fund, which does not

fall under his responsibility, but nevertheless he answered it, apprised of this massive fraud at the SIPF, which I am alleging?

**Mr Seeruttun:** Well, first of all, I think it is premature to claim that there has been a massive fraud. I mean the whole purpose of having this investigation is to see whether those allegations are founded or not. Let us receive the final report then we will see *la marche à suivre*.

**Mr X. L. Duval:** A problem with English, Madam Speaker! When was the Board of Directors apprised – the hon. Minister should get a piece of paper from his colleagues and there are many members of the Board, even from the private sector - of this report which adjudges the fraud?

**Mr Seeruttun:** Well, I am informed that they will communicate the date in due time.

**Mr X. L. Duval:** So, the Board was not apprised ever, and that, Madam Speaker, is a major dysfunctioning of the Sugar Insurance Fund Board. What are the actions that the Government will take concerning the management if, as I am saying, the Board was not apprised of that damning report?

**Mr Seeruttun:** Madam Speaker, if the Board decided to appoint a forensic investigation, they must have been aware of that report in the first instance. Well, they do not have the date on which that Board met to be able to communicate it to the Leader of the Opposition now. But I have said, I am going to communicate the date once I have it on hand.

**Mr X. L. Duval:** That is a driver in the Ministry of Finance or is it sort of everybody doing what they want? There is a major fraud alleged 100 days ago and nobody seems to be aware of it. Nobody is taking the responsibility, the hon. Minister does not know, the Minister of Finance is not answering. The question is that, Madam Speaker, there is a major dysfunctioning in Government. If such a fraud is alleged on 10,000 people who are suffering at the moment, who are dying, who are facing huge financial difficulties, and that fraud is not a priority for the Government for the last 100 days, is that what the hon. Minister is saying to us?

**Mr Seeruttun:** Madam Speaker, it makes me laugh sometimes when I hear what the hon. Leader of the Opposition is talking about. He keeps on repeating about this massive fraud and I keep saying that at this point in time, at the level of the SIFB, there is not anything that points that there is such a fraud. There has been an omission in the assessment of the premium to be paid by one particular planter, this has been corrected and the premium

due was paid accordingly to the SIFB. What this impact would have on the compensation, that is something which is being looked at. Let me also say that when the hon. Leader of the Opposition is saying that people are dying, small planters are being left out, it is this Government, Madam Speaker ...

*(Interruptions)*

**Madam Speaker:** Hon. Dr. Boolell, please! No aggressive comments especially from the band!

*(Interruptions)*

Order!

*(Interruptions)*

Order, please!

*(Interruptions)*

Can we have some order in the House? Hon. Dr. Boolell, please calm down and control yourself! The hon. Minister is replying, allow him to reply, please!

*(Interruptions)*

Please! Order, I said!

*(Interruptions)*

**Mr Seeruttun:** Madam Speaker, this Government, since 2015 has been constantly supporting the small planters and the sugar industry at large. Had there been a responsible Government between 2005 and 2014, we would not have been here today. They are awakened now, it looks like. It is only now they find that the small planters and the sugar industry are facing difficulties, but they never did anything to address the problem when they were in power. The Leader of the Opposition was a frontbench Minister and I see hon. Dr. Boolell was number six in the former Government. What did they do? Nothing!

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah, please! You should not answer for the Minister.

*(Interruptions)*

Order! Hon. Minister, be concise in your reply, please!



**Mr Seeruttun:** Yes, Madam Speaker. The hon. Leader of the Opposition mentioned that we are as if not doing anything for the small planters. But I must say, since 2015, when the price of sugar went down for the crop 2014, we came up with the cash compensation that was paid to the planters and we did something special for the small planters. They got Rs1,400 per tonne of sugar over and above what was given to other group of planters and we have been constantly supporting the small planters over those four years in terms of price of bagasse. They never did anything to correct that price. So, now, coming and saying that they are dying because of us, they were the ones responsible for that situation. Had they taken their responsibility at that time.

**Madam Speaker:** Yes, hon. Leader of the Opposition!

**Mr X. L. Duval:** Madam Speaker, I will ignore his silly comments. Madam Speaker, he cannot give us a date of which the report was presented to the Board. He cannot give us a date of the forensic audit which is probably this morning. Can he tell us, if he has read the report, that the report not only deals with *Compagnie Sucrière de Bel Ombre* which is affecting 4,000 planters in that region, it also deals with manipulation of 1,600 accounts of small planters? I have the account numbers of the small planters if the hon. Minister wants to know. Some of the small planters ...

**Madam Speaker:** Hon. Leader of the Opposition, ask your question!

**Mr X. L. Duval:** Yes. Okay.

*(Interruptions)*

It deals with 1,500 small planters whose accounts have been manipulated.

**Madam Speaker:** Please, hon. Leader of the Opposition! Why is it that you are protesting when I ask the Leader of the Opposition to ask his question? Why is it? Please!

**Mr X. L. Duval:** 1,500 small planters! Some of them have lost hundreds of thousands of rupees because of non-compensation. Is he aware that this report mainly deals with the 1,560 small planters who have had their accounts tampered with illegally?

**Mr Seeruttun:** Madam Speaker, again these are allegations. The hon. Leader of the Opposition is talking about 'tampered'. The question of 'tampering' does not arise. The system that they have at the SIFB is a fool proof system. Nevertheless, there has been a case where there has been an omission and this has been corrected. And now they are reassessing the situation whether that factory area is to be considered as an event year for that factory

area. If there is need to pay a compensation that will be done, there will be no kind of *priver les planteurs de leur augmentation*.

**Mr X. L. Duval:** Madam Speaker, I am surprised how ignorant the Minister is of the report. The report gives the accounts, the report gives numbers, the report gives instances. He himself was Permanent Secretary of that Ministry, it is unprecedented in the history of the Sugar Insurance Fund Board for the Board to tamper with 1,560. Under what section of the law, did the Board tamper with 1,560 accounts? It is a fact that it did so, and he will look foolish if he says no.

**Madam Speaker:** No, please!

**Mr X. L. Duval:** It is a fact that it did so. Under what section of the law did they do so?

**Mr Seeruttun:** Madam Speaker, the hon. Leader of the Opposition is talking about the report and that report came up with certain observations and now these are being investigated. But what he expects us to do now before we get a full report of that investigation? Let us wait for that report to be available following the forensic investigation, then we will be able to see what are the actions to be taken.

**Mr X. L. Duval:** Madam Speaker, I would have expected this report to have been given high priority by the Ministers concerned, by Cabinet, for this report to have been inquired into by the Ministry of Finance and the officers who prepared very courageously this report are whistle-blowers, these officers should have been interviewed by the Ministry of Finance and the Government, Madam Speaker, should now appoint a full-scale Commission of Inquiry by a Magistrate because it is clear, both on the point of Government and under the work of the SIFB, that there is going to be cover-up in this issue.

**Mr Seeruttun:** Well, he keeps on referring to one report that he has in hand. Can he, please, table it so that I can look at whether we are talking about the same report?

**Mr X. L. Duval:** No, Madam Speaker, thank you. It shows, Madam Speaker, that he does not know the report, he has not got the report. I will not do so; I will give it otherwise, Madam Speaker...

*(Interruptions)*

The report is signed, but Madam Speaker...

*(Interruptions)*

**Madam Speaker:** Order!

*(Interruptions)*

**Mr X. L. Duval:** I will give it to the Press afterwards; I will not give it to him.

*(Interruptions)*

I will not give it to him because the first thing that he will do is he will go and chase those people who wrote this report. But I am astonished that the Minister...

*(Interruptions)*

Let us take in few minutes, let us take at the conclusion. Let us see if we have the same report. Open your report! The conclusion is this, Madam Speaker...

*(Interruptions)*

It is clear that the conclusion, given the complexity of the matter, sees implications, I urge the hon. Minister...

**Madam Speaker:** Hon. Leader of the Opposition, please, allow me! If you wish to quote, I would have appreciated if you would tell us from which document and if it is an authentic document from which you are quoting. And then you will take the responsibility that the document is authentic and that you are quoting from an authentic document, please.

**Mr X. L. Duval:** No, it is a signed copy by one...

*(Interruptions)*

He does not know anything, what is he talking about?

It is signed by one of the Operations Manager, Mr Jake Sookduth, it is dated 08 August 2018. The Minister should go in his file, do his job, find this report and do his inquiry. That is what he should do!

**Mr Seeruttun:** Madam Speaker, all along the hon. Leader of the Opposition has been referring to a report and I have just asked him to table that report, he is not capable of tabling it. How does he want me to reply to his question, he is referring to that report, when he is not prepared to table it in the National Assembly?

**Mr X. L. Duval:** I would have expected the Minister of Finance to reply to this question because he cannot run away from his own Ministry and from the dysfunctioning of the Ministry of Finance as everybody agrees, Madam Speaker. Madam Speaker, I would like

to ask concerning the *Compagnie Sucrière de Bel Ombre*, the huge mistake was made on that file, the amount declared as it showed with sugar was one-twelfth of the amount that should have been done. And what did the SIFB do? The Minister will also find it in that report which he said he read, because he is admitting *the Compagnie Sucrière de Bel Ombre*, the low amount used for calculating compensation and, therefore, no compensation was paid, and the high amount, 12 times higher, was used for payment of the premium, for calculating the premium due? That is a clear case of fraud, where different amounts used for calculating compensation, one-twelfth less, and a far bigger amount calculating for premium to be paid. That is in the report. Did he not see that also?

**Mr Seeruttun:** Madam Speaker, let me explain...

*(Interruptions)*

**Madam Speaker:** Please!

**Mr Seeruttun:** Let me explain to the House, Madam Speaker what happened in the case of *la Compagnie Sucrière de Bel Ombre*, because he has been saying one thing which is not totally right.

*(Interruptions)*

**Madam Speaker:** Hon. Leader of the Opposition, do not interrupt him!

**Mr Seeruttun:** *Compagnie Sucrière de Bel Ombre* has three accounts in terms of supplying cane in three different factory areas: Saint Felix, Saint Aubin and Medine. Usually, when the SIFB works out the assessment of the premium, they look at the last eight years...

*(Interruptions)*

**Madam Speaker:** Hon. Leader of the Opposition, once again!

**Mr Seeruttun:** They look at the last eight years of cane that are supplied to the factories. Since 2008, they look for the eight years and they take the three best years to determine the insurance. Let the House also be aware of, the Leader of the Opposition seems to be aware, but he does not seem to tell everything to the House.

So, since 2008, Bel Ombre shifted its cane to the other two factory areas, which implies that the cane that used to go to Saint Felix Factory area is no more going there, so the volume of cane is now zero. When they were to calculate the premium for the year 2017,

when they took the last eight years' figure of cane supply, there was zero. No cane supplied, so this is why the premium that was worked out came out to less than it should have been, because the cane that was transferred to the other factories were not taken into consideration. That was the mistake that happened and that was corrected. That is where the right premium has been claimed afterwards and paid by the *Compagnie Sucrière de Bel Ombre*. That is what happened, Madam Speaker. Now, when it comes to deciding on the compensation to be paid if there is less sugar accrued for those planters in that region based upon the sugar insured, it is being reworked out because of that particular mistake and, as I said, should there be a drop in the production due to that, compensation will be paid accordingly.

**Mr X. L. Duval:** I do not know whether the Minister even knows his file. The deadline has passed for declaring crop year. Do you know that? What was the deadline to declare in crop year 2017? It was July. So, I am going to ask the Minister, since the deadline has gone, he has power - not him - his boss has power, under section 25 to extend the deadline.

Firstly, are you going to extend the deadline? I hope not this Forensic Inquiry, but that there is a full Commission of Inquiry. Are you going to extend the deadline? Are you going to appoint a Commission of Inquiry on this fraud that has occurred? I maintain the word 'fraud'.

**Mr Seeruttun:** Madam Speaker, again, in my reply I said that should there be a need to declare that region as an event year, compensation will be paid accordingly.

*(Interruptions)*

If it lapsed, the Board will take the decision accordingly, because there has been a genuine mistake on the part of one of the employees of that particular institution. The question should not arise as such because we do acknowledge there has been a mistake.

**Mr X. L. Duval:** Madam Speaker, there has not been one mistake, but 1,561 mistakes and all these mistakes impact. I am going to table, this time, Madam Speaker, a recalculation which I have made - he is also an accountant - of the event year for 2017. It shows that because of the manipulation and the fraud by SIFB, three extended factory areas, Medine, Omnicane and Alteo, ought to have been declared event regions and this, Madam Speaker, means a shortfall of Rs450 m. to mainly the small planters of Mauritius. I will table this, and he will be able to look at it.

*(Interruptions)*

**Mr Seeruttun:** Madam Speaker, I can confirm to the House...

*(Interruptions)*

**Madam Speaker:** Please, no comment from a sitting position! Yes, hon. Minister!

**Mr Seeruttun:** Madam Speaker, there are four factory areas in Mauritius, as we call the enlarged factory area. Of those four, three of them, Terra, Medine and Alteo, as per assessment carried out, the percentage of sugar accrued based on total insurable sugar is over the threshold of 83%. Then, there is no need for any compensation. In the case of Omnicane, due to the fact that there has been reassessment of the insurable sugar, this is being worked out, and again, like I said, should there be need to pay a compensation, that would be done accordingly.

**Mr X. L. Duval:** This is the result of passing a file from one Minister to the other. This Minister does not even know, Madam Speaker; he does not even have the faintest idea that 1,500 files of small planters have been tampered with in respect of the normal years. It is technical jargon, Madam Speaker. I have checked everything. 1,560 files have been tampered with so that insurance is not paid. He is not aware of the report of 08 August from a Senior Manager to his CEO. It has not even been given to the Board. All this, Madam Speaker, total ignorance, *et je-m'en-foutisme* on the part of a Government which pretends to be in favour of small planters. No wonder you were not at the forum in Octave Wiehe a few weeks ago!

**Madam Speaker:** The question, hon. Leader of the Opposition!

**Mr Seeruttun:** Madam Speaker, the hon. Leader of the Opposition keeps on saying that on this side of the House, we don't know anything. He seems to know everything and we don't know anything. But let me tell him that he keeps on referring to a report, which he is not willing to table; he keeps on referring to things that he is not willing to at least substantiate. So, it is very easy to come with allegations, and I keep saying that, so far, we are carrying out an investigation, a forensic audit will be done and if, as he is claiming, there have been 1,600 or so small planters who have been penalised, we will see in the report, and then we will be able to take actions as deemed necessary.

**Madam Speaker:** Leader of the Opposition, you have three more minutes. There are other Members from the floor who are willing to ask questions. I draw your attention that now you have two more minutes.

**Mr X. L. Duval:** Thank you. I would like to ask the hon. Minister what is the firm that is performing the forensic audit. I see there are officers of SIFB here. Can he just give me this information? When were they appointed?

**Mr Seeruttun:** The firm is Pricewaterhouse Coopers.

**Mr X. L. Duval:** When were they appointed? Is there a problem with the English here?

**Mr Seeruttun:** The hon. Leader of the Opposition asked for the name of the firm.

**Mr X. L. Duval:** I also said 'when'.

**Mr Seeruttun:** He asked which firm and I am saying which firm.

*(Interruptions)*

Yes, I am going to tell him once I get the information. It was appointed at the last Board meeting.

**Mr X. L. Duval:** When was the last Board meeting, please?

**Mr Seeruttun:** According to the information I have, which needs to be confirmed, it is around 27 October.

**Mr X. L. Duval:** Therefore, Madam Speaker, if I understand well, the letter incriminating everyone was on 08 August...

*(Interruptions)*

Report; 08 August. He waited for 27 October, a few days ago, when the letter has gone to ICAC, to organise the forensic audit!

**Mr Seeruttun:** Madam Speaker, first I must reassure the House that, again, the mistake, the error, the omission was found out well before the anonymous letter was received. So, actions were taken...

**Mr X. L. Duval:** Not anonymous. I said it was signed...

**Madam Speaker:** Please, Leader of the Opposition!

**Mr Seeruttun:** Madam Speaker, of course, at the level of the Board, they had to look into the matter and, following that, they decided that the best option is to carry out that forensic investigation. So, of course, it is a question of a few weeks and this is being done now.

**Madam Speaker:** You have your last question now.

*(Interruptions)*

I am sorry; I will not be able to give the floor. Okay, last question for hon. Dr. Boolell.

**Dr. Boolell:** Thank you very much, Madam Speaker. The matter is too grave for Ministers to laugh. Maybe this is the last laugh that they will have! With respect to questions put by the hon. Leader of the Opposition and the evasive replies given by the hon. Minister, can we have it from the hon. Minister - he has to spell it out very clearly - as to whether there is a need for a Commission of Inquiry to be set up to look into manipulation, embezzlement?

**Mr Seeruttun:** It is funny that I get this question from this hon. Member. Every time the population has been asking for a Commission of Inquiry on major issues that the country has been facing, they have always put away these kinds of requests. Today, he has the guts to come and say to have a Commission of Inquiry. Let me say again, we are...

*(Interruptions)*

**Madam Speaker:** Please! Hon. Dr. Boolell!

*(Interruptions)*

No, but he is replying to your question!

**Mr Seeruttun:** This Government is taking its full responsibility. At a time when they should have done their lot to save that industry, they did not do anything. You know, the Cotonou agreement is coming to an end in 2020; the abolition of the EU quota came in September 2017. If they had fought at the level of the ACP-EU Meeting, they should have been able to request that the abolition came at the same time as the agreement...

*(Interruptions)*

**Madam Speaker:** Order! Time is over!

*(Interruptions)*

**Dr. Boolell:** Waste of time, waster of energy. Go to hell!

**Madam Speaker:** Hon. Dr. Boolell!

*(Interruptions)*



**Madam Speaker:** I do not think you are substituting yourself to God! Are you substituting yourself to God? Going to hell or to paradise?

**Mr Seeruttun:** Madam Speaker, on a point of order. Addressing me, hon. Dr. Boolell just said, from a sitting position, “Go to hell”.

*(Interruptions)*

I want him to withdraw that.

**Madam Speaker:** Let me say that I have drawn the attention of the hon. Member. Well, he said, “Go to hell” and he did not mention it specifically for one particular Member. He may have addressed it to anybody. Hon. Dr. Boolell, please, did you address that...

*(Interruptions)*

Excuse me, order, please! Did you address that to the hon. Minister? You did address that to the hon. Minister?

**Dr. Boolell:** No, Madam, I raised a hell raising issue. That is what I raised. To me, this issue is hell raising. I never meant the Minister to go to hell as far as he can go to hell.

*(Interruptions)*

**Madam Speaker:** Order, please! Hon. Dr. Boolell, my question is direct. Did you address these particular words “Go to hell” to the hon. Minister? My question is simple. It is either yes or no.

**Dr. Boolell:** Madam Speaker, if he knows the way to hell, why should I be worried?

*(Interruptions)*

**Madam Speaker:** No! I won’t accept this reply! I am sorry, I won’t accept this reply. My question is direct. So, if you have addressed it to the hon. Minister, then, I would request you to withdraw. If you did not, it’s fair, that’s simple.

**Dr. Boolell:** Madam Speaker, it was meant for anybody and to anybody who wants to go to hell.

*(Interruptions)*

**Madam Speaker:** I would request hon. Members to, at least, respect the decorum of the House. I would expect both sides of the House, not only the opposition but, both sides of the House, at least, to respect the dignity and the decorum of the House. Otherwise, the

public won't have any respect for this House. So, if you have said that, please, withdraw it simply, hon. Dr. Boolell. Please, withdraw it, and that's the end of the matter.

**Dr. Boolell:** Okay! Madam Speaker, if it pleases the hon. Member to go to heaven, please do so.

*(Interruptions)*

**Madam Speaker:** No! Hon. Dr. Boolell, I don't think it should be acceptable.

*(Interruptions)*

Please, order! Order, please! Hon. Dr. Boolell! I am not going to argue with you again. That's the last time I am asking you, hon. Dr. Boolell. I am not going to argue with you. We have two Bills, two very interesting Bills to debate. So, I would appeal to you to withdraw these words and that is the end of the matter.

**Dr. Boolell:** Madam Speaker, I gave a friendly advice, but if he feels aggrieved, I withdraw it.

**Madam Speaker:** Thank you for your cooperation.

## **MOTION**

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

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

**Mr Hurreeram rose and seconded.**

*Question put and agreed to.*

## **PUBLIC BILLS**

### *First Reading*

*On motion made and seconded, the Mauritius Family Planning and Welfare Association Bill (No. XIX of 2018) was read a first time.*

### *Second Reading*

## **THE NATIONAL PAYMENT SYSTEMS BILL**

### **(NO. XVII OF 2018)**

*Order for Second Reading read.*

**The Prime Minister:** Madam Speaker, I move that the National Payment Systems Bill 2018 be read a second time.

The purpose of the Bill is to create a new framework for the regulation, oversight and supervision of national payment systems.

There have been wide consultations with the industry and the public on the Bill. In fact, a working draft of the Bill was released by the Bank of Mauritius for public consultation in February 2016. The views of stakeholders, including the banks, the FSC and the CDS have been incorporated where applicable.

Madam Speaker, sound payment systems are important to secure the stability of the financial sector, maintain low transaction costs and promote efficient use of financial resources, amongst others. The Bill provides for licensing of new operators which will especially benefit consumers by significantly reducing the cost of payment transactions.

Around the world we are seeing three key forces which are introducing innovation and competition to payment systems, they are –

- i. new payment instruments;
- ii. new technologies, and
- iii. new payment participants.

These three forces are also playing out in our financial system. They need to be fully harnessed as they will positively impact on the competitiveness of our financial services sector, on economic activities generally and also on social development.

As regard new payment instruments, consumers are increasingly favouring the use of electronic means of payments and reducing their use of cash. The use of mobile devices is one of them. Such a trend needs to be encouraged.

The second force which is about new technology is manifesting itself in various ways. An example is the blockchain Distributed Ledger Technology which is gaining wide recognition as one of the most innovative technologies in the financial sector. While improving efficiency and convenience in making payments, such technologies provide greater safety to users.

And the third force, which is about the increasing number of new participants, mostly non-traditional, is shaping an entirely new payments industry for the greater good of

consumers, the industry itself and of our country. Many of these new entrants would be Fintech firms which are using technology to provide payments services.

The House would recall that in my past two Budget Speeches, I put digitisation at the very centre of our economic strategy and emphasised on the development of Fintech to pursue our commitment to modernise our financial services system, keep up with the latest financial technology trends and create new areas of competitive advantages for our financial services industry. I have announced a series of policies and measures to achieve this goal.

And today with the National Payment Systems 2018 Bill, we are making another stride towards our commitment to foster the development of Fintech and modernise our financial system and economy.

Currently, the Bank of Mauritius draws its powers for regulation of payment systems under Section 48 of the Bank of Mauritius Act. To strengthen the regulatory framework for payment systems, the new Bill will complement the existing provisions in various areas, namely to –

- a. allow for the setting up of an enabling and transformative environment for new types of payment services from banks to non-bank operators;
- b. provide for the licensing of new entrants from the non-banking domains;
- c. protect assets given as guarantee for settlement;
- d. define clearly the finality of payments;
- e. consolidate the safety and efficiency of payments and settlement systems, and
- f. encourage collaboration on payment schemes between banks and non-bank operators.

One of the big advantages of this legislation is that it will further facilitate the operation of the National Payment Switch objective of which is to simplify the current card payment system by routing all transactions made with locally issued cards to a central point (Bank of Mauritius) instead of international card schemes and to encourage mobile payments. Moreover, the National Payment Switch will allow for wider use of prepaid cards, especially for the payment of pensions and other social transfers.

Madam Speaker, I shall now highlight some of the main clauses of the Bill.

As there are two regulators in the financial system, namely the BoM and the FSC, it is important that their powers with regard to the payment industry be well-defined.

The Bill provides for all payment system operators in the domestic market to be under the purview of the Bank of Mauritius. Thus, the powers and responsibilities of the BoM are spelt out in Clauses 4 to 11.

Madam Speaker, I would like here to inform the House that in Clause 3(2) the reference made to Clause 48 should instead read Clause 47.

Clauses 4 and 5 provide for the powers conferred upon the Bank of Mauritius to regulate and oversee the national payment systems and ensure their safety, soundness and efficiency.

Clause 6 imposes a duty on the BoM to cooperate with other authorities, be it the FSC or foreign authorities and sets out the conditions and the manner in which it will do so.

Clauses 7 to 11 relate to the Central Bank's power to authorise payment system operators and licence payment service providers.

Another crucial feature of the Bill is to ensure that all the modernity that it brings works in the interest of consumers and not against them. Consumer protection and the need to instil confidence in the system are essential features of a well-designed payment system. As such clauses 12 to 15 set the rules for payment service providers to disclose the terms and conditions of their services, including fees and charges, in a transparent manner and also to implement a well-defined complaint handling mechanism.

To ensure that our national payment systems stay in line with international best practices which require the rules to be transparent and publicly accessible, clause 16 requires operators to have written rules for general governance, management and operations.

Madam Speaker, we need to ensure that our payment systems are dynamic and adaptive to specific business cases while being compliant with best practice. To this end, clause 17 empowers the Bank of Mauritius to issue appropriate directives, instructions and guidelines to operators, participants or payment service providers.

And in line with provisions of the Banking Act, clause 18 imposes a duty of confidentiality on a director, officer, employee, agent or service provider or liquidator of an operator, participant or payment service provider.

Further, in order to be compliant with international standards, clause 22 requires payment service providers and operators to comply with anti-money laundering and prevention of terrorism obligations.

Clause 25 widens the powers of the Bank of Mauritius to conduct regular and special examinations of payment system operators and clauses 28 to 30 provide for penalties and remedial measures in case of infringements by operators.

Madam Speaker, one of the new features of the Bill is the definition of finality which is a crucial concept for payment systems because it determines the moment from which a payment cannot be revoked or reversed. A payment, once effected, has to be final and irrevocable. Thus, clause 32 provides for the rules of finality and irrevocability of payments and transfer orders. It also provides for the validity and enforceability of transfer orders in case of a winding up or a bankruptcy order from a Court against an operator.

In the event of a winding up order of a participant, clause 33 provides for the Bank of Mauritius or an operator, to the extent required for the discharge of the settlement obligations of the participant, to utilise any asset of a participant, which was provided as security for a loan in respect of its settlement obligation, before the issue of a winding up order of that participant.

And in the same vein, clause 35 provides that, in case of insolvency of an operator, the operations of a payment system on that business day shall take precedence over the law of insolvency.

Clause 37 requires an operator or a participant who is insolvent or who is likely to become insolvent to immediately notify the participants of the payment, clearing or settlement system or the operator of the system, as the case may be.

Clauses 38 to 41 provide for the procedures in case of winding up or receivership of an operator.

With respect to a foreign participant, clause 42 clarifies the instances where the laws of Mauritius shall apply. Amongst others, the laws of Mauritius shall govern the rights and obligations arising from, or in connection with, the participation of the participant in the system, the legal nature and the proprietary effects of book-entry securities collaterals.

Clause 43 provides for the Provisions Affecting Cheques insofar as cheque image and presentation of a cheque for payment by electronic means is concerned, these shall be

governed by the provisions of section 44A of the Bills of Exchange Act and such guidelines, rules, instructions or directives issued by the Bank of Mauritius in this respect.

Clauses 44 to 46 provide for enforceability and proof of evidence of electronic fund transfers to be governed by the Electronic Transactions Act.

Clause 51 provides for the Bank of Mauritius to make regulations for the purpose of this Act. It also provides for the FSC to make regulations with respect to matters falling under its purview under this Act.

Clause 53 sets out transitional provisions applicable as from the date of the commencement of this Act. And amongst others, payment service providers and payment system operators, other than the Central Bank, which are already in operation, will be allowed to continue operating for a period of 6 months under their existing licence while licences granted by the Financial Services Commission for the provision of Payment Intermediary Services will lapse after 1 year. Any person wishing to continue their line of business will have to seek necessary authorisation or licence from the Bank within 90 days from the commencement of this Act. In such cases, the Bank will determine the applications, before the licences lapse.

Clause 52 provides for the consequential amendments which are being brought to the Bank of Mauritius Act, Banking Act, the Securities (Central Depository, Clearing and Settlement) Act as well as the Financial Services (Other Financial Business Activity) Rules 2008.

Madam Speaker, I am confident that the Bill will be a game changer. It will pave the way for the development of stronger, more sound, more efficient, safer and more resilient payment systems. It will allow for greater competition in the provision of payment services, attract more investors, boost financial innovation, expand payment activities and thus contribute positively to growth and allow us to progress more rapidly towards our ambition of developing our country into a Fintech hub for the region.

I now commend the Bill to the House.

**Mr Gayan rose and seconded.**

**Madam Speaker:** Hon. Uteem!

(12.36 p.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):**

Madam Speaker, the Bill before the House is very technical; very technical, but very important because it provides the legal framework for licensing and regulating payment systems and payment service providers in Mauritius. In fact, the Bank of Mauritius already has the power to do so and the bank of Mauritius is already offering two clearing systems –

1. In relation to cheques, the Port Louis Automated Clearing House. People will remember, in the old days, *préposé* responsible for each bank would go to the Central Bank and then physically deposit cheques, and then the cheques would exchange hands. Now, this has changed, we have a Cheque Truncation System where cheques are scanned and automatically settled.
2. The second clearing system operated currently by the Bank of Mauritius is the Mauritius Automated Clearing and Settlement System, commonly known as MACSS. With the MACSS, bank settlements are done on a real time basis.

For example, if I have a bank account with, let us say Bank A and I want to transfer money to someone who has an account with Bank B, this will be done automatically in the books of the Central Bank. This MACSS system is currently the backbone of the payment system in Mauritius and is essential for other ancillary services. For example, whenever someone wants to trade shares on the Stock Exchange, the settlement will be done through MACSS. Similarly, whenever we have to pay taxes every month, VAT, contribution, etc., all this is done automatically through MACSS. So, already the Bank of Mauritius is operating payment system and the law provide for the power given to Bank of Mauritius to regulate clearing system.

But I agree, Madam Speaker, that today we are facing new challenges. Today, less and less people use cheques. Even credit cards are getting out-dated and obsolete. Now, people talk about electronic cash, electronic wallets. People use their mobile phone. Youngsters especially would go on the Internet and pay with PayPal, Google wallet and other online payment products. People are even starting to use virtual money, crypto currencies, bitcoins. With technology, we have to keep up-to-date, we cannot lag behind because we need to protect the Mauritian customers, we need to regulate payment system, we need to regulate payment service providers and, in this respect, we welcome the introduction of this Bill today.



Madam Speaker, as I said, we do not have a major issue with the Bank of Mauritius regulating the system, but where I differ with the hon. Prime Minister is where he mentioned that it is clearly spelt out in the Bill what are the powers of the Bank of Mauritius and what are the powers of the Financial Services Commission. I think that the dividing line is very much blurred. We know under the Securities Act today, it is the Financial Services Commission that regulates payment system. For example, when we take the Stock Exchange of Mauritius, settlement is done through a company, the Central Depository and Settlement Co. Ltd (CDS). Now this CDS has its own payment system and this is regulated by the Financial Services Commission today. So, with this Bill we will still have this duo licensing and here is where I am very uncomfortable because I do not think that there is sufficient clarity in the Bill to demarcate when the Bank of Mauritius would license and when the Financial Services Commission would license. So, I would have preferred that we go further than what is being provided today in section 6(1) of the Bill. At the moment, section 6 only mentions cooperation between the Central Bank and the Financial Service Commission. I think that we should have gone further and officially set up a Joint Committee consisting of representatives of the Bank of Mauritius and the Financial Services Commission to consider all application for the issue of licence of a payment system which is related to securities exchange.

We know that this is not a moot point because we know that in the past the Financial Services Commission had licenced other stock exchanges. We had Bourse Africa Limited, for example, which has now closed down and Bourse Africa Limited had its own clearinghouse. Bourse Africa Limited, which was a platform to clear certain transactions and Bourse Africa Limited, was licensed by the FSC. So, if tomorrow we have another stock exchange, another application to set up a stock exchange, this would be routed to the FSC and I am sure that the stock exchange would want to have its own settlement clearinghouse and that again would fall under the FSC. So, I think when it comes to these types of licensing, there should be more cooperation and in a formal manner.

Now, in order to avoid this problem of dual regulation, section 3(1) (b) of the Bill currently provides that –

“Parts II to VII –

(b) shall not apply to the Central Depository & Settlement Co. Ltd established under the Securities (Central Depository, Clearing and Settlement) Act.”

This is the CDS that I was referring to. But this is very specific to one company, that is, exempt from the provision of this Bill. I would urge the hon. Prime Minister to come up with an amendment to that section so that we exempt all payment systems that are licensed by the FSC, currently licensed like the CDS today, but also future payment systems that would be licenced to the FSC precisely to avoid this blurring of responsibilities between the FSC and the Bank of Mauritius.

Madam Speaker, as the hon. Prime Minister has mentioned, the objective of this Bill is to provide safe, secured, efficient payment systems. When we talk about electronic payment system, the security and the safety depend a lot on the ICT infrastructure and on the software that are being used. So, my question today is: ‘Does the Bank of Mauritius have the necessary technical expertise in terms of ICT to assess the reliability and soundness of the electronic payment system of any applicant for a licence?’ Once this licence is issued, does the Bank of Mauritius today have the technical expertise to follow up on an ongoing basis and monitor these payment systems because we all know, Madam Speaker, the consequences of cyber-attacks? We all know the risk especially for overseas operators with online payment. We have seen, Madam Speaker, recently the case of State Bank of Mauritius which was reported in the Indian press to have been the subject of a cyber-attack in India to the tune 143 crores of Indian rupees, which is roughly Rs490 m.

Now, the State Bank of Mauritius has issued a communiqué to say that it has recovered most of these funds directly or through insurers, but the risk remains there. The question remains: ‘Did the State Bank of Mauritius have the necessary ICT infrastructure, the necessary firewalls, the necessary antiviruses to prevent a cyber-attack?’ More importantly: ‘Did the Bank of Mauritius have the expertise to ensure that the State Bank of Mauritius had these ICT software, ICT platform to minimise the risk of cybercrime because when we are dealing with electronic payment, we are dealing with high-risks; high-risk of theft, *détournement de fonds*, risk of theft of personal data, risk of identity theft, risk of frauds. So, the risks are there and people will only have confidence to use a payment system if they have confidence in the Bank of Mauritius having the necessary technical expertise to monitor the payment systems that are being used Mauritius.

Madam Speaker, even if we take all the necessary precaution, all the necessary technical expertise to regulate these payment systems, we cannot exclude the risk of a cyber-attack, we cannot exclude the risk of customers losing money through a fraud. The issue then arises: who will compensate the customers in case there is a fraud, in case there is a

hacking of the system. Now, this is very relevant because, at this point in time, the service provider may be bankrupt, maybe he will not have the muscle of the State Bank of Mauritius to absorb cyber-attack to the tune that the State of the Bank of Mauritius was subject to. So, what happen in the case of a payment system which comes under attack and the person who is operating that system, is bankrupt? Who will compensate all these customers who would lose money through these cyber-attacks?

So, this is where I think that the Bill could have gone further and provided for the setting up of a compensation fund. The money would have been collected from the operators themselves, from the licensees, collected by the Bank of Mauritius and put into that fund. We have done it for insurance industry compensation which is regulated under the Financial Services Act. I would urge the hon. Prime Minister to give consideration to the possibility of setting up a special compensation fund to compensate any victims of attack on those payment systems.

Madam Speaker, protection of consumers will remain the prime consideration of the Bank of Mauritius and the Bank of Mauritius will have to ensure that customers are not fleeced. Customers should know exactly what they are getting into. In this respect, I would like to refer the House to a paper published by the Bank of Mauritius on the National Payment Switch in January 2016 where the Bank of Mauritius stated and I quote -

“The total value of payments made at points of sale (POS) approximated Rs146 billion in 2015 with an estimated amount of Rs3.6 billion shared as fees among operators.”

Rs3.6 billion paid in fees to operators of Visa Card, Master Card, American Express and all these credit cards. So much for us, gullible clients, who thought that using the credit cards and debit cards were for free. Now, the Bill - and this is welcome - makes several provisions for the protection of customers. Customers should be informed about the terms and conditions before they enter into a contract. They should know the fees that they have to pay and this is welcome. It also welcomes the provision relating to complaints. Not only should the customers know what are their rights but they should also know what recourse they have and this is provided in the Bill.

However, I have one issue with the complaint procedure. The Bill currently provides that a customer can only report a matter within seven years to the service provider. Why seven years? Probably because the Bill requires service providers to keep all data for seven

years only. But we all know that under the civil code, for personal action, the time bar is 10 years. So, why reduce it in a case of a customer who has been fleeced by unscrupulous service providers? Why limit it to only seven years when the civil code provides for 10 years? And then, the Bill goes on to provide that if there is a dispute between the customer and the service provider, the matter will have to be referred to the Central Bank for settlement.

Now, it looks very good in theory, Madam Speaker, that a dispute between a customer and a service provider is referred to the Central Bank for settlement. But in practice, how does it work? Does the Central Bank today use the powers that it has? I asked the question to the hon. Prime Minister on 10 July 2018 about the number of complaints which the Central Bank has received from customers. We were informed that during the period January 2015 to March 2018, three years, the Bank of Mauritius received 4,590 complaints from members of the public. But the hon. Prime Minister was unable to tell me of a single instance where the Bank of Mauritius had sanctioned the Commercial Bank involved. 4,590 complaints and not one single sanction taken by the Central Bank! We know last year for example, Madam Speaker, the Intermediate Court found the Mauritius Commercial Bank guilty of wilfully, unlawfully and criminally failing to take measures that are reasonably necessary to ensure that its services were not capable of being used to facilitate the commission of a Money Laundering offence.

Even then, the Bank of Mauritius did not sanction the MCB. Even then, the Central Bank did not impose any fine and despite the fact that section 50 (6) of the Bank of Mauritius Act provides expressly that the Bank of Mauritius can impose administrative penalty on any financial services. Why? Why does not the Bank of Mauritius use its powers in Mauritius? We know that everywhere in the world, International Bank of big repute like HSBC and others have been fined billions of dollars by regulators in the United States, by regulators in the European Union, but when it comes to Mauritius, why does not the Bank of Mauritius exercise its sanctioning powers against the Commercial Banks?

Today, in this Bill, we are giving the very same powers to the very same Bank of Mauritius and we expect the Bank of Mauritius to act differently. I don't think so, Madam Speaker. Unfortunately, I am very pessimistic about the Bank of Mauritius using its powers to sanction any service provider. Now, what we need really is not handling of complaints by the Bank of Mauritius. What we need is what the hon. Prime Minister promised in his Budget Speech. We need an independent Ombudsperson to handle complaints. He

announced it in his Budget Speech. Today, it is an opportunity to come up with this Ombudsperson and give that person the power to come and deal with complaints between customers and service providers. So, in this respect, it is a missed opportunity, but I hope the hon. Prime Minister will come forward with this Ombudsperson for Financial Services Bill and that Ombudsperson will have the responsibility of dealing with complaints from customers.

Madam Speaker, very briefly with your permission, I would like to come to what I consider to be the most disturbing provision of this Bill and I will end on this. The Explanatory Memorandum, Madam Speaker, refers to the regulation, overseeing and supervision of national payment systems and payment systems being operated in Mauritius. The Explanatory Memorandum failed to mention that the Bank of Mauritius will not only be a regulator but will also be an active participant. Indeed, Madam Speaker, when we look at section 5(2) (a) of the Bill, it reads –

“The central bank may establish, own, operate and participate in the ownership or operation of a payment system, clearing system or settlement system;”

When we look at the report published by the Bank of Mauritius on National Payment Switch, it is very clear that what the Central Bank has in mind to set up its own National Payment Switch to act as clearing house for settlement of credit card and debit card payments where the two banks involved are Mauritian banks. I would like the hon. Prime Minister, in his summing up, to clear my impression, if I am wrong, about whether indeed the Central Bank would be the one operating that National Payment System because if it is, then, there is an obvious conflict of interest, because as the regulator, the Bank of Mauritius is the one imposing terms and conditions on payment system.

As regulator, the Bank of Mauritius is the one imposing and setting the fees which the payment system, the service providers can charge customers. So, the Bank of Mauritius, as regulator, will have access to very sensitive information and if the Central Bank itself becomes a competitor, then, obviously, there is a big conflict of interest here. And then, who will regulate the Bank of Mauritius?

Section 5(3) of the Act is clear -

“The systems owned or operated by the central bank under this section shall not require a licence by, or be subject to the supervision of, the Financial Services Commission.”

So, the Bank of Mauritius will regulate itself, auto regulation, no one will be able to question it. If there is a complaint, it will handle its own complaint. If it decides to charge fees, it will decide whether the fees are acceptable or not. So, Madam Speaker, the risk of conflict is there and it is not good governance. So, I would urge the hon. Prime Minister, in his summing up, to give the assurance to the House that if we are going to have a National Payment Switch then it would not be operated by the Central Bank of Mauritius, it can be operated by another agency. It can be operated by a sister company or a new authority or a new company State-owned, but I will urge the hon. Prime Minister not to allow the Bank of Mauritius to put itself in a position of conflict.

Thank you.

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

*At 12.58 p.m., the sitting was suspended.*

*On resuming at 2.36 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Sesungkur!

**The Minister of Financial Services and Good Governance (Mr D. Sesungkur):**

Thank you, Madam Speaker. I would like to thank the hon. Prime Minister and Minister of Finance for bringing this important legislation to the House. I would also like to thank the previous speaker for the suggestions, the comments made on the Bill. It would appear that there is no quarrel on the fundamentals of the Bill. We are all on the same wavelength that we need to continue modernise our financial ecosystem.

Before I start my intervention, Madam Speaker, I would like to start with a slightly unconventional news which is also related to the spirit of this Bill. The 2018 Nobel Prize Winner in medicine, Madam Speaker, was awarded to James Allison and Tasuku Honjo. This Nobel Prize was awarded to these two gentlemen for the work in unleashing the body's immune system to attack cancer. This is a game changer in cancer therapy and it is a very good news for humanity. At the same time, it demonstrates a revolution in inner thinking; in the way we think, the world should move.

Similarly, Madam Speaker, this legislation, the National Payment Systems Bill is a revolution in the way we are envisaging, the way we look at the future of e-commerce, online business and the way that people will live, will transact in the future. So, it is important for people who are not very much aware of when this revolution started in the e-

commerce, it is good to recap a bit the history of online commerce, online transaction, and I would briefly mention a few dates. In fact, e-commerce is widely agreed, widely acknowledged.

In 1982, France deploys the Minitel, a pre-Internet service that lets users check stock prices. In 1994, Netscape unveils its navigator browser and Pizza Hut's website offers online ordering, the first online bank opens. 1998, PayPal goes live. 2002, eBay acquires PayPal for \$1.5 billion. 2003, amazon.com posts its first annual profit in eight years of business and 2012 US e-commerce sales totalled US \$225.5 billion, an increase of 16% over the previous year. This gives us *un ordre de grandeur* as to how e-commerce has evolved and its dimension today in our lifestyle.

Madam Speaker, for thousands of years, it was the reality we had to cope with when we had to exchange animals or grains or goods for the purpose of transaction, what we used to call 'barter system', but the world has come a long way in the way we work, live and do business. It is, therefore, obvious that the development of e-payment is closely related to online commerce and follows the improvement in that field.

Madam Speaker, as you have probably noted, most of my intervention will be concentrated on the development of e-commerce, on how the national payment systems is important for our country, for our ecosystem and for our strategy to turn Mauritius into an international financial centre. So, for me, the national payment systems is a big step ahead and it will surely allow us to be at par with our competitors. It is a new stone block in the development of our Financial Services Sector as the Prime Minister rightly said. We could not have afforded that aspiring to become a major player in the Financial Services Sector in the world. We would not have our own payment switch, we would not have our own system and more so leave the online transaction system like a jungle. We had to come up with a legislation to put order in the House. Already, in Mauritius, there is a phenomenal which is noted, and I will quote a few statistics from the Bank of Mauritius which shows there has been a marked increase in the number of mobile transaction, for instance, the monthly transaction level in August 2017 was 411 m. for a month and a year later, it was 746 m. a month which represent an increase of 81% compared to the previous year, and this trend will keep on increasing. For me, it is imperative, it is a necessity for us to have a modern system, a mechanism to ensure our country's development in the Financial Services Sector. In fact, it is an immense opportunity to develop a safe, secure and innovative payment structure. By so doing, we are modernising and improving efficiency in the settlement service.

Madam Speaker, as I said earlier, our environment has changed significantly. It is today a worldwide phenomenon for people to sit down at home or use their smartphones, their social networks, at the same time doing their daily routines. There are huge facilities at their disposal and we could not have afforded that our Mauritian people would be deprived of those facilities. In fact, Madam Speaker, the online system, the e-commerce is a real game changer. It is related mainly to the dynamic growth of technological advanced mobile devices with the internet connection. Retailers who allow you to pay with your smartphone are nothing exceptional nowadays. Growing number of online buyers is noticeable, so we are sure enough that smart technologies will be becoming more popular than conventional banking. Added to that, Madam Speaker, the social network and new technologies are consistent; the consistent popularity of social network and online gaming are also helping to boost up e-commerce and online payments. We no longer use PCs, we are using more and more our phones to transact and it is important that our own domestic system adapts itself, but most importantly, Madam Speaker, there is a report which was prepared by the Financial Conduct Authority in the UK, and I would like to quote a few lines from that. It is in the field of Fintech, how this new legislation will allow our ambition of developing Mauritius into a Fintech Hub, how this new proposal of setting up a new system will allow Mauritius to continue its path towards developing a robust Financial Services Sector.

I would like to quote a few points which have been highlighted, which talk about the financial technology. It says –

“FinTech is providing new financial services.”

Which means that with the new habit, with the new system, there are new services which are being provided to consumers of financial services, and these include Crowdfunding, mobile payments and distributed ledgers such as the Blockchain.

It is also concluded that –

“FinTech can reduce costs and increase convenience for consumers and firms and enhance competition among businesses. FinTech can increase access to financial services to some.”

So, these are the observations of the report, and we know that in some countries, new technologies, new ways of providing financial services to people, to consumers, have also facilitated a much larger inclusion of the public, of people. For instance, the report concludes that –



“Financial inclusion refers to the accessibility of financial services to all adults in society.”

So, FinTech could increase financial inclusion by providing tools and education for those who are not catered for by existing services.

There are a few examples which have been referred to; for instance, in Kenya, we have got the M-Pesa systems which enable users with no bank account to actually transfer money from their mobile phones. There are also other systems like Squirrel which offers users help to manage their finances by controlling when they can access their savings. There is also FinScore which uses social media data to assess credit worthiness, which may improve access to finance.

So, to be able to activate, to be able to migrate to all these facilities, those systems which are international, we will have to start somewhere, and that somewhere is the National Payment System. We need to have our own domestic architecture, our own domestic system, which will facilitate eventually the access to these facilities and open up public at large to those facilities which they may not have been having in the past from traditional banks.

Madam Speaker, there is also an important aspect of the National Payment System, why it is a priority of Government, and hon. Uteem has mentioned that. There have been many complaints in the past. We have seen that banking institutions have been making billions in terms of fees and commissions. I am sure you will be aware that those fees and commissions come largely from the fees and commissions which are charged for online transactions, on transfers, even if a company, which is two companies, two operators based in Mauritius were supposed to be transferring money from one account to the other. Those transactions previously had to go through a switch which is found outside Mauritius and, of course, there was a cost to that.

So, we have considered all these aspects. We believe that those excessive fees and commissions were not sustainable, because people would go more and more on the mode of online transaction, online payment, online purchasing, and it was unsustainable to continue using outside system, to use international switch, and draining our own balance sheet, draining our own funds to other countries.

So, this national switch will definitely curb, will definitely cut down the costs, and hopefully, the automatic transactions, the online transactions, the cards transactions will become much more affordable and less costly in the future.

So, this is the vision of the Prime Minister, the vision of this Government to continue to alleviate the plight of our citizens. Concerning the complaints which have been going on with the Central Bank, I am pleased to announce that in a few days' time, we will come to this House with a new Bill on the Ombudsperson for Financial Services, which will further address the issues, the problems which are faced by common people when they are making their transactions.

So, we are progressing, we are modernising the whole financial services sector, and little by little it is becoming a revolution. If you have noted, over the past months and years, the number of reforms that we brought, the number of new legislations that this Government has brought, it is precisely to address the soaring problems that people were having in the past. The Prime Minister means business. It is not easy to come up with so many laws, so many new legislations, but we strongly believe that our strategy in making Mauritius a leading player in the financial services sector, not only in the region but internationally, will necessitate a new whole ecosystem, and this is precisely why we have come up with this Bill.

I also believe that, unlike the previous orator, the Bank of the Mauritius is a serious operator, is an important institution of our country, and thanks to them, our financial system today has been saved, because as you aware, the financial crisis which hit the world in 2008 was a really catastrophic scenario, and many people were afraid that chaos could have hit our own financial system, but fortunately, the way things went, the way we managed the situation, Mauritius has been saved from this kind of catastrophe.

I believe that the Bank of Mauritius has done enough research, enough work in setting up the switch, the National Switch, in setting the framework so that in future, the system can be managed in an independent manner with regard to all players, all operators. The Bank of Mauritius is credible, is an institution which is trusted, and I am sure that they will be able to drive this project to success.

With the Bank of Mauritius, there will be better oversight and regulation. We have noted that previously, certain operators in the payment system were allowed to operate without any supervision. So, this will have to stop because we need order, we need some guidance, somebody to supervise what is happening in the system. So, the National Payment Systems Bill will ultimately lead to a better adherence to the international norms,

notably adherence to the payment and market infrastructures of the Bank of International Settlement.

Madam Speaker, I won't go much further because, as it has been said previously, it is a rather technical Bill and I wanted to contribute my part because it was important to bring light how this Bill fits into our strategy in making Mauritius a robust and resilient financial centre. Madam Speaker, I would like to thank the Prime Minister, Minister of Finance and Economic Development for his endeavour in bringing this Bill to the House.

Thank you very much.

**Madam Speaker:** Hon. Rutnah!

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** Thank you, Madam Speaker. Madam Speaker, I adopt everything that has been said by the hon. Prime Minister during his opening speech. I also adopt everything said by my hon. friend, Minister Sesunkur, in relation to this Bill.

Madam Speaker, I am not proposing to be long since it appears that the Opposition are not flexing their muscles against this Bill at all. I also, very intently, listened to my friend, hon. Reza Uteem, when he was on his feet. Therefore, I am equally not going to use heavy artillery, save to say, Madam Speaker, this Bill, in fact, is all about a payment system. And what is a payment system? A payment system is simply a facility to encourage the effective circulation of money in an economy, be it electronic money or otherwise. That is what it is all about.

Madam Speaker, the Bill is proposing an all-encompassing law for licencing, for compliance, for enforcement and matters of liability for infringement of law. It allows companies to operate payments systems by obtaining a licence from the Central Bank of Mauritius in order to have this new system in place. And the new system is to do what exactly? To allow consumers to effect payments, small scale businesses to effect payments, large scale businesses to effect payments and it is good for our society economically, today and tomorrow.

But the sad thing today, Madam Speaker, is that many people do not realise the economic impact of this Bill in our country. The Bill has such an important economic impact for future trade and commerce that I find it sad that no MP from the Labour Party is contributing to this debate today; no MP from the PMSD, the official opposition party, contributing to the debate. However, I am glad to see that the MP from the *Mouvement*

*Patriotique* is going to intervene. But had this been a Bill where there would have been some room to acquire some political mileage, I am sure that they would have jumped on the bandwagon to criticise. They do not realise how this Bill is going to revolutionise trade and commerce in this country for people of all walks of life, whether in business or not in business, but those who are engaged in effecting payments.

Now, we know, when used, the current payment system, the difficulty is that the payment goes through some other countries and there is a heavy charge that is being levied on every payment transaction. This Bill is going to bring a payment system which is currently foreign, bring that system home. And in bringing that system home, what the Prime Minister, Minister of Finance and Economic Development is doing, he is aligning our country to those countries which are modern, which are in high spheres of business activities. It also aligns our country to the recent ranking we got from Mo Ibrahim and the ease of doing business. This Bill is going to bring also the ease of doing business into our country, and I am sure, after this Bill becomes law, on the next occasion we will climb a little bit more in the ranking for ease of doing business.

Madam Speaker, I have laid emphasis on the economic development that will take place, the financial development that will take place as a result of legislating this law. It is irresistible to quote from the Committee on Payment and Settlement Systems which is a general guidance from National Payment Systems Development. It is a document for banks for international settlement which has been produced in Switzerland. I would like to quote what this document says about what a payment system does for a country and the population will realise what I said about the economic benefit for business and commerce that it will have, and even for ordinary people of life in Mauritius. It says –

“The development of a National Payment System is one of the principal components of a country’s monetary and financial system and, therefore, crucial to a country’s economic development. It is through the national payment system that money is transferred between buyers and sellers in commercial and financial transactions. If done well, the development of the national payment system can reduce overall transaction costs and expand the opportunities for commercial and financial transactions in an economy (...).”

Madam Speaker, there are a number of provisions in the Bill that reflect the spirit and intendment of this general guidance. The Prime Minister, Minister of Finance and Economic

Development has gone through the relevant section, the relevant clauses of this Bill. So, I do not propose to go into details, save to say that, at the end of the day, the Prime Minister, Minister of Finance and Economic Development is positioning this country to its Vision 2030 to ensure that all financial and economic developments take a pace, which is such that it is compliant with our financial and economic development. This is the right Bill that is going to bring prosperity to our country; bringing prosperity to our country is prosperity to our children and the future of this country.

Thank you very much, Madam Speaker.

**Madam Speaker:** Hon. Bholah !

(3.07 p.m.)

**The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah):** Madame la présidente, je vous remercie de m'avoir donné l'opportunité d'intervenir sur le *National Payment Systems Bill*. Avec ce projet de loi, c'est une nouvelle ère de modernité qui s'ouvre pour l'économie mauricienne.

Depuis 2015, le gouvernement s'est engagé à élaborer des politiques, des stratégies et des réformes qui visent à améliorer notre performance économique. D'ailleurs le Premier ministre l'a déjà souligné après que notre pays s'est hissé à la 20<sup>ème</sup> place du classement « *Ease of Doing Business* », publié par la Banque Mondiale le 31 octobre dernier. En deux ans, Maurice a progressé de 29 places pour avoir mis en œuvre des mesures qui ont contribué à la facilitation des affaires et qui consolident notre juridiction ainsi que la confiance des investisseurs.

Je suis d'avis qu'on doit poursuivre sur cette voie et qu'il ne faut pas baisser notre garde car il y a des défis qui nous guettent. Par exemple, il nous faut impérativement renforcer la stabilité financière. Pour cela, le pays doit, entre autres, se doter des systèmes de paiement sûrs et efficaces.

Faute d'une protection suffisante contre les risques et en l'absence d'une législation appropriée pour réglementer les systèmes de paiement, une économie n'est pas à l'abri des chocs de grande amplitude. Les systèmes mal protégés pourraient être ébranlés par de graves problèmes opérationnels. De plus, ils pourraient propager, voire amplifier, des difficultés survenant ailleurs dans le secteur financier.

Les difficultés financières qui ont assailli de nombreuses économies durant les années 1990 ont mis en exergue de graves lacunes constatées dans l'architecture financière dans plusieurs pays, notamment dans leurs systèmes de paiement. Par ailleurs, la valeur croissante des paiements découlant de l'augmentation du volume des opérations financières a incité de nombreux États à réexaminer leurs systèmes de paiement et à y apporter des améliorations significatives.

Madam Speaker, financial stability is paramount. Social stability can be exposed to serious risks even imperilled, if there is no financial stability. This is among the reasons why one of the primary objects of the Bank of Mauritius, is to ensure the stability and soundness of the financial system of Mauritius. The National Payment Systems Bill goes in that direction. It has as macro objective to further strengthen the financial stability of this country.

The Bank for International Settlement Systems, Madam Speaker, as the House is aware, is recognised as the central bank of central banks. It is also an international standard setter. Its committee on Payments and Settlements System jointly with the International Organisation of Securities Commission (IOSCO) have issued the Principles for Financial Market Infrastructures, commonly known as PFMI, which are the international standards for financial market structures. It is a set of 24 key standards which the International Community has considered essential to strengthen and preserve financial stability.

Why financial market structures, Madam Speaker, when the bill is about payment systems. Simply because financial market structures comprise payment systems!

The very first principle, the headline standard, for financial market infrastructures (FMI) which includes payment systems, mentions that an FMI should have a well-founded, clear, transparent and enforceable legal basis for each material aspect of its activities. If the legal basis of the operations and activities of an FMI are inadequate, uncertain, or opaque, then the FMI, its participants and their customers may face unintended, uncertain or unmanageable credit or liquidity risks which may also create or amplify systemic risks.

As I mentioned before, there are 24 such principles. I am going to delve into the most important general principles. The other important general principle is that an FMI should have governance arrangements that are clear and transparent, promote the safety and efficiency of the FMI, and support the stability of the broader financial system, other

relevant public interest considerations, and the objectives of relevant stakeholders. The words governance, clear, transparent speak for themselves.

And finally, Madam Speaker, an FMI should have a sound risk management framework for comprehensively managing legal, credit, liquidity, operational and other risks.

By enacting this Bill, Madam Speaker, this is what this Government is endeavouring to achieve: to meet international standards; have a well-founded, clear, transparent and enforceable legal basis for our payment systems. The licensing and oversight of the financial market infrastructure and payment scheme providers and facilities granted to them hitherto was regulated by only two provisions of the Bank of Mauritius Act, namely sections 48 and 48A, thereof. The enactment of the National Payment Systems Bill will provide a comprehensive legislation on payment systems and provide more clarity and legal certainty in this field in line with the Principles for Financial Market Infrastructures (PFMIs).

Payment systems are fast evolving. Mobile payments, unimaginable sometimes back are today a reality. Funds are transferred through mobile payments. This Government wants to make cashless payments easy, fast, and as far reaching as possible. There is no reason why payments cannot be instant and boundless. As a result of digitalisation, payments and, in particular, payments where cards are not present are becoming part of increasingly long value chains. Users expect these value chains to seamlessly integrate e-commerce, social media and retail payments.

There is a caveat though and that caveat is the need to address the problem of money laundering. Clause 22 of the Bill addresses this important element. Clause 22 requires every service provider or every operator to comply with the obligations and requirements imposed under any enactment relating to anti-money laundering and the prevention of terrorism. This means that they will have to comply with all the obligations imposed under the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) and the Prevention of Terrorism Act. Needless to say, provisions of the Prevention of Corruption Act might be applicable too.

A key component of the Bill is with regard to finality of payment. Finality protects the overall soundness and stability of the system, in the interest of all participants taken together. Finality of transfer order is extremely important to maintain confidence in a system. In the Bill, a system operator is required to specify in the rules of the system, the

rules to determine finality of a transfer order which has entered into the system, including the moment of entry and of irrevocability of the transfer order. Once a transfer order is determined to be final under the rules of the system, the transfer order shall be valid and legally enforceable by and against an operator or participant of a system and binding on third parties and also final and irrevocable and may not be reversed or set aside by any person. All this is important in the event of the insolvency of a participant.

Madam Speaker, Government has ensured that the National Payment Systems Bill undergoes a consultative process to cater to the needs of the various segments of society and different markets.

May I refer hon. Members to a World Bank Survey Report entitled “Measuring Payment Systems Development” undertaken in 2008 which had categorised Mauritius under the heading “Medium Low-Level of Development” with regard to the legal and regulatory component of a National Payment System. The National Payment Systems Bill will now make up for that missing link.

Madame la présidente, divers organismes publics peuvent veiller à l’atteinte de différents aspects des objectifs de sécurité et d’efficience des systèmes de paiement d’importance systémique.

Les banques centrales ont un rôle clé à jouer dans l’application des principes fondamentaux parce qu’elles ont un intérêt marqué et des responsabilités à l’égard de la stabilité financière, fournissent des comptes de règlement aux participants au système de paiement, créent des liquidités pour le système financier, et veillent à la mise en œuvre de la politique monétaire. Le National Payment Systems Bill accentue ainsi le pouvoir et les responsabilités de la Banque Centrale dans l’application des principes fondamentaux.

La nouvelle législation permettra à la Banque Centrale de veiller à ce que les systèmes qu’elle exploite se conforment aux principes fondamentaux. La Banque de Maurice supervisera aussi la conformité aux principes fondamentaux des systèmes qu’elle n’exploite pas et elle disposera des moyens nécessaires pour exercer cette surveillance. Dans la promotion de la sécurité et de l’efficience des systèmes de paiement au moyen des principes fondamentaux, grâce à ce projet de loi, la collaboration entre la Banque Centrale et toute autre autorité nationale ou étrangère compétente est bien plus définie et prononcée.

Je suis d’avis que le projet de loi devant cette Chambre est bien conçu car il repose sur des dispositions spécifiques d’ordre législatif, réglementaire et contractuel régissant à la



fois les paiements et l'exploitation du système. Les clauses relatives aux contrats, aux faillites, aux activités bancaires et aux sûretés sont clairement stipulées. Il y a également le chapitre qui est consacré à la protection des consommateurs qui fait du National Payment Systems Bill un projet de loi inclusif.

Une telle législation définit et délimite ainsi les droits et obligations des opérateurs, participants et autorités de réglementation. Quand la plupart des mécanismes sont clairement énoncés, on peut être rassuré d'une gestion saine et efficiente.

Madam Speaker, as I mentioned earlier, the National Payment Systems Bill paves the way for a robust financial system by enabling all concerned stakeholders to operate in serenity and by allowing the efficient transfer of funds. Consumers will also find themselves with a wider range of payment options that are likely to be globally accepted. To further enhance the reputation of our jurisdiction, the National Payment Systems Bill will give rise to well-functioning institutions and markets which, in turn, will lead to technological innovation, capital accumulation and therefore economic growth. The legislation will also help the country to fully play its role as a financial hub in the region as it will ensure the integrity of the global financial system.

Once again, Madam Speaker, the Prime Minister and Minister of Finance has shown the willingness and the determination of Government to head towards economic transformation through concrete and bold steps. Hence, the National Payment Systems Bill comes at the most opportune time and perfectly fits with our ambition to level the economic playing field of our country. Thank you.

**Madam Speaker:** Hon. Rampertab!

(3.20 p.m.)

**Mr R. Rampertab (Second Member for Flacq & Bon Accueil):** Madam Speaker, from the outset, let me thank and congratulate the hon. Prime Minister and Minister of Finance and Economic Development for coming up with this long awaited piece of legislation.

Madam Speaker, this Bill will indeed change the very core of how our financial and payments architecture will operate and it is imperative that each participant within the network fully adheres to the spirit and aim of the Bill.

Indeed, Madam Speaker, this Bill will henceforth allow our countries financial services sector to be at par with the major global hubs. The payment system globally have, over the last few years, undergone drastic and fast pace changes with the arrival of electronic and internet based payment methods. Whilst our economy is still a primary, a cash basis swap, our population is increasingly moving towards more cashless payments. Our hon. Prime Minister and Ministry of Finance and Economic Development has, in his last budget, set out clearly his vision in modernising and digitalising our society and economy. And it is with immense satisfaction that I welcome this piece of legislation which will be the primary enabler in modernising, regulating and democratising our economy.

Madam Speaker, it was high time that we acknowledge that the payment pattern of our country was rapidly changing, although, while going through the legislation, we might tend to get sometime entangled in complex technical language and it is our duty to ensure that our population understands the Bill which will considerably change their lives for the better. It must be clear, Madam Speaker, for each and every one that through this legislation the enhanced regulation and payment architecture will ultimately benefit the end user of the payment system through more innovative payment methods and potentially lower card usage and interbank ATM fees.

Madam Speaker, to understand the current trend in our payment system, it is worth highlighting some key eye opening statistics compiled lately by the Bank of Mauritius in their latest monthly statistical bulletin. Now we can see that the total number of debit and credit cards currently in circulation in Mauritius is nearing 1.9 million. And we have over 400,000 internet banking users who performed transactions worth more than Rs300 m. in August 2018 only. With regard to mobile banking, we are nearing one million subscribers who performed nearly one million transaction worth Rs746 m. only in August 2018. The year to year value of transaction, Madam Speaker, has almost doubled which shows the growing popularity of mobile banking for transaction like settling utility bills or topping up mobile phones.

However, Madam Speaker, in spite of the growing value of cashless transactions within our economy, the complex architecture involves different levels of accompanying fees for the retailers. Also consumers have to indirectly bear the burden of these fees through higher prices and sometimes complicated terms and conditions. The absence of a nationally connected card network system in Mauritius has for each card transaction performed been detrimental to both the consumers and the retailers. I will not delve into the complex

economics of the Mauritian card payments network but a simple example will demonstrate how the four party system is simply inefficient and costly for both the retailer and the customer.

Hence, Madam Speaker, if a card holder pays Rs1000 for any goods or services purchased, the retailer will only obtain Rs970, the Rs30 will approximately be distributed as follows and depending on the percentage fee collected. Out of Rs30 Madam Speaker, Rs18 for the acquiring fee which in Mauritius is charged by the Bank, Rs8 for the issuing fee which is again charged by the Bank and finally Rs4 for the card scheme owner namely visa, MasterCard or American express. Madam Speaker, as per the example, the current card network is flawed. In fact today what this Government is doing is fighting staunchly for the interest of both the consumers and the retailers.

Our Prime Minister has made it clear that the promotion of entrepreneurship is a major pillar of our economic development. The strategy and incentives are indeed bearing the fruits and it is our duty to remove any other barriers they face in running and expanding their small businesses. I have myself spoken to numerous entrepreneurs in my Constituency and they state that they are forced to stick to cash transactions as the cost of installing card machines and the fees charged are severely restricting their margins. Madam Speaker, such instances are unfortunately against the Government's policy of promoting a modern and digital economy.

Our small businesses throughout the island will welcome the news that this Government's efforts will have a direct impact on promoting their business through lower card fees but also help them in adopting other innovative payment methods such as mobile and internet banking. Madam Speaker, the National Payment Switch will not only be beneficial for our consumers and retailers but also for the Government. Madam Speaker, the hon. Prime Minister and Ministry of Finance and Economic Development has been relentlessly pursuing the expansion of our e-Government initiative. Currently, we have more than 150 e-services being provided which is a great achievement, Madam Speaker. Also, the Government collects millions of rupees in terms of fees, licenses, fines, etc., on a daily basis and almost all of the collection is performed in cash.

Madam Speaker, the National Payment Switch will undeniably provide the latest robust architecture to provide card payment facilities for the services provided by the Government Authorities, Local Councils and Parastatal Bodies. The public will have more

incentives not to queue up at the Bank or ATMs to withdraw cash and then queue up again for hours sometimes to make the payments. Madam Speaker, card users will potentially be able to make payments within seconds at the payment counters or use technologies such as mobile or internet banking. Madam Speaker, enhancing the lives of our population is what we promised to the population in December 2014. The CSU, which I am proud to say, only last week the CSU under the Prime Minister's Office was recently awarded a bronze medal in Africa behind Egypt and Rwanda which are emerging economies like ourselves in Africa. So, Madam Speaker, the National Payment Switch would be another achievement for this Government.

Madam Speaker, the potential benefits of this piece of legislation go beyond the aims of modernising our economy by aiming to facilitate the daily lives of our citizen. In Mauritius, if you have to withdraw cash, for example, you are bound to use an ATM of your issuing bank. Unfortunately, if you are in urgent need of cash but used an ATM outside your issuing bank, you are charged a fee between Rs35 to Rs80. Such amounts, Madam Speaker, are significant disincentives and are unpractical and inefficient. It must be clear for the population that these fees are only due to the fact that there is no centrally managed payment infrastructure. For example, Madam Speaker, in the UK, anyone can withdraw cash from any ATM without any fees or cost, hence, considerably helping in saving time and money for the UK citizen. Madam Speaker, with the introduction of a National Payment Switch, it is envisaged that the fees currently being charged will be lower and hopefully insignificant for users to be able to withdraw cash from any ATM around the island.

Madam Speaker, this piece of legislation being proposed by the hon. Prime Minister and Minister of Finance and Economic Development gives due consideration to the protection of the consumer's right. I welcome this approach and the framework articulated in this Bill, Madam Speaker. It will be compulsory for the payment service provider under the new law to clearly give notice and enunciate all the fees and charges applicable for the use of the payment facility. Madam Speaker, this will undoubtedly help our consumers against any hidden costs or complicated fees structures and prevent the unfortunate circumstances of discovering exorbitant bills being charged due to lack of clarity in the information provided. Madam Speaker, this Bill will also make provision for a comprehensive framework for dealing with customer complaints against any payment service provider. This is well overdue and a very welcome news for consumers across the island. Madam Speaker, how many times have we heard our fellow citizens complain about the poor and inefficient

services they receive and how helpless they felt in terms of how and where to make any complaints. However, Madam Speaker, I would urge the Bank of Mauritius to ensure that any consumer using any services from a payment service provider is well informed of his rights as well as a complaints framework. In the UK, for instance, Madam Speaker, the Financial Ombudsman which my friend, hon. Sesungrur, just mentioned that we should be coming with a Bill for that, has a clear and simple leaflet with all the information on how to lodge a complaint and associate timelines and escalation steps. With such information, the framework will be beneficial for consumers at large. Also, Madam Speaker, it would be agreeable to have an online portal managed by the Bank of Mauritius where aggrieved consumers can seamlessly log their complaints. Similar to the CSU, such a portal will be accessible and simple to use. Madam Speaker, if we stick to a non-paperless complaint management framework, it will be a clear disincentive for the consumer and will not be in line with our modern digitalised and smart economy.

Madam Speaker, in order to implement a successful National Payment Switch, it is imperative that all the major banks and non-banking institutions play their pivotal role in adhering to the requirements of a new centrally managed architecture. I would urge the Bank of Mauritius again to be strict in ensuring that the payment service providers have the internal procedures, processes and the IT infrastructure ready to be onboarded on the National Payment Switch. Indeed, the stakes are extremely high and delays should not be tolerated to deny the benefits of our consumers and retailers.

Madam Speaker, cashless payment methods are growing at a staggering rate globally and it is essential that Mauritius does not lag behind. Hence, similar to the Federal Reserve, the Central Bank of US, it would be advisable for the BoM to set up a Payment System Policy Advisory Committee. They are tasked in advising the FED in policy and strategic matters along domestic and international payments and settlements. Indeed, Madam Speaker, the challenges ahead are enormous for our National Payment Switch and we should already have our policy ready on how FinTech related payments areas would be integrated. We should, for example, be ready to on-board the cryptocurrency payments such as blockchain for which, we know our hon. Prime Minister and Minister of Finance and Economic Development is very keen. Hence, it should be considered to open the membership of the NPS to a non-traditional member compared to banks only. Madam Speaker, FinTechs and payment processing companies will promote a healthy competition

towards the traditional banks and consumers will ultimately benefit through a wider choice of payment providers at a lower cost, thus, boosting financial inclusion within our society.

Madam Speaker, the National Payment Switch should also help with maintaining conversations with the payment industry as well be the leading authority in generating latest research and statistical pieces. Madam Speaker, once set up, the NPS should also be the main driver to increase exchanges and cooperation with international organisations. For instance, the Payment Systems Regulator in the UK is a well-entrenched authority and we should greatly benefit from their expertise. Similarly, the newly proposed Payment Regulatory Board in India can definitely help us with their knowhow and latest trends. It is interesting to note that both payment authorities in the UK and in India were formally departments within the respective Central Banks but have now been called upon to be separate bodies with wider payments regulatory remits to ensure the independence and reinforce the idea that the operator and the regulator of a payment switch cannot be a single body. Also in South Africa, Madam Speaker, the National Payments System Management Body, the Payment Association of South Africa known as PASA gives licences to private companies to operate payment platforms, for example, BankservAfrica is one of the largest NPS in the world as it supports interbank payments, clearing and settlement to the South African banking sector and numerous other African Banks.

Madam Speaker, to conclude, my address today was mostly geared towards how the Bill presented today by the hon. Prime Minister and Minister of Finance and Economic Development aims to benefit the common people of our country as well as our entrepreneurs who set up small and medium businesses. The hon. Prime Minister and Minister of Finance has been unflinching in his earnest commitment to improve the lives of our citizens on a daily basis, be it by delivering state of the art infrastructure to the passing of cutting edge legislations. I congratulate him for presenting the National Payment Systems Bill, a legislation which will undoubtedly be a driver in achieving the modern, digital and smart island he has envisioned.

Thank you, Madam Speaker.

**Madam Speaker:** Hon. Ganoo!

(3.37 p.m.)

**Mr A. Ganoo (First Member for Savanne & Black River):** Thank you, Madam Speaker.

Madam Speaker, the national payment systems is a major plank of financial stability of our economic system. Typically, central bank oversees the safety and the soundness of the national payment systems and implements risk reduction measures in the payment system to reduce systemic risk. These aspects are duly covered in the proposed legislation. The case of Mauritius, Madam Speaker, is quite peculiar, paradoxically modern and archaic, fragmented and centralised simultaneously. As I understand it, a national payment systems is a configuration of institutions supported by an infrastructure of technology driven processes and practices to facilitate commercial and financial transfers between buyers and sellers. The payment system reflects the level of our banking and financial development of supporting communications and technology platforms. Mauritius has, through the system, taken a major stride in entering the digital economy and to a lesser extent a paperless economy. The positive impact, therefore, on the environment and in moving up the technology ladder cannot be more evident. This is why Madam Speaker, I have no quarrel with this Bill. Notwithstanding that the legislation is comprehensive, technical and complex, but, to me, it not very clear why we have taken so much time to introduce such a legislation.

I listened to the Prime Minister saying that in 2016, the Bill was released by the Bank of Mauritius. My information, I understand that this legislation was mooted out as far back as 2015, and it has taken four years to complete the legislation. This is a long time that we have the competence of an institution like the Bank of Mauritius. Before me, my friend, on the other side, said this Bill is long overdue, I agree with him. With a dynamic financial services sector on which Mauritius builds much growth for high-income jobs and economic growth, this legislation undoubtedly, Madam Speaker, consolidates the framework for international and domestic trade and prepares us to penetrate or to exploit the African market. The only itch, as I just said, is the relative slowness of the development process, a factor that sadly contributes to our country staying in the middle-income trap. I say it again, this Bill could have been introduced earlier. A nation that has great ambition like ours, of being the financial gateway to the emerging African giant, must work more expeditiously, Madam Speaker.

In Part III of the Bill, Madam Speaker, regarding authorisation and licensing, the obligations of the applicant or service provider are well defined, they are clearly set out and this gives the central bank immense power. But, to my mind, the legislation would have been more balanced and enabling if it had equally extended the legislation in terms of obligations towards the service providers and the public in general. This may include a time

delay to issue a permit, the obligation to provide rapid information on the status of the application and efficient communication with the public in terms of information regarding a specific application to the applicants and general information for readers, researchers and investors. This is even more pertinent to the extent that the central bank does not have a tradition of publishing papers apart from its annual report, the monthly bulletin and the Financial Stability Report.

Madam Speaker, this tradition of being over secretive may not always be in the interest of the nation or the sector. A clause imposing obligations to expeditiously process an application within a defined time period, publishing regular information on the progress of transactions and providing general information to those who seek such information would be a big stride in terms of transparency and reduction of excessive bureaucracy. I say this, Madam Speaker, because right now there are applications, from what I have heard, sleeping in the shelves at the Bank of Mauritius since months. The applicants do not have the slightest notion of the status of their submission. Such current approach as practised at the bank behind a cloak of bureaucracy, secrecy and a play safe attitude without any officer willing to provide information may send the wrong signal to the international community. Of course, the outcome of such situation is the danger that we can lose prospective investors and *leur savoir-faire* because of poor communication. As we all know, efficient communication in the world of finance is a vital intangible vehicle that earns a country's goodwill and builds its reputation in terms of seriousness of purpose, and the fact that we are a small nation is an added motivation to be efficient and communicate expeditiously with the stakeholders. As we all know, our competitors are waiting to lure any investor in the domain, competition is stiff and no investor owes us anything. It would be appropriate to recall that we lost nearly 12 ranks in Wall Street Heritage Index, from 8<sup>th</sup> position in 2012 among the highflyers to 21<sup>st</sup> position in 2017 and 2018, probably because of such poor communication or red-tapism or bureaucracy. The need to be expedient cannot be more conspicuous in the circumstances. An institution like Bank of Mauritius cannot afford to ignore it in the interest of the nation. Whatever Government is in power, Madam Speaker, being expedient or practising proper communication with our stakeholders or prospective investors are vital factors to earn us international goodwill and enter the club of highflyers.

Madam Speaker, we are talking of big data of the digital revolution, it will *per se* include in the legislation that all general information should be set out clearly on the website of the bank, as is done for some of its reports. This would be a plus for both the Bank of



Mauritius and the country as a whole, at the same time such information may be shared with the FSC and other similar institution. Again, I repeat communication is vital and save us much trouble in this complex globalised sector.

Madam Speaker, the importance of the national payment systems resides in the fact that it opens new avenues for growth and indirectly for a rise in labour productivity because transactions are cleared and settled on a continuous basis. Although, we often boast of an efficient financial system., the reality is that quite often transactions take much more time than is necessary, particularly for small transactions, whereas in some countries a cheque is cleared on the same day, in Mauritius, it takes more than three days in practice. If there is a public holiday or a weekend, the clearance may take longer. With the national payment systems, it is expected that such delays will be a thing of the past, which is a good thing for the convenience of users and for the convenience of the economy.

However, there is no guarantee that delays would be reduced. There has been no communication or explanation for the public in terms of awareness for the public, while it is surely banks are being consulted, but for most of the public, except those conversant in finance, this system remains Greek to them. I suggest that the Bank of Mauritius mounts a campaign of educating the public in its use, a thing that should have been done to my mind, prior to debating this Bill. Notwithstanding the merit of the proposed system, there is the danger of falling into the trap of the paradox of technology with falling productivity during the early stages.

Whenever a new system is introduced, Madam Speaker, there is usually resistance. This is why it was important to discuss the introduction of the new system with the public to get them prepared for the shift. The financial system is too important for our economy to ignore the basics or take things for granted. We see every day the long queues in some of our biggest banks; a scene that should not occur in the wake of enlightening advance in technology. We equally know that in the banking system, despite much higher entry requirements for a post in the bank, things do not go safely as they go. This is the opportunity for the Bank of Mauritius to build awareness, to educate the public, to train the employees of the sector to play a more enabling role rather than being a clog in the system.

The National Payment Systems is a real-time system with great benefits, but if the staff do not show broad understanding and its implications for the whole economy, we would not maximise the opportunities. As we are on the question of payments, Madam

Speaker, the cheque mode of payment is becoming increasingly anachronistic. In some countries, like Denmark, it has been virtually abolished, except in some rare circumstances because, as we all know, the whole system is moving to a digital economy. The Danish authorities are using this measure to penetrate the digital world faster. In Mauritius, there have been some recent changes in the way the cheque system is administered. In various places, cheques are not even accepted and banks have become increasingly stringent. Since this is a vital component of the payment system and for liquidity and convenience, we must ensure that we do not reach a situation where the system clogs and undermines the efficiency of the economic and monetary system.

Madam Speaker, as has been said before me, the section on consumer protection is well thought. It is a relief that this legislation provides a place of significant importance to the consumers. For the past decade, consumption has been the main drive of growth, although this role has not been explicitly recognised. Even at top echelon, some Chief Executives fail to understand the key role of consumers in our economy. The legislation innovates by devoting a whole section for the protection of consumers, including complaints. This is laudable, and we appreciate its conclusion.

The hitch is regarding the fees to be charged. This has been left open. While leaving it open is fitting in a free-market economy, in Mauritius, an element of control might have been helpful to avoid abuse, given, Madam Speaker, the exiguity of the market, most service providers are, in fact, in a monopolistic situation. As a result, we face a danger of high interest of fees for use of the service of the cards, etc. We are all familiar of the cost involved in hire purchase, which was exorbitant a few years ago. Today, even at 12%, it is still high, but our consumers are tolerant. We equally know the high costs when we use cars at petrol station. The reluctance of some petrol stations to use cards because of the high costs constraints the rapid shift to a digital economy. In most advanced economies, we do not have to pay for our card use. We know how expensive the card system, especially the credit card, is to conduct transactions, sometimes involving double payments in places like filling stations or a hardware shop.

This, of course, affects both the consumers and the economy. It would have been highly convenient and economically rewarding if the Bank of Mauritius could have undertaken an empirical study to gauge the relevance of the cheque system and the additional cost entailed by the credit card in certain transactions and why should the incidence of extra cost be borne by the consumers. Some order is definitely warranted,

Madam Speaker. The Bank of Mauritius should move out of its traditional turf, innovate and use its resources to enlighten the public to ensure a fair, efficient and smooth system. It is, therefore, proposed that the Central Bank introduces an advisory band with regard to the fees, which could be revised periodically to avoid monopolistic abuses by service providers.

As I stated earlier, Madam Speaker, this is a much-needed legislation to meet our 21<sup>st</sup> century challenges. It is quite detailed in certain sections. For instance, it details out in a comprehensive manner on the ongoing oversight and supervision. This is vital in terms of governance, building resilience of the banking and financial system and the obligations of service providers as well as their relationship with agents. The directives, the instructions and the guidelines are clear with regard to operational management and customer relationship. The operators and the public know what is to be expected and what are their duties and obligations. It is explicit on confidentiality, a vital component in the banking and financial world on compliance and penalty and outsourcing activities.

An important aspect of the finance world, Madam Speaker, is the feeling of being safe and protected. Operators in the public do not, in general, want details of their transactions being made public. The confidentiality clause and the obligations on the liquidators or auditors are designed to protect the system and consolidate the financial services sector. Great emphasis has been placed on probity, integrity, diligence, competence and business experience; factors that will send strong signals, doubtlessly, to the international community. Liability is spelt out and provisions are made to protect against money laundering and the prevention of terrorism activities safeguards in the world of finance and critical for an emerging financial centre.

Madam Speaker, information and communication, as I pointed out earlier, are the life blood of an economy's spirit. The section on obligations to keep records will be an important input in terms of not only tracking elements and sound financial practice, but more importantly for analytical purposes relating to the health of the economy.

In the past, many institutions very often failed to include a section on submission of information and operators often failed or ignored providing information. This legislation corrects this past weakness. Information is key to proper decision making. To protect and strengthen the system, the legislation devotes large sections on insolvency, on receivership or winding-up and on settlement of dispute. The main weakness, as I see it for an emerging international finance sector, is that the legislation does not provide for a time delay to the

bank to process an application and to inform the applicant of the status of the application. Secondly, the nation has a right to know on the evolution and the progress or hassles involved in the system. A report by the bank on a defined periodic term would have been a useful tool in the hands of the public, of the nation. Such information could be a separate report or integrated in the annual report.

To conclude, Madam Speaker, I wish good luck to this legislation. I can only hope that some of the observations I made are taken into account and actions initiated, as they have been voiced in good faith and as constructive suggestions.

I thank you.

**Madam Speaker:** Hon. Prime Minister!

**The Prime Minister:** Madam Speaker, let me thank all the Members who have participated in the debate on the National Payment Systems Bill 2018. I am also happy to note that there is broad consensus. I also listened carefully, especially to the interventions of the two hon. Members of the Opposition, which I must say have been constructive.

This Bill is yet another testimony of Government's determination to modernise our economy and the country, for the digitization of our financial system, and in the process, this new legislation will definitely improve the efficiency of the payment systems, thus making it safer and more convenient for the population to effect transactions.

Madam Speaker, as I stated in my Second Reading speech, the National Payment Systems Bill addresses a number of shortcomings of the present system and, of course, has a number of other benefits as well –

- (1) it provides the necessary framework for the licensing of new operators in the field of electronic cash, e-wallets and other virtual money offering innovative payment systems, and
- (2) it will also help to reduce black money as well as improving traceability and audit trail of transactions, including illicit financial flows.

On this note, in fact, everybody sees the relentless battle that this Government is waging against traffic of drugs and money laundering. So, again, this is an additional legal framework that will bring accountability because, then, there is going to be easier traceability of movement of funds.

Let me clarify a few issues that have been raised, first, by hon. Uteem, with regard to the blurring of powers between the Bank of Mauritius and the Financial Services Commission. The hon. Member mentioned that there is coordination, but there should be a Committee. First of all, there already exists a Memorandum of Understanding and there already exists a Joint Coordination Committee between both the Bank of Mauritius and the Financial Services Commission to delineate the responsibilities and powers of each regulator. And should there be any issue, which, of course, falls under grey areas, as we call them, this will definitely be sorted out by this Coordination Committee.

The hon. Member also mentioned that only CDS is exempted from the provision of this Bill. In fact, I am informed that CDS carries out the clearing and settlement of securities, whereas regarding the payment leg on securities, transaction is done through the Bank of Mauritius itself.

With regard to ICT infrastructure where the hon. Member questioned whether there was enough expertise, especially to counter cyber-attacks, I am informed that the Bank of Mauritius has already a team of IT experts. Of course, we shall continue to build up on that. In fact, I am told that they have Certified Network Engineers, System Administrators, System Analysts, IT Security Expert, IT Adviser, Switch Specialist and Switch Expert also.

Let me say that there are also guidelines which have been issued on IT Security for Commercial Banks to comply with. The hon. Member rightly mentioned a case where one of the financial institutions was subjected to cyber-attack. We all know that in different parts of the world, in so many countries - I am talking about countries like UK, France and United States - where, I think, sometimes institutions we could not maybe have imagined, have been subjected to cyber-attacks. It does not mean to say that we have to give up against those who have always tried to think how to circumvent the law, but it is as much important that we keep on enhancing the human resources capacity and continue to build up on that.

With regard to protection and compensation to customers in case of a cyber-attack, the hon. Member suggested that we should set up a Compensation Fund. I am informed that there is already a system in place where funds provided in exchange of electronic money are secured in a Trust Account in a bank. So, the question does not arise. But I am also informed that there have been guidelines which have been issued for mobile payments which are issued under the Bank of Mauritius Act, and I quote –

“10.3 Where a service provider issues stored value for payment, it shall -

- (i) Open a trust account with a bank in Mauritius and use that account solely to facilitate mobile payment transactions;
- (ii) Reflect all monetary values relating to the mobile payment transactions in the trust account;
- (iii) Ensure that interest earned or otherwise accrued to balances in the trust account shall be paid back to the customer in such form as the service provider may deem appropriate. These interests shall not be to the benefit of or otherwise paid to the Mobile Payment Service Provider;
- (iv) Ensure that the balance on the trust account is at all times equal to the total outstanding (un-claimed) balance of all holders of the e-money under the service;
- (v) Undertake to the Trustees and system participants that no new or additional e-money other than in return for an equal amount in conventional money being paid to and received by the Trustee shall be issued;
- (vi) Not effect transfer of e-money from any of its mobile payment accounts, an amount which exceeds the credit balance of e-money in the relevant bank account.”

The other issue is in regard to reporting the matter within seven years while the Civil Code already provides for a time bar of ten years. In fact, I am told that it is international practice that this is for them to keep records, it is limited to seven years. And when we look at the Bank of Mauritius Act and the Banking Act, there is already provision for a record-keeping of seven years. We are, therefore, aligned on the seven-year time frame.

With regard to the need for an independent Ombudsperson dealing with complaints between service providers and customers, my colleague has already informed the House, and I mentioned it in a past PQ also, that we were working towards that. In fact, at that time, the issue was whether we should have the Ombudsperson at the level of the Bank of Mauritius itself as an independent unit, but as a unit at the Bank of Mauritius. Then, we decided and discussed, and thought that it would be better that we have a proper specific legislation regulating the objects and the responsibility of the Ombudsperson. So, that is coming before the House. If I can recall, I think the matter will be decided pretty soon by Cabinet, and subject to consent by Cabinet, it will come for the First Reading before this House. The Explanatory Memorandum which fails to mention that the Bank of Mauritius will act as an operator competitor and that the issue, therefore, is that there is going to be a conflict of

interest as a regulator. What we did was we looked at the legislation, we looked at how it was done elsewhere, that is how we were also inspired, that it is already envisaged that we start with the Bank of Mauritius, but that the National Payment Switch will eventually be operated by a separate legal entity, which will, in fact, be a sister company. So, it is a fair point that you raised. It was already provided that we shall go along those lines.

The other issue was with regard to fines, that the Bank of Mauritius has not used its powers to levy fines on commercial banks. Let me say that yes, I did reply to a previous PQ, and I gave information that – I could not see what was said, but I can recall - there were lots of complaints, more than 4,000, but a lot of those complaints were not founded. But there were complaints that were founded, and the Central Bank had, in a number of cases, asked the commercial banks to rectify the situation or to give more time - it depends - with regard to loans, and if ever, I must say, as I was told, that in very few cases there have been errors with regard to overpayment, they were told to remedy again the situation and to reimburse the client. But I must say that I have been informed, because I wanted to find out, that the Bank of Mauritius has levied fines on financial institutions, but for regulatory breaches. But the Bank of Mauritius does not give publicity to such sanction which has been taken. So, these are the issues that were raised.

With regard to what hon. Ganoo said, that it was a lot of time taken, it was long overdue, in fact, I believe when my colleague was saying it was long overdue, it was long overdue with regard to so many previous years, not only during our mandate, but so many previous years that it did not come to Parliament. If I can mention one reason why this legislation should have come to Parliament even before ourselves being in Government, and hon. Alan Ganoo has stated himself, and we all agree, and hon. Uteem also mentioned about the cost of the charges with regard to the use of the credit cards and other cards... Why is it so? I don't need to go into the intricate system, but simply, in other words, that the payment has to be made in dollars and then it has to be reconverted. Therefore, there was a charge and there was even the question of rate of exchange. Now, that is going to be different, and it is going to be to the benefit of customers. So, that is, at least, one main reason why this legislation should have come to Parliament long before, but it is here today, and I believe that we have been working on it.

I can assure the hon. Member that we have not had any laches, but we have been working diligently on this Bill. There have been lots of consultations and I can assure you why is it that it has taken some time, it is because we have had, not we, but the Bank of

Mauritius has had to consult and discuss with foreign companies also, for example, those providers of credit cards and, therefore, there have been meetings in Mauritius and abroad. Of course, now that we are ready, this is why this legislation is now before the House.

I agree with the point that you have made that there should be communication, and I believe that it will now be appropriate for the Bank of Mauritius to sensitise people about this system because it is very technical, it is very complex but, in simple terms, we can explain to people what is being done, Madam Speaker.

So, let me conclude, Madam Speaker, by saying that the cornerstone of this digital economy is the ability to quickly implement innovative ideas while keeping the customer at the centre, and through this Bill Government is creating an environment that is business-friendly and promoting the adoption of latest technologies, while, of course, protecting consumers.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The National Payment Systems Bill (No. XVII of 2018) was considered and agreed to.*

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

*Third Reading*

*On motion made and seconded, the National Payment Systems Bill (No. XVII of 2018) was read a third time and passed.*

*Second Reading*

## **THE SPECIAL EDUCATION NEEDS AUTHORITY BILL**

**(NO. XVIII OF 2018)**



*Order for Second Reading read.*

**The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. Dookun-Luchoomun):** Madam Speaker, I beg to move that the Special Education Needs Authority Bill (No. XVIII of 2018) be read a second time.

This Bill, Madam Speaker, is a landmark piece of legislation, one that is highly significant for learners with special education needs. It has, in fact, to be seen in the context of the overarching enunciations of the Government Program 2015-2019 of achieving meaningful change. This is a Bill that will act as a milestone since it concerns the setting up of an institutional body that will provide the relevant regulatory framework for learners with special education needs.

Let me state in no uncertain terms that it has been imperative for my Ministry to come forward with a welldefined policy for the fulfilment of special education needs. This policy, I must insist, is in alignment with firstly, the ongoing educational reforms; secondly, the sustainable development goal for and thirdly, the UN Conventions on the Rights of the Child and on the Rights of Persons with Disabilities. It will be recalled, Madam Speaker, that during the implementation of the Educational Reforms, many NGOs, stakeholders involved with the issue of special education needs show deep concern. They were doubtful as to the consideration paid to the status of special education needs in the reforms under way. This is one thrust area that will definitely allay the apprehensions in this sector.

Madam Speaker, the well being of our learners with special education needs is a matter of concern for all of us here present. In fact, I know that it is a matter that strikes a cord in our hearts. Quite understandably, the setting up of the SEN Authority is a positive reponse to a call from stakeholders in the field. This has been an unanimous call. The appeal has been to have a body that provides the architecture for policies and regulations that will ensure the effective running of SEN schools and the dispensing of a quality food for purpose and meaningful education for learners with special education needs. If I may be allowed to go back a couple of years, I will reflect on the coherence in the sequence of events leading up to this Bill. In 2016, a bugetary provision had been made for the elaboration of our policy and strategy for the SEN sector. My Ministry enlisted the technical assistance of an Indian expert in the SEN sector to assist in the drafting of the policy document. 2017 saw the formulation of the policy framework and strategy document for the SEN sector entitled Inclusive Education for Children and Youth with Special Education Needs. Same was

validated in October 2017 by all our stakeholders. One of the tenants of this new document, more specifically strategy goal two of the policy framework and strategy document, spells out the need to establish a regulatory body to ensure good governance in the SEN domain and the effective running of special education needs schools. This was again reiterated, Madam Speaker, in the 2018-2019 Budget Speech. The Prime Minister and Minister of Finance, hon. Pravind Jugnauth, stated and I quote –

“Our Special Education Needs students require specifically designed learning environment and facilities with specialised teachers. I am making provision for the setting up of the SEN Authority.”

Madam Speaker, the introduction of this Special Education Needs Authority follows a number of measures highly progressive and avantgardiste actions taken by my Ministry. I will only summarily highlight and enumerate the major ones. As part of the inclusion process, access for learners with disabilities in mainstream and special education needs school in Mauritius has been increasing over the last four years and stands today at 2656. Part of the process has included the setting up of 12 integrated units in primary schools with a view to reaching out to students, children with special education needs. Further, Primary Schools are being made disabled friendly and are being retrofitted with ramps and this is being done in a phased manner. On the other hand, as from January 2017, students have been offered scholarships to pursue post secondary, tertiary courses. They are also benefitting from a monthly stipend.

Madam Speaker, when we talk about students with Special Education Needs, we have to consider how best we can help them to get access to education. As we know, through the Ministry of Social Security, the taxi fares are being refunded, are being provided for students from pre-primary to tertiary level. Madam Speaker, today we have six SEN Resource and Development Centres that are fully equipped and operational as one-stop shops to provide specialised services to help students. These include occupational therapists, speech therapists, physiotherapists, psychologists and parent mediators. A seventh centre will be operational as from January 2019.

Madam Speaker, also a new curriculum framework has been elaborated based on the credo that education must serve both the physically, academically students and those demonstrating a diverse range of learning patterns. Furthermore, as part of the professionalisation of the SEN sector, the recognition of prior learning and prior experience

of staff has been facilitated while staff capacity is being systematically built up. In this latter case, our bilateral ties with Réunion and France have been soundly tapped. Digitisation has also found its way into the domain of SEN. Where budget is concerned, there has been a huge jump to. Thus, in 2013 the budgetary provision stood at a mere Rs52.7 m. while, in Budget 2018-2019, we must thank the Ministry of Finance for that, the Budget provision is of Rs203.5 m. I must stress that capital investment is also being made for facilitating the creation of barrier-free schools.

Madam Speaker, the grant-in-aid formula has been revised. The 41 NGOs running 53 SEN schools registered with my Ministry are financially supported so the grant-in-aid to carry out the educational activities, same is meant to contribute towards the salaries of staff, to cater for their basic per capita grant and a supplementary feeding program amongst others. Madam Speaker, these are just some elements in the world of SEN where the wind of change has been blowing.

Let me now indicate that prior to this Bill coming to the House, it has gone through a number of phases including consultations with stakeholders concerned at different points. In fact, the first consultative meeting was held on the 20 April 2017 when the expert from India met all the stakeholders prior to the elaboration of the strategy paper. This was done so as to ensure that all the stakeholders' views and apprehensions are taken care of. Another consultative meeting was held on the 26 October 2017 to discuss a new policy framework and strategy document while the main issues raised related specifically to the need for a SEN Authority to regulate the affairs of those in Special Education Needs Domain.

In addition, the preparation of the Special Education Needs Authority Bill also require an overview of international scene including a review of documents from countries like UK, Scotland, Wales, New Zealand, India and Ireland. Obviously, some good practices have been noted, but care has also been taken to see to it that the considerations of the local context prime. Incidentally, the hon. Members would wish to note that a close study has also been made of the existing and relevant pieces of legislation.

There was one further step that had to be taken before this Bill came here, Madam Speaker. With a view towards its finalisation, five consultative meetings were held with Heads of SEN Schools, paramedical staff, psychologists, education social workers, NGOs, parents and students from the SEN Schools. The salient features of the Bill were presented and discussed with them and the valuable views considered. I must say very honestly,

Madam Speaker, that there was unanimity among the NGOs about the setting up of the authority since it was seen by all as a one missing dimension that was now being made good.

Madam Speaker, allow me to highlight as well that this Bill responds to the goal set in the policy framework and strategy document so as to ensure quality education for all learners and especially those with disabilities. And as importantly if not more, this Bill while being responsive to the provisions of Article 24 of the United Nations Convention on Rights of People with Disabilities and target 4.5 of this SDG 4 seeks to translate into actual fact the vision my Ministry has come up with for the sector. That vision aims at spearheading, and I quote –

“Inclusionary and empowering measures and practices for all persons with diverse learning needs today for a fully inclusive society tomorrow.”

Madam Speaker, before I go into the several clauses of the SEN Bill, let me briefly dwell on the process of inclusion. Time and again reference is made in several quarters to the concept of inclusion or mainstreaming. The terminology is interchangeably used and insisted upon the necessity of including children with disabilities in the regular classroom, providing them with support through sustained comprehensive programming. I need hardly dwell extensively on the benefits that arise when real inclusion takes place at school. Among other things, it prepares all learners for living a future adult life in an inclusive society. Not only does it enhance the self-esteem of those with impairments or disabilities but also encourages the growth of empathy for fellow beings.

But, Madam Speaker, such a compressive form of inclusion cannot happen overnight. Teachers and support providers have to be prepared through intensive training and above all the learners’ developmental readiness has to be gaged. So, yes, we are working towards having a fully inclusive system, but it has to be phased in. This authority that is being set up will ensure that learners are provided with all relevant conditions for sound educational development. It will thus facilitate the transition of children who are ready to make the shift and join the mainstream classroom, Madam Speaker.

Madam Speaker, allow me now to introduce to the House the main provision of the SEN Authority Bill. The Explanatory Memorandum indicates the object of the Bill which is to provide for the establishment of the Special Education Needs Authority. This authority, it must be stressed, will act as a regulatory body that will be vested with a number of responsibility and functions. To put it in broad terms, Madam Speaker, we are working from

the premise that persons with special education needs have the same rights to education as people who do not have these needs. This is what we refer to as the rights approach. To that effect, the authority will be called upon to advise on the formulation of SEN policies and ascertain the facilitation of the implementation through proper monitoring. This will include the design and development of curriculum as well as harmonisation of programmes and policies for the Special Education Needs sector.

Madam Speaker, we have taken a number of international commitments vis-à-vis the global community. Accordingly, we have to ensure that the diverse policies and programmes for education and holistic development of special education needs learners tally and are in line with these commitments, I am here referring to the Convention of the Rights of a Child and the Convention of the Rights of Persons with Disabilities. In this context, and as I stated earlier, Government has taken several measures to ensure equity across the SEN sector. I mentioned earlier, six SEN resource development centres, and 12 integrated units set up on the premises of primary schools as a means of facilitating access and fighting against deterrent and restrictive factors. The addition of caveat is that we must ensure quality standards in the SEN sector. Here, the term quality takes on board meanings that go beyond the mere nature of educational provision. Rather it encompasses the whole spectrum of services that have to be of high standards for our learners with special education needs require specifically designed learning environments and facilities with specialised resource persons. We want institutions offering SEN facilities to be self-controlled and autonomous agencies in ensuring the quality of provision, but they also have to abide by prescribed norms and standards.

Let me now take the House through the main provisions of the Bill. Clause 5 makes provision for specific function of the authority to meet its object effectively. Madam Speaker, some of the functions of the authority relate to the registration issue. Clause 5 (b) underscores registration of special education needs institutions as well as the teaching and non-teaching staff. This is to guarantee that such SEN institutions are managed in accordance with relevant laws, rules, guidelines, directions and standards as provided for in clause 5 (d). Other functions have been formulated for a better monitoring of the SEN sector, among these, clause 5 (c) which stresses the need for good governance and transparency, ensuring optimal, efficient and effective use of grants. Clause 5 (e) relates to the carrying out of enquiries into complaints and the administering of payment of any form of grant to the SEN institution. Clause 5 (k) for its part has to be read very carefully, it is

being ascertained, Madam Speaker, that such grants are called upon to be used for purposes they are intended to serve.

Madam Speaker, hon. Members could have noted the close nexus between clauses 5 (c), (e) and (k). These have to be taken together at their inter link and mutually supportive. Clause 5 (l) speaks of one fundamental function of the authority being to devise and implement plans to facilitate the early identification and assessment of persons with special education needs. This is further strengthened through clause 5 (m) which provides for the facilitation of need assessment exercises and profiling of learners in SEN institutions. The purpose is obvious, Madam Speaker. Such identification will help us provide customised learning opportunities and the right kind of therapeutic intervention and fit for purpose advocacy.

I would also like to draw the attention of the august Assembly to the fact that the authority will enable the conduct of research in the field of special education needs. Clause 5 is, on the other hand, one primary element that all experts in the field have been talking and writing about is the necessity for inter-ministerial collaboration in the sector. The reason is obvious, the need for coherence and harmony in action is a *Sine qua non* if our collective action is to attain the target set.

Again, I need to highlight that the diverse actors in the field have everything to gain if sound networking becomes the order of the day. The Authority will accordingly have it as a crucial function to facilitate the development of a network with all relevant stakeholders, be it at local, regional and international levels. This is contained in Clause 5(o).

Madam Speaker, it is now common knowledge that reforms are ongoing in the various subsectors of the education system. There is, however, one common denominator that is cross-cutting, that is, the quality dimension. Quality is what determines learner engagement. This is all the more true for our learners with special education needs. They require specifically designed learning environments along with the support of specialised resource persons. This new structure that is being set up will fulfil that need through the elaboration of a quality assurance framework and will prescribe the relevant norms and standards expected to permeate across the sector.

This quality assurance framework in the SEN sector will be in line with international best practices and standards. Finally, in a general sense, the Bill will allow the SEN Authority to ensure that good governance and ethical conduct prevail. It will also help

establish and sustain strong home, school, community linkages. Participation in education starts from the home. I need hardly labour the point that such linkages are essential if one of the cardinal goals of special education needs equity is to be met. No one will ever deny that where disability is concerned, the support and involvement of parents is primordial. Let me also seize the opportunity, Madam Speaker, to reassure parents about one thing. Many times parents find themselves in a difficult situation and are reluctant to report on something of an adverse nature that takes place in the institution that their child attends.

There is the fear sadly that the children might bear the brunt. This is where the Authority will have to step in and play its role to the hilt and take decisions and actions in the best interest of the child. The Authority will have to take firm stand whenever required.

Madam Speaker, let me now come to the composition of the Board and its functioning. As per Clause 7 of the Bill, the Authority will be managed and administered by a Board which will comprise six representatives of Ministries directly or indirectly dealing with persons with disabilities, four NGOs involved in promoting education for persons with special education needs and two persons with experience in the field.

Madam Speaker, while the Board will cater for high level policy advice on special education needs and for directions that overall supervision of the Authority, provisions have been made also in the Bill at Clause 9(1)(a) for special committees to look into matters of technical nature. This will allow tapping of such expertise as health practitioners, psychologists, therapists and other resource persons, parents and stakeholders, whenever the need is felt.

Madam Speaker, as per Clause 10 of the Bill, the Board has the prerogative to appoint a Director, who will ensure the smooth running of the Authority and for carrying out its day-to-day activities. Some NGOs, Madam Speaker, express their apprehensions as to their future and as to what is in store for them in the wake of this legislation. Let me stress, Madam Speaker, that it has always been a policy in education to systematically and consistently encourage active, private and public partnership and this, irrespective of the area or the sector.

In fact, we have always been guided by what we call 'the comparative advantage principle'. What is this comparative advantage principle? It simply means that through such a partnership, the public and the private sectors can best concentrate on what each is good at. For example, Government can deal with policy, quality assurance, curriculum development,

while the private sector will perhaps be more apt for effective service delivery. This is obviously very much applicable for the SEN sector. In fact, I expect that our partnership will be further strengthened with this Bill.

Madam Speaker, let me now come to the matter of transitional provisions that are embedded in this Bill. This Bill, indeed, makes transitional provisions at Clause 25 for any special education needs school and for any special education needs resource development centre already registered with the Ministry. These will be deemed to be registered once the Act is proclaimed. This will equally apply for teaching and non-teaching staff as well as for resource persons already registered with the Ministry. Such registration will however be valid for a period of one year as from date of proclamation.

Madam Speaker, Clause 25(3) provides for the making of specific regulations for any other transitions that may occur. Through such regulations, further moratoria may be granted if the need arises. Madam Speaker, the setting up of the Authority is just the beginning. It is meant to be a major landmark on the education horizon. A major turning point in the evolution of the special education needs sector, in short, a game changer. It will provide a conducive learning environment, one imbued with good governance and accountability to all our special education needs learners for their integral and holistic development.

I hope that this Bill will give rise to an edifying debate and let this platform be one for advocacy for our learners with special education needs, for, I believe, Madam Speaker, that we owe it to them.

I now commend the Bill to the House.

**Madam Speaker:** I suspend the sitting for half an hour.

*At 4.45 p.m., the sitting was suspended.*

*On resuming at 5.32 p.m. with Madam Speaker in the Chair.*

## ANNOUNCEMENT

### NATIONAL ASSEMBLY – WATER LEAKAGE - RECORDING

**Madam Speaker:** Hon. Members, on Tuesday 13 November 2018, following the water leakage which occurred in the Chamber, the hon. First Member for Port Louis Maritime and Port Louis East, hon. Shakeel Mohamed, made a recording of his good self



from his seat in the Chamber, with officers and other hon. Members being shown in the background when the sitting was suspended.

In the said recording which was uploaded on the social media, the hon. Member reflected on the water leakage, giving an account of what was going on at the material time and made certain remarks.

Hon. Members will recall that, on 16 June 2017, whilst giving my ruling on a point of order raised by the hon. First Member for Port Louis Maritime and Port Louis East, hon. Shakeel Mohamed, claiming that photographs had allegedly been unlawfully taken within the Chamber by an hon. Member and uploaded on Facebook, I informed the House, amongst others, that the use of electronic devices in the Chamber had been allowed, provided that they be used discreetly and exclusively in the pursuit of parliamentary business, with due regard to the decorum of the House.

I equally stressed on the fact that any other use to which these devices may be put, such as the one at hand at that time, constituted a serious breach of etiquette and needed to be dealt with severity.

Regrettably, I should say, we are faced with yet another incident in which an electronic device has been used by an hon. Member for a purpose other than the pursuit of parliamentary business, in the Chamber, on a day when the Assembly was sitting, albeit when it was suspended.

Hon. Members would appreciate that, in regard to the content of the said recording, the first few words uttered by the hon. Member, which I do not propose to repeat, but which can be ascertained from the recording itself, give an indication of the ill intention of the hon. Member, which is confirmed by whatever followed.

Hon. Members will agree that the contents of the recording were unwarranted, improper and utterly condemnable, and were certainly tantamount to gross breaches of parliamentary etiquette.

However, since the impugned act falls neither within the purview of the National Assembly (Privileges, Immunities and Powers) Act nor within that of the Standing Orders and Rules of the National Assembly, no action can be envisaged against the hon. First Member for Port Louis Maritime and Port Louis East.

Hon. Members, I am, therefore, seriously contemplating taking up appropriate measures for the regulation of the use of mobile phones and of other electronic devices in the Chamber and of any matters related thereto, in order to avoid the recurrence of such acts.

Moreover, in the meantime, considering that –

- ringing tones of mobile phones and of other electronic devices are persistently being heard loud and clear in the course of the proceedings of the House, in spite of the fact that the overarching principle governing the use thereof in Parliament is that they ought to be used discreetly and with due regard to the decorum of the House, and that
- I have been repeatedly reminding hon. Members to ensure that the mobile phones and electronic devices be kept on silent mode,

I endear hon. Members, once again, to uphold the decorum of the House and remind them that they are duty bound not to disturb the proceedings of the House.

I thank you.

**Madam Speaker:** Hon. Mrs Perraud!

(5.36 p.m.)

**Mrs A. Perraud (First Member for Port Louis North & Montagne Longue):**

Thank you, Madam Speaker.

Madam Speaker,

“Everybody is a genius.”

*(Interruptions)*

Yes, everybody is a genius!

“But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid.”

This quote from Albert Einstein describes beautifully how special education needs should be giving each person instruction and support which facilitates his or her participation in the classroom. It is an education which helps special needs students and cares for their physical, emotional health and safety, affirming their abilities and striving to promote dignity in all relationship. It is an education which recognises the capacity, the individuality and the limit

of each student; an education which strives to teach, help and assist each and every one to reach his or her full potential.

Yes, Madam Speaker, many people with disabilities have contributed to society; these include actors, actresses, celebrities, singers, musicians, authors, world leaders, scientists etc. To name some few, we have Stephen Hawking, a theoretical astrophysicist, an eminent scientist. He had been paralysed from head to toe for over 30 years, but this did not prevent him from developing his activity as an exemplary researcher and professor. Both Charles Darwin, naturalist, geologist and brilliant biologist and Albert Einstein, most famous scientific, mathematician, in history are autistic people.

Andrea Bocelli, Stevie Wonder, Ray Charles are all blind and famous singers, musicians. Hollywood stars: Robin William was diagnosed to be suffering from Attention Deficit Hyper Activity Disorder (ADHD), whereas Tom Cruise is severely dyslexic. Madam Speaker, all those celebrities did not live their life believing that they are stupid. They were given opportunities, support and help to develop their potential. During the Second Reading of the Bill, I heard the Minister say that this Bill is the beginning. Indeed, Madam Speaker, after the Education Act of 1957, after free access to education in 1977, after the National Council for the Rehabilitation of the Disabled Persons Act in 1986, after the National Policy Paper and Action plan on disability in 2007, after Mauritius signed the UN Convention on the Rights of Persons with Disabilities in 2010, after the pledge in favour of a National Policy for Children in 2003/2015, after the Special Education Needs and Inclusive Education in Mauritius, the Policy and Strategy Document in 2017, Madam Speaker, we have in front of this august Assembly the Special Education Needs Authority Bill (SENA) today, in 2018.

Ce projet de loi est un projet de loi tant attendu, longtemps réclamé par les ONG dans ce secteur. Madame la présidente, lorsque j'ai interrogé une personne représentant une ONG sur ce *SENA (Special Education Needs Authority)*, la personne m'a donné son point de vue qui illustre bien la situation. Elle m'a dit ceci –

« Sans le *Disability Bill*, sans que la discrimination à l'encontre des personnes handicapées soit reconnue dans notre Constitution, ce projet de loi est comme un arbre sans racines. »

Madam Speaker, Mauritius signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007 and ratified the document on 08 January 2010.

Mauritius Country Report was due on 08 February 2012, but it submitted its report to the Committee on the Rights of Persons with Disabilities on 15 May 2012. The Disability Unit, under the wing of the Ministry of Social Security, National Solidarity and Reform Institutions which is the focal point for disability issues, is responsible for the submission of the report.

However, though Mauritius signed and ratified the UNCRPD, it has placed reservations on Articles 11, 9(2)(d) and 24(2)(b) of the United Nations Convention on the Rights of Persons with Disabilities. Madam Speaker, eight years have elapsed since the UNCRPD have been signed, the reservations have not been removed. Answering a PNQ on 12 July 2016, the Minister of Social Security, National Solidarity and Reform Institutions gave assurance to the House that reservations on these Articles would be removed. However, after two years, Mauritius did not proceed with the ratification of the optional protocol. Mauritius signed and ratified the UNCRPD eight years ago and we are still waiting for a Disability Bill.

Madam Speaker, the Constitution of Mauritius does not contain any provisions which directly address disability. Section 16(3) of the Constitution provides for an exhaustive list of factors on which people cannot be discriminated against, but disability does not form part of this exhaustive list. However, in 2016, the Minister of Social Security, National Solidarity and Reform Institutions, in her reply to a PNQ, stated, I quote –

“(...) much ground has been covered so far and a draft Constitutional Amendment Bill is nearing finalisation in consultation with the Attorney General’s Office.”

But two years later nothing has been done.

Madame la présidente, nous avons le *SENA (Special Education Needs Authority)*, un arbre sans racines. Ce projet de loi, dans le fond et dans la forme, contient beaucoup de lacunes. Déjà, dans la forme, la façon de faire du ministère de l’Education est décrite par les ONG. Madame la présidente, un courriel a été envoyé à quelques ONG seulement le jeudi 25 octobre 2018 - je l’ai, là, devant moi - à 14h48, leur demandant d’être présentes à une réunion consultative sur l’ébauche du *Special Education Needs Authority*. La réunion consultative devait avoir lieu deux jours après la convocation, le samedi 27 octobre 2018. La question que se posent les acteurs dans ce secteur est : pourquoi l’invitation a été très sélective, alors qu’il y a quarante et une ONG qui sont enregistrées auprès du ministère, comment est-ce que le ministère a choisi une vingtaine de ces ONG parmi ces quarante et

une ONG ? Sur quels critères a-t-on choisi les ONG ? Autre question que les ONG se posent : pourquoi cette réunion, dite consultative, a été faite aussi vite, quelques jours seulement avant la présentation du projet de loi en première lecture au Parlement ? Est-ce que l'ébauche du projet de loi n'aurait pas dû être circulée, discutée parmi les acteurs de ce secteur avant que le projet de loi arrive au Parlement ?

Les ONG reprochent aussi au ministère le fait que la réunion, à laquelle elles ont été convoquées, était loin d'être une réunion de consultation. Pour elles, c'était une réunion d'information, de présentation. Et les ONG ont le sentiment que le *SENA* était déjà pensé, déjà décidé, on les a invité que pour la forme. D'ailleurs, à leurs questions : est-ce que les ONG pourraient voir l'ébauche du projet de loi ? La réponse a été négative, comme plusieurs autres questions qui sont restées sans réponse.

Madam Speaker, after the consultative meeting with the NGOs, a letter was sent to the Ministry which contains propositions for the *SENA*. One of the propositions is about the timing of the *SENA*, when to come with a *SENA*, Special Education Needs Authority. And I will read part of the letter –

“(...) when a consensus of all relevant stakeholders has been reached after in depth consultation and debate, and the conditions to serve the best interests of children and adults with special education needs have been spelled out precisely.”

However, Madam Speaker, this proposition came too late because by the time the letter was received, the Bill was already dispatched to hon. Members of this House.

Madame la présidente, nous déplorons aussi la façon de faire du ministère parce qu'il y a eu absence de consultation, de dialogue, le manque d'écoute, de considération des ONG et l'absence de partenariat sur ce projet de loi. Si le *SENA* pêche par la forme, ce projet de loi contient beaucoup de lacunes dans le fond et je vais expliquer pourquoi.

Madame la présidente, il y a une complète mainmise de la politique de la ministre sur le *Board* du *Special Education Needs Authority*. Alors que les ONG, les *stakeholders* du secteur de l'éducation spécialisée plaident pour un partenariat pour plus de reconnaissance, de valorisation et de respect de la part de l'État mauricien, ce projet de loi tant attendu est décrié de par le contrôle accru qu'exerce la ministre sur le *Board*. Pourquoi faut-il que ce soit la ministre qui choisit les quatre ONG ? Comment est-ce que la ministre va choisir les quatre ONG qui vont siéger sur le *Board* ? Quels critères qui vont être utilisés par la ministre pour choisir ces quatre ONG ? Est-ce que ce seront les *béni-oui-oui*, ceux qui ne

posent pas trop de questions qui dérangent, ceux qui sont proches du pouvoir, où est la transparence, où est la démocratie ? C'est inacceptable qu'on puisse traiter les gens dans ce secteur de la sorte. C'est tout le contraire du partenariat demandé. C'est tout simplement du mépris pour ceux qui œuvrent dans le secteur de l'éducation spécialisée. C'est anti-démocratique, c'est la dictature !

Après avoir attendu tant d'années pour avoir un projet de loi pour encadrer l'éducation spécialisée, ce projet de loi, the *Special Education Needs Authority Bill* est une grande déception. C'est jeter de la poudre aux yeux des aveugles. C'est berner les personnes handicapées.

*(Interruptions)*

Exactement ! Pourquoi il incombe à la ministre de choisir deux personnes ayant une expérience dans le domaine de l'éducation spécialisée. C'est toujours la ministre qui choisit. Encore une fois, quels sont les critères qui vont être utilisés ?

*Madam Speaker, it is written in the Bill, I quote -*

*"Two persons having experience in the field of special education needs."*

*This definition is too vague, too large. It does not say how many years of experience, what type of experience and in which field.*

Et, Madame la présidente, pourquoi c'est au Premier ministre de choisir et de nommer le *Chairperson* du *Board* ? Est-ce que le Premier ministre connaît mieux le secteur de l'éducation spécialisée que les ONG ? C'est une question qu'on se pose. Pourquoi prendre en otage ce *Board*, pourquoi museler les muets, ligoter les handicapés, dominer ceux qui sont vulnérables ?

Donc, nous avons un *Board* politisé. Cette politisation à outrance vient plomber ce *Board*. Est-ce que le *Special Education Needs Authority Board* n'est pas un moyen pour pouvoir caser encore d'autres membres de la cuisine ? Ça y ressemble beaucoup. Non seulement le *Chairperson*, les membres, le directeur du *Board* seront choisis et nommés par les politiciens, mais le staff, le personnel doit être approuvé par la ministre. *Donc, nous capav dire zot pas laisse narien sapé.* Ce que je déplore dans la constitution de ce *Board*, c'est surtout l'absence des parents et des personnes porteurs d'handicap elles-mêmes. Deux grands absents sur ce *Board*.

Madame la présidente, l'implication des parents dans la prise de décision dans la scolarité de leurs enfants est essentielle. La participation parentale est indéniablement un avantage, un atout pour donner aux élèves le maximum de chance dans la réussite de leur cursus scolaire. D'ailleurs, à l'origine de l'enseignement spécialisé, on retrouve qui à l'origine ? Les parents ! Dans des pays où il y a un partenariat avec les parents, on reconnaît que le rendement de la réussite des élèves augmente lorsque les parents se sentent les bienvenus et respectés en tant que partenaires.

Madame la présidente, qui connaît mieux la souffrance, les défis, les besoins, les capacités d'un enfant porteur d'handicap ? Est-ce que c'est le Premier ministre ? Est-ce que ce sont les nominés politiques ou les parents et les personnes handicapées elles-mêmes.

L'enfant à besoins spéciaux ne doit pas être l'otage de ce *Board*, de cette autorité, mais il doit être le fruit d'une reconnaissance, d'un dialogue, d'une collaboration garante d'une meilleure société. Et comme je l'ai dit plus tôt, le plus grand absent, c'est la personne porteuse d'handicap elle-même. Pourquoi ne pas avoir songé à l'inclure sur le *Board*, si la loi *the Training and Employment of Disabled Persons Act* de 1996 prévoit qu'une personne handicapée peut travailler, donc pourquoi est-ce qu'elle ne pourrait pas siéger sur un *Board* ? On fait une grande place aux nominés politiques mais point de place aux personnes concernées.

Madame la présidente, la peur des *stakeholders*, la peur des ONG, la peur des parents, c'est que le fait que le *Board* du *Special Education Needs Authority* soit politisé, cela ne va pas assurer la stabilité, la continuité dans le travail du *Board*. Qu'advient-il des nominés politiques, *Chairperson*, *director* ou membre lorsqu'on change le gouvernement ou lorsqu'on change de ministre ? Nous l'avons si souvent vécu, chaque ministre de l'éducation vient avec sa réforme et on recommence tout dans le secteur. Donc, est-ce que le SENA ne va pas subir le même sort ? C'est la question qu'on se pose. Est-ce que ce modèle de *Special Education Needs Authority* est ce dont ce secteur a besoin ? Un modèle où il y a absence de démocratie, de partenariat, de transparence.

Madam Speaker, we have a huge problem with this Bill right at the beginning at Part I – Preliminary. The problem lies in the definition of the Bill itself. It is the Special Education Needs Authority Bill not a Disability Bill. When we have a look at Part I 2. Interpretation, among all the definitions given, we have the definition of “disability”, and I quote from the Bill –

““disability” means a long-term physical, intellectual or sensory impairment of a person which substantially hinders his ability to carry out normal day to day activities.”

We, the NGOs, we do not have any quarrel with this definition, but with the definition of “special education needs”, yes we do.

I quote once again from the Bill –

““special education needs” means the needs of a person with disability which makes learning harder for him than another person of the same age”

*Là il y a un problème.*

The devil lies in the details. This definition of the “special education needs” is very restrictive, very narrow, and not at all in line with the definition of other international platforms. For example a simple definition of “special education needs” in Wikipedia give us, I quote –

“A special school is a school catering for students who have special educational needs due to learning difficulties, physical disabilities or behavioural problems.

Special needs include speech or hearing difficulties, emotional and behavioural disorders, physical disabilities and development disorders.”

There is another definition from Encyclopaedia Britannica, I quote –

“(…) the education of children who differ socially, mentally, or physically from the average to such an extent that they require modifications of usual school practices. Special education serves children with emotional, behavioral, or cognitive impairments or with intellectual, hearing, vision, speech, or learning disabilities; gifted children (...) with orthopedic or neurological impairments.”

Madam Speaker, it has become plain that the concept of Special Education Need has to be widened to include all children who, for whatever reason, are failing to benefit from school.

Madam Speaker, in the World Conference on Special Needs Education, access and quality in Salamanca, Spain in 1994, 24 years ago, the delegates and the conference stated, I quote –



“All these children are being denied the opportunity to learn and to gain the knowledge, understanding and skills to which they are entitled. It is clear that the origins of their difficulties lie not just in themselves, but also in the social environments in which they are living.”

So, Madam Speaker, as we can see, with a given definition of Special Education Needs in the Bill, many persons with special needs are excluded.

What about children who are physically or sexually abused, who are traumatised and cannot study at school. We all know that child sexual abuse include depression, anxiety and complex post-traumatic stress disorder and psychological trauma. But, Madam Speaker, with this piece of legislation, they are not catered for because they don't have a disability as defined in this Bill.

Madam Speaker, what about slow learner? A slow learner is a term used to describe a student who has the ability to learn necessary academic skills, but at rate and depth below average same age peers and the student will need additional help to succeed.

Qu'en est-il des enfants des rues qui sont éjectés du système scolaire, ceux qui n'arrivent pas à poursuivre leurs études dans le *mainstream* pour des raisons sociales, affectives ou économiques.

Another problem, Madam Speaker, is at part II of the Bill, section 5(o), I quote –

“develop network and facilitate collaboration among Ministries and other relevant stakeholders at local, regional and international levels”

And also part II, subsection 5 (l) –

“devise and implement plans to facilitate the early identification and assessment of persons with special education needs”

These are very important functions of this Authority indeed, because there is a lack of dialogue, of consultation and lack of communication among different Ministries, and a better understanding of this section, the Special Needs, is of utmost importance.

Par exemple, madame la présidente, la plupart d'enfants à besoins spéciaux dès leur tendre âge, on sait que l'enfant aura des problèmes. Pourquoi ? Comment ? Parce que souvent les enfants qui ont eu des difficultés à la naissance : ‘ils n'ont pas bien respiré, ils sont restés longtemps dans le passage. Les médecins, les pédiatres auraient dû dire aux parents ‘votre enfant est à risque, il faut le faire voir par un spécialiste, il faut lui faire faire

des bilans, il faut le suivre de près, il faut vous assurer que son développement est normal'. Mais madame la présidente, est-ce que cette attention particulière est donnée aux mamans après un accouchement difficile dans nos hôpitaux. Non !

Sinon beaucoup d'enfants à besoins spéciaux s'ils étaient détectés tôt auraient pu être sauvés. Dépistages et interventions précoces : plus vous intervenez tôt plus rapides seront la réhabilitation et l'insertion. Plus vous tardez plus il y a des effets secondaires, l'enfant développe des troubles de comportement après c'est difficile d'assurer le succès de ces enfants-là. Je vous ai donné un exemple où le ministère de la santé doit travailler en étroite collaboration avec cette autorité, le Sénat, pour aider les personnes à besoins spéciaux. Mais qu'en est-il du ministère de l'Éducation ? Est-ce que les enseignants sont formés pour détecter un enfant avec un problème ? Je parle de la formation de tous les enseignants pas ceux du *mainstream* seulement, pas les enseignants seulement qui enseignent dans les *Special Education Needs*. Souvent les profs sont déroutés car non formés. Ils se sentent démunis ou désarçonnés face à un enfant différent. Il arrive qu'ils aient des propos abruptes ; leurs phrases sont cinglantes car ils ont eu une formation ou ils n'ont pas été formés du tout en matière d'accompagnement d'enfants différents. On parle des enfants qui sont dyslexiques - précocité, handicap, etc.

Lors de leur formation à la MIE, les enseignants ont un petit module sur l'éducation spécialisée, mais cela n'est nettement insuffisant. Et on se souvient encore à l'époque où on traitait les *slow-learners* à l'école de «Qatar». Heureusement que cette époque est révolue, du moins, je l'espère.

Autre problème que nous voyons auxquels sont confrontés les enfants avec un handicap, c'est le problème qu'ils rencontrent pour l'obtention d'une allocation sociale pour la pension, et cela concerne cette fois-ci le ministère de la sécurité sociale.

**Madam Speaker:** No, I am sorry hon. Member, I think I'll have to stop you here because you have to make your speech relevant to the provisions of the Bill which is in front of us. You are enlarging the debate and some of the things, I am sorry to say, that you are mentioning, are totally irrelevant to the Bill. Please come back to the main provisions of the Bill.

**Mrs Perraud:** Merci beaucoup madame la présidente pour votre *ruling*, mais je ne comprends pas où est-ce que j'ai été en dehors du projet de loi. À chaque fois, j'ai fait une

citation du projet de loi. J'ai cité le projet de loi et ensuite j'ai expliqué, j'ai énuméré. Donc, j'aimerais bien que vous m'expliquez où et quand est-ce que j'étais...

**Madam Speaker:** I am sorry, I don't owe you any explanation. This is my ruling. The ruling of the Speaker, according to the Standing Orders, is final. I find that whatever you are saying is irrelevant to the main provisions of the Bill. It is irrelevant. This is it, this is my ruling.

**Mrs Perraud:** Alors, la partie quand j'en explique justement les différentes consultations, partenariats, dialogues qu'on devrait avoir entre différents ministères, donc je vais chercher cette citation pour vous.

Alors, j'avais cité plus tôt, *Part II 5(o) of the Bill* -

*“(o) develop network and facilitate collaboration among Ministries and other relevant stakeholders at local, regional and international levels;”*

Donc, j'ai pris cette citation du projet de loi. Avec cette citation, j'ai démontré, j'ai illustré, avec exemple à l'appui, comment est-ce que chaque ministère doit contribuer avec le SENA. Donc, je ne sais pas si c'est *irrelevant*.

**Madam Speaker:** Allow me to tell the hon. Member that there is no argument on whatever I have said. When she is coming with arguments on the Ministry of Health...

*(Interruptions)*

When she is coming with arguments which do not concern the main provisions of the Bill, I find it irrelevant what she is saying. I have allowed her to be broad-based on her arguments, but at a certain point in time, she has to come to the main provisions of the Bill.

**Mrs Perraud:** Alors, je disais les autres problèmes que nous voyons auxquels sont confrontés les enfants avec un handicap, c'est le problème qu'ils rencontrent pour l'obtention d'une allocation sociale pour la pension. Cela concerne cette fois-ci un autre ministère. Parmi les autres ministères que j'ai mentionnés avant, c'est le ministère de la sécurité sociale.

Alors, Madame la présidente, ...

*(Interruptions)*

Qu'une personne doit se présenter une fois devant une équipe, un panel de médecins et d'autres professionnels...

**Madam Speaker:** This is irrelevant! I am sorry! Hon. Mrs Perraud, I am sorry, this is not relevant. If it was a disability Bill being brought by the hon. Minister of Social Security, it would have been relevant. It is not relevant. I am sorry!

*(Interruptions)*

**Mrs Perraud:** Madame la présidente, je dois vous dire que si ce projet de loi ne me tenait pas à cœur, si aujourd'hui je n'étais pas porte-parole des ONG car j'ai parlé avec beaucoup d'ONG, avec beaucoup de parents, ayant moi-même quelqu'un, un neveu autiste dans la famille, j'aurais dit que dans ce cas je ne vais pas faire de discours puisqu'il faut qu'on me dise qu'est-ce que je dois dire. Mais je vais continuer quand même, parce que c'est un projet de loi important.

**Madam Speaker:** I would allow you to continue. I have said and I will say once more, that I will allow you to continue provided you are relevant to the main provisions of the Bill.

*(Interruptions)*

Hon. Bérenger, I am sorry! To whom did you say that he is a small cretin?

*(Interruptions)*

Don't argue with me! But I would not allow you to use that word 'small cretin' to anybody. And if ever it has been for anybody on this side on the House, I want you to withdraw!

*(Interruptions)*

Do you think, hon. Henry, that you wish to take my place? No, you are talking to her and you are giving instructions which are contrary to what I have said. Do you wish to take the Chair?

*(Interruptions)*

**Mrs Perraud:** Donc, je vais devoir obtempérer. Je ne vais pas dire que j'avais une lettre devant moi qui démontre que les enfants handicapés, trisomiques ou autistes doivent malheureusement venir devant le *Board* pour l'obtention de la pension, de l'allocation social et que les parents trouvent cela aberrant parce qu'un enfant qui est trisomique, l'enfant...

*(Interruptions)*

**Madam Speaker:** Can you tell me what the Minister of Education has to do with it? Can you tell me what the Special Education Needs Authority per say has to do with it?

**Mrs Perraud:** Non, j'ai dit que je ne vais pas dire, j'allais dire mais je ne vais pas dire. Donc je continue.

Madame la présidente, les enfants porteurs d'un handicap sont les oubliés du système éducatif à Maurice. En 50 ans d'Indépendance, le secteur éducatif, celui du *mainstream* a connu beaucoup de changements, de progrès alors que les écoles spécialisées ont stagnées et n'ont pas eu la même attention depuis longtemps. C'est vrai qu'il y a eu les efforts qui ont été faits récemment mais beaucoup de lois régissent et donnent un encadrement aux écoles du *mainstream* à Maurice et tel n'est pas le cas pour les écoles du *Special Education Needs*. Et déjà, il y a le *Disability Bill* qui se fait attendre depuis des années. Un des exemples qui montre que le SENs sont des parents pauvres de l'éducation à Maurice est le PSAC, le *nine-year schooling*. Le Premier ministre et la ministre de tutelle ont fait les éloges de cette réforme mais, Madame la présidente, l'éducation nationale a oublié l'enfant handicapé, comme le titre si bien le Mauricien du 16 septembre 2015.

D'ailleurs, les dirigeants d'Inclusion Maurice ont fait part de leurs tristesses et incompréhensions lors d'une conférence de presse. Ils ont déploré cette mise à l'écart et cette marginalisation des enfants avec un handicap mental et intellectuel dans le plan de réforme de l'éducation.

Madam Speaker, one important aspect of the Special Education Needs is inclusion. Part II 5 of the Bill - Functions of Authority, we can read at article (j), I quote –

“(j) promote inclusive practices to facilitate inclusive learning environment;”

However, this Bill, the Special Education Needs Authority Bill is in contradiction with this article. It should not be an authority which approves, registers special education needs institutions but rather an authority which would encourage public and private schools in Mauritius to take children with special needs. Inclusion should be a holistic approach where every child is educated as a whole person, where socio, medico, psycho and pedagogical needs are met at the same institution.

Malgré le fait que Maurice a signé l'UNCRC en 2010, huit ans après, nous ne sommes pas en ligne avec la convention. Il y a toujours la ségrégation, il n'y a pas d'inclusion. Par exemple, les *slow learners* peuvent intégrer le *mainstream* mais ils sont retirés du *mainstream* et référés aux ONGs. Malgré le fait qu'il y ait un rapport au ministère sur le *policy of inclusive education* datant de 2006 et 2017, l'implémentation n'a pas été un succès. Dans les écoles du gouvernement, les classes se trouvent dans 12 *special units* et à

part. Les enfants ne jouent pas ensemble. D'un côté, il y a les enfants du *mainstream* et de l'autre côté il y a ceux du *Special Education Needs Unit*.

Madame la présidente, pour les enfants avec un handicap lourd, on comprend que ce sera difficile. Mais il y a plusieurs types d'handicap et de degrés d'handicap. On devrait pouvoir, dès l'école, créer une société plus inclusive, plus tolérante, plus emphatique, plus juste et plus humaine. Qu'on ait des ONG pour s'occuper des enfants à besoins spéciaux, mais c'est la responsabilité première de l'État. C'est au gouvernement de le faire, c'est au gouvernement de se donner les moyens pour créer une société inclusive. Avoir des écoles inclusives, c'est possible ; où les enfants côtoient, jouent avec ceux du *Special Education Needs Unit* sous l'œil vigilant des éducateurs. Je connais une école privée où cela se passe à Curepipe. Et cette école ne reçoit pas de subvention de l'État.

Avec ce projet de loi, beaucoup de questions restent posées : est-ce qu'on va donner à ces écoles les moyens d'offrir une bonne éducation, une éducation de qualité, un bon encadrement à leurs élèves ? Si cette autorité se contente de donner qu'un petit *grant*, une petite subvention par tête, *per capita*, une subvention pour le repas seulement, cela sera nettement insuffisante.

C'est la responsabilité de l'État de prendre en charge l'éducation spécialisée. S'il ne peut pas le faire, qu'il donne des moyens adéquats aux écoles spécialisées pour le faire en termes d'infrastructures. Pour les écoles du *mainstream*, les bâtiments sont construits par le gouvernement alors que les ONG sont toujours en train de louer des maisons. Le loyer n'est pas couvert par la subvention. Les ONG passent beaucoup de temps et dépensent beaucoup d'énergie à écrire des projets pour obtenir un financement du *CSR*. Ils avouent que cela devient de plus en plus difficile. Donc, avec cette autorité, est-ce que les écoles spécialisées vont avoir des facilités pour améliorer leurs infrastructures ? Est-ce qu'ils vont bénéficier des *soft loans*, par exemple, comme ce fut le cas pour les collèges privés ? Une autre question : est-ce que les années d'expérience et de service des enseignants qui n'ont pas de diplômes vont être reconnues ? Je sais qu'un groupe d'enseignants a reçu leur diplôme la semaine dernière dans le cadre du *Recognition for Prior Learning*. Mais, est-ce que le *RPL* n'aurait pas dû être inclus dans cette loi pour s'assurer que tous les éducateurs de toutes les ONGs pourront eux aussi avoir leur diplôme et pour plus de transparence ? Une autre grande préoccupation, c'est le salaire des éducateurs. Aujourd'hui, il y a des éducateurs avec 30 années d'expérience qui reçoivent que R 10,200 alors que d'autres enseignants travaillant avec les mêmes horaires perçoivent beaucoup plus.

Madame la présidente, travailler avec des enfants handicapés demande plus qu'un diplôme universitaire. Il faut beaucoup d'amour, de patience, d'empathie, d'énergie, d'expérience. Lors de la réunion d'information que le ministère a eue avec quelques ONG, la question a été posée: où en est le ministère avec la régulation des salaires des éducateurs, des *carers*? La réponse du ministère a été qu'ils attendent toujours le *NRB* et que cela ne dépend pas d'eux. Donc, cette question reste entière. Il est indispensable au-delà des formations requises de posséder des qualités humaines, particulières, de considération, de patience, d'empathie, de volonté et de ténacité. Il faut privilégier la candidature des personnes qui ont fait un réel choix de se mettre au service de personnes porteuses de handicap lorsqu'on recrute des enseignants pour travailler avec des enfants à besoins spéciaux.

Madame la présidente, le terme 'institution spécialisée' est utilisé tout au long de la description du projet de loi. A aucun moment mention est faite s'il s'agit des institutions spécialisées pour enfants uniquement. Donc, la question que les écoles spécialisées se posent est : quel est le sort réservé aux personnes à besoins spéciaux qui ont plus de 18 ans ? Pour l'instant, les écoles, les centres ou ateliers s'occupant de ces jeunes ou de ces adultes ne perçoivent pas de subvention du gouvernement. D'ailleurs, c'est une des raisons principales pourquoi il y a très peu d'ateliers qui acceptent les jeunes au-delà de 18 ans à 20 ans. Or, que font les parents dont l'enfant est majeur, mais handicapé ? Pour beaucoup d'handicap l'enfant va devoir vivre et grandir avec son handicap jusqu'à l'âge adulte, qu'il s'agit d'handicap physique, mental ou intellectuel.

A l'âge adulte, les ateliers pour la formation, l'apprentissage et l'encadrement de ces personnes demandent plus de ressources et de financement. Malheureusement, les bénéficiaires ne sont pas soutenus par l'État à travers les institutions spécialisées. Il ne faut pas oublier que Maurice est parmi les pays les plus affectés par les maladies non transmissibles, notamment le diabète. Donc, nous savons que suite à des complications liées au diabète, il y a beaucoup de personnes qui sont amputées, il y a beaucoup de personnes qui perdent la vue, qui deviennent aveugle et nous savons qu'il y aura beaucoup de personnes qui vont entrer dans ce chiffre pour compter les personnes qui sont handicapés. Il y a aussi les accidentés de la route, donc nous avons beaucoup d'accidents de nos jours et beaucoup de personnes deviennent *disabled*, handicapés suite à un accident.

Donc, Madame la présidente, le besoin de revoir les ateliers et les centres pour ceux qui ont plus de 18 ans se fait sentir, avec le nombre grandissant d'handicapés suite à une

complication du diabète ou suite à un accident de la route. Les personnes handicapées, les parents, les ONG, la société dans son ensemble attendent un éclaircissement de la part de la ministre.

Donc, ceci dit, j'aimerais dire que c'est vrai qu'il y a eu beaucoup d'efforts qui ont été faits, mais la façon dont le projet de loi a été emmené au Parlement aujourd'hui laisse à désirer par rapport au manque de consultation et manque de dialogue avec les ONG. Je crois qu'à l'île Maurice, nous avons besoin d'avoir beaucoup plus de Jane Constance, beaucoup plus de Noémie Alphonse, beaucoup plus de Coomara Payendee et il faut qu'il y ait sous ce soleil mauricien beaucoup plus de place pour tous les mauriciens.

Merci beaucoup, Madame la présidente.

**Madam Speaker:** I will now ask the Deputy Speaker to take the Chair.

**The Deputy Speaker:** Hon. Rutnah, you have the floor and please, be relevant!

(6.23 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart):** I am grateful, Mr Deputy Speaker, Sir, and I undertake that at all material time during the course of the debate, I will stick myself to the Special Education Needs Authority Bill and I will not make it sound like I am debating a Disability Bill.

Mr Deputy Speaker, Sir, in fact, there is opportunity and there are places for every individual of this country in our institution, whether you are an able body or less able body or disabled body. There is one thing that the former 'speakrine' whom we heard earlier on ...

*(Interruptions)*

Hon. 'speakrine'! I am so sorry, I miss the word 'honorable.'

The former hon. 'speakrine', who took the floor, made it sound like there is discrimination all over Mauritius against disabled people, against people who need special needs, but starting from that premise is really not right. To interpret our Constitution, just by looking at section 16(3) is also belatedly wrong.

Let me start by the Constitution itself insofar as discrimination is concerned. Section 16 of our Constitution deals with 'Protection from discrimination' and subsection (2) says this –



“(2) Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.”

Here, we are talking about an authority. We are talking about the Special Education Needs Authority Bill. This authority cannot in all fairness discriminate while dealing with people who have special needs by virtue of the provision of our Constitution protects everybody indiscriminately.

There is also in Mauritius the Equal Opportunity Act. There is provision in the Equal Opportunities Act, if I may remind the hon. Member who spoke before me, in particular section 17 insofar as education is concerned, and it is titled “Education” –

“Subject to subsections (2) and (3), no educational institution shall discriminate –

- (a) against a person –
  - (i) in deciding who should be admitted as a student;
  - (ii) by refusing or failing to accept that person’s application for admission as a student;
  - (iii) in the way in which that person’s application is processed; or
  - (iv) in the terms or conditions on which it is prepared to admit that person as a student; or
- (b) against a student by –
  - (i) denying him access, or limiting his access, to any benefit, facility or service provided by the educational institution;
  - (ii) expelling him; or
  - (iii) placing him at a disadvantage in any other manner.”

This is the law; this law exists. So, the Equal Opportunities Act has provision to protect people who were unprotected previously. So, it is wrong - I say it again, it is wrong - to start on the premise that there is no protection for people who are disabled or people who are supposed to receive special needs insofar as education is concerned.

Let me, in order to ensure that the debate is focussed on the Bill, take the hon. Member who spoke before me to the object of this Authority, which is to be found at clause 4 of the Bill, and the object is essentially that the Authority will act as a regulatory body. But let us look in detail because the comments that have come forward from the hon. Member who spoke before me are not warranted, and let us look at it forensically –

The Authority shall be responsible for –

- (a) monitoring and facilitating the implementation of special education needs policies of the Government;
- (b) advising the Minister on the formulation of policies and on the criteria for the registration of –
  - (i) special education needs institutions;
  - (ii) the teaching and non-teaching staff, and any other resource person, of special education needs institutions;
- (c) providing guidelines for the design and development of curriculum for special education needs;
- (d) the harmonisation and promotion of programmes and policies for the education and holistic development of persons with special education needs in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.”

This is the object of the Authority. So, once we understand the object of the Authority and we start to focus on it without going into what really a Disability Bill would have been debated, then we would not have gone off tangent. So, Mr Deputy Speaker, Sir, there are a number of good things and I, for myself, when I look at the Bill, it is drafted in very simple English language. One does not have to have a Law degree to read it and to understand it. It is so carefully, properly drafted, and here I must thank the Minister and the team who has drafted this Bill, because really speaking, when people out there will read it, they will understand and they do not need to go and see a lawyer to seek advice on it, because it is in such simple English language.

But obviously, those who want to use every bits and pieces, bit here and there and to criticise and to do *politique à outrance*, as we say, obviously you will get the kind of debate that we have just heard earlier on. But back to reality, the Bill is all about inclusion;

inclusion in the operative word. Now, let us look at developed countries: England, France, United States, Canada, Australia. Have they, through all the legislation that they have, been able to reach absolute inclusion insofar as special needs are concerned? The answer is no.

There is always room for improvement; there is always research being carried out; there are always laws amending laws in order to deal with the reality of life. So, no country, as yet, has been able to reach that absolute inclusion. However, we, as a small country, have now reached a position where this Bill is going to be cited in the future as a stepping-stone towards inclusion in our country, and inclusion is important. It is important that everybody, whether disabled or not disabled, whether with some kind of impairment or otherwise to be treated fairly, equally and with a sense of justice, thereby respecting their human rights, basic fundamental rights.

Just because someone is visually impaired, he is not less human; just because someone who had an accident and lost his limbs does not mean he is less human than others; just because someone who was born with some kind of disabilities or impairment does not mean that he is less human than others. There should always be this quality of arm in treating people; people with dignity, people with quality, and this is what this Bill is all about.

When I hear Members of the Opposition whenever Bills come into this House, they always try to attack the Minister because the Minister is taking all the control, taking the Board into control, *nomination politisée*, all kind of words, especially when I heard hon. Mrs Perraud earlier on making this scathing attack on the hon. Minister who is presenting this Bill, that she is going to appoint a political agent, cronies, etc.

But hon. Mrs Perraud forgot that she was a Minister in this Government. Hon. Mrs Perraud forgot that she hardly brought any legislation in the House except I remember one, which is called National Women Council Bill 2016. And when she criticised about control, about being undemocratic, about dictatorship...

*(Interruptions)*

**The Deputy Speaker:** Hon. Lepoigneur, I do not find your name on the list. Do you want the Whip to include your name to speak?

*(Interruptions)*

Then, you keep quiet; let the hon. Member make his speech. I am the one who is dealing with relevancy in the debate.

*(Interruptions)*

**Mr Rutnah:** Thank you, Mr Deputy Speaker Sir.

Now, she opened the can of this argument...

**The Deputy Speaker:** I will tell the hon. Member when he is irrelevant.

**Mr Rutnah:** I am grateful. Now, let us look at parallelly what was said in the National Women's Council Bill. Clause 8 mentions of a Board.

“The Council shall be administered and managed by a Board which shall consist of –

(a) a Chairperson, who shall be a person committed to the cause of women's empowerment and gender equality, to be appointed by the Minister.”

Then, ...

*(Interruptions)*

Ah! I like her comments from a sitting position, all be it; because now, she might realise that when drafting legislation, there are certain guidelines to follow and we, lawyers, know those guidelines a little bit and, obviously, the law officers at the State Law Office know it better. And really speaking, Mr Deputy Speaker Sir, this is not the first time that a legislation of this kind has been drafted in the House in relation to Board, Authority and Powers. In the future, there will be more and there will always be these kinds of drafting. There is also at Clause 8 (f) a similar analogy –

**“8. The Board**

(1) The Council shall be administered and managed by a Board which shall consist of –

(f) 4 other persons, with experience relating to social, economic or political empowerment of women, to be appointed by the Minister after consultation with such person as the Minister may determine.”

Was that not undemocratic then? Who were appointed on the Board? Who were the four people? Perhaps, the current Minister should answer at some point when I will ask a Parliamentary Question. Who appointed, what were the backgrounds of those four people?

Who appointed the Chairperson? What was the background of that Chairperson? Then, we will know exactly what ‘undemocratic’ means. Then, we will know who the political cronies were! Then, we will know whether really Mauritius is a dictatorship or not. Because, time and again, the word ‘dictatorship’ keeps creeping up from the other side and, at one point, during debate, we were even compared with North Korea. This is the extent to which they criticise just for the sake of criticising, in the belief that they will get political mileage out of it.

Now, let’s look at the same Bill a bit further. Powers of Minister, not power!

#### **“17. Powers of Minister**

(1) The Minister may give such written directions of a general character to the Board, not inconsistent with this Act, as may be necessary in the public interest, and the Board shall comply with those directions.

(2) The Minister may require the Board to furnish such information, in such manner and at such time as the Minister may determine, in respect of its activities and the Board shall supply such information.”

If this was not ‘control’ at that time, and if this is not ‘control’ now, then, when we put ourselves in her shoes from there, what is ‘control’? What is ‘dictatorship’? What is ‘undemocratic’? But just to do politics for the sake of politics, believing that you will get political mileage because people are watching us live, that’s a wrong approach to politics, that’s a wrong approach to the work that we do here, that’s the wrong approach and the wrong signal we are sending to our children, who, tomorrow would want to join politics and be here like we are debating today, because we have to inculcate honesty and integrity in those who are preparing themselves for the future of this country.

Mr Deputy Speaker Sir, let us look at Clause 19 of the National Women’s Council Bill.

**Mr Armance:** Mr Deputy Speaker, if I may? I think the hon. Member...

**The Deputy Speaker:** May I know which point of order?

**Mr Armance:** I just want a personal clarification. The hon. Member is irrelevant. He is out of subject. He is relating to a Bill that has nothing to do with the SENA; he is relating to the National Women’s Council Bill.

**The Deputy Speaker:** Hon. Armance, the Member who is intervening is relevant to the Bill. **Mr Rutnah:** Thank you, Mr Deputy Speaker, Sir.

*(Interruptions)*

Yes, I am entitled. Because she opened the can of worms, now she has to swallow the worms!

*(Interruptions)*

**The Deputy Speaker:** Hon. Henry, please!

**Mr Rutnah:** Clause 19 (2) of that Bill -

**“19. Termination of membership**

(2) Where the membership of a Women Association is cancelled under subsection (1), the association may, within 21 days of the communication of the decision to it, appeal in writing to the Minister in such form and manner as the Minister may determine.”

To the Minister, again!

I know it's hurting down there. I know!

*(Interruptions)*

I have to set the record right, Mr Deputy Speaker, Sir. The amount of control then, was, and is still astronomical. I have cited Clause 17. If you look at Clause 19 which I have just cited in relation to termination, then, we have got Clause 23. I will not go in detail because now the people know what I am talking about. Clause 23 - Transfer of property and borrowing! Another set of control! Clause 24 – Estimates, in relation to money; again, control. Clause 28 - Regulations, again in relation to the making of Regulations; again, control. It was, at the time, like octopus, and it is still like octopus. That was not dictatorship because, then, they were in Government; then, they were enjoying it. Then, everything that this Government was doing was right but, now, they have got a special need because the special need for them is what, the acute syndrome, what my very able and learned friend, hon. Sinatambou has diagnosed, the syndrome of ‘*nanien pas bon*’. That's what it is all about.

Now, having dealt with the issue about control freak, about dictatorship, let me move onto other aspects where we have been criticised.

Mr Deputy Speaker Sir, let's take, for example, the criticism that was levelled against us in relation to sexually abused children. It is a sad fact that there are freaks out there who fiddle with children and those children are traumatised, they are psychologically disturbed. But are they really children who require a special education needs? Or are they children who require psychological support and other complementary support in order to bring them back to what we call normality?

So, we have to make the distinction clear what special education needs is all about. There are, since a number of years, children with physical impairment, mental impairment going to schools, albeit schools run by NGOs, but they are. But the problem is that those schools, they do not have a legal framework; there is no *encadrement* as we say, no legal framework.

Today, with this Bill, the Minister is setting the legal framework in order to deal with all schools that are operating whether public schools, private schools or schools run by NGOs in order to protect our children, in order to protect those who were previously unprotected, they can go to those schools and to ensure that they are treated equally, they are treated like human beings, they are treated with a degree of fairness and dignity, they are treated in such a way that their constitutional rights are respected. As I said earlier on, just because someone has a degree of impairment, a degree of disability, he is not less human than any other human being on earth.

So, Mr Deputy Speaker, Sir, in relation to the issue about consultation, this Bill has been circulated for a number of weeks now. For a number of weeks, this Bill is in public domain. I have myself seen some Press articles on this Bill. People have written about this Bill, commented on this Bill and I do not see how today the hon. Minister of Education could be criticised for not having provided the opportunity for a debate to take place out there. And we know, in today's politics, how quick the Press gets hold of Government's business, and when they have to forensically criticise it, how they do it these days. And it is wrong again to say that there has been no consultation and no public debate out there. This is not about PSAC either. I think the hon. Member who addressed the floor of this House previously did not understand the philosophy behind PSAC, Nine-Year Schooling and the need for Special Education Needs Authority.

Here, we are talking about an authority that is going to harmonise education for people who are normal, so to say, able people together with those who are disable and are

less able. This is what the Authority is all about. The Authority has got its functions, and I do not propose to go into details about the functions that have been enumerated at clause 5 of this Bill. But when one looks at it, when reads the functions, it is clear that the Authority is there to actually help those who were previously helpless, and to help, at the same time, Government in order to formulate policies to ensure that their rights are respected. We have also the power of the Authority which has been enumerated at clause 6. I have dealt with the Board, I have dealt with how in previous legislation, current legislation and future legislation, there will always be this provision where the Minister will appoint, where the Minister will have control, unless you do not want to be accountable to an Authority.

Let me point it out! Why when drafting legislation, there are provisions that the Minister will do such and such things? It is because the Minister is accountable here in the Parliament. The Minister is accountable to the people. If tomorrow something goes wrong, Members of this House can come and ask questions to the Minister and the Minister has to answer those questions, and the public should know about what went wrong or what went right, or what was not done as it should have been done. So, it is the principle of accountability. There are also meetings of Board, the Committee, the Director, the staff of the Authority, protection from liability. A number of things that have been enumerated in the Bill which I would not go into details, but to sum up, Mr Deputy Speaker, Sir, at the end of the day, the Minister has done a great job. She has done a great job by bringing legislation to provide this framework to people who need that special education needs, and to make their needs recognised, to make their needs affordable, to make their needs aware, the awareness to society that those who have got disabilities are not less human than those who are able bodies.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Members, I think we all heard a cell phone ringing while hon. Rutnah was intervening thereby disturbing his intervention. May I request all hon. Members to switch off their cell phones, especially after the ruling given today by Madam Speaker, please? Thank you.

You have the floor, hon. Uteem.

(6.55 p.m.)

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):**  
Thank you, Mr Deputy Speaker, Sir.



Mr Deputy Speaker, Sir, the fundamental question is what is the policy of this Government when it comes to implementing the rights of children with disabilities to education. Is it inclusion or exclusion? Is it inclusion or segregation?

And I had assumed, Mr Deputy Speaker, Sir, that everybody knew what we mean when we talk about inclusive education. But listening to hon. Rutnah just before me, after stating that the Bill used very simple English which is very easily understandable, he went on to state that this Bill provides for inclusive education. So, I went onto the Internet, and let me give a definition of what is inclusive education so that we know what we are talking when we are referring to inclusive education.

It is taken from a book Bui, Quirk of 2012 –

“Inclusive education is when all students, regardless of any challenges they may have, are placed in age-appropriate general education classes that are in their own neighbourhood schools to receive high quality instruction (...).”

So, inclusive education means that children of same ages, irrespective of their capabilities, irrespective of their abilities or disabilities are put in the same classroom based on their age and based on the place where they live. This is inclusive education. This is not what this Bill proposes to do. What this Bill proposes to do is precisely the contrary. It is taking children, who are not the same as his neighbour, and put him in another school; take him from mainstream education, put him in special education needs school. This is what this Bill is doing. So let us be clear about it, this Bill is not about inclusive education.

Mr Deputy Speaker, Sir, when we look at the Explanatory Memorandum at paragraph (d), which is also repeated at Section 4, subsection (d) of the Bill. The object of the Authority is to harmonise and promote policies in line with the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. So this is what we are supposed to be doing today, we are supposed to live up to our commitment under the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. I will take each one in turn, Mr Deputy Speaker, Sir.

First, the Convention on the Rights of the Child, what does it say? It states that children with disabilities should have full enjoyment of all human rights and fundamental freedom on an equal basis with other children. Now, the question is: does this Bill guarantee that children with disabilities will enjoy the same rights to education as children who do not have disabilities? Does this Bill guarantee that children with disabilities, who want to attend

a mainstream school, will be able to attend a mainstream school? Does this Bill impose any obligation on this Government, on any Government, to take all necessary measures to allow children with disabilities to attend a regular mainstream school? Does this Bill cater for inclusive education for children with disabilities? Unfortunately, Mr Deputy Speaker, Sir, and I say sadly unfortunately, the answer is in the negative.

In 2015, the United Nations Committee on the Rights of the Child in concluding observations on the combined third to fifth periodic reports of Mauritius was very critical about Mauritius when it came to inclusive education. At paragraph 49, for example, the Committee observed and I quote –

“The State party(...)

meaning Mauritius.

(...) has not taken adequate measures to build an inclusive system of education and continues to over rely on NGOs to provide specialised services to children with disabilities;

(b) Children with disabilities attending school face rejection and stigmatisation”

Not my words, the words of the United Nations Committee on the Rights of the Child. Then at paragraph 50: “The Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institution and classes.”

This is what the United Nation Committee has recommended; has urged us to give priority to inclusive education instead of placing children in specialised institution. And what are we doing with Bill today? Exactly the opposite. We are encouraging the placement of children with disabilities in special needs institutions. We are encouraging segregative education, not inclusive education. So much for the Convention on the Rights of the Child.

Now, let's come to the United Convention on the Rights of Persons with Disabilities, and by persons with disabilities, it necessarily includes children with disabilities. Mauritius signed that Convention in September 2007, ratified it in January 2010. Article 24 of the Convention deals with the right of persons with disabilities to education, and requires all State parties to ensure an inclusive education system at all levels and lifelong learning

directed to the full development of human potential and self-worth. It requires State parties to ensure the development by persons with disabilities of their personality, talents, creativity as well as their mental and physical abilities to their fullest potential to enable them to participate effectively in a free society.

Again, Mr Deputy Speaker, Sir, the keyword here is an ‘inclusive’ education system not take them and put them away; include them with other children of their age, include them so that they enjoy...

**Mr Deputy Speaker:** Hon. Wong and hon. Toussaint, please! Can I listen to the speech of hon. Uteem! Thank you!

**Mr Uteem:** Include them in the same classroom so that they grow up with other children of the same age, sharing the same interest, same passion, same creativity with them. Article 24.2 of the Convention requires State parties to ensure that persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education or from secondary education, on the basis of disability -- again free and compulsory primary education; not having to pay to get education if you are a child with a disability. The State should ensure that children, whether they disabled or not, should have access to free education.

Article 24.2 (b) states and I quote –

“Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live”

Again access to inclusive education.

When Mauritius ratified the Convention on the Rights of Persons with Disabilities, Mauritius made a reservation and I quote –

“With regard to Article 24.2 (b), the Republic of Mauritius has a policy of inclusive education which is being implemented incrementally alongside special education.”

So, even as far back as 2010 when we ratified the Convention, we were aware that we were not providing inclusive education but we committed to incrementally implement it. But has Mauritius live up to its commitment? Are we implementing inclusive education alongside

special education? Does this Bill, which talks about special education, also talk about inclusive education in mainstream? No, Mr Deputy Speaker, Sir.

On the 04 of September 2015, the United Nation Committee on the Rights of Persons with Disabilities expressed this concern at paragraph 33 as follows –

“The concern is about the slow implementation of the 2006 official policy on inclusive education resulting in the education system remaining mostly segregated and many children with disabilities being completely deprived of any form of education. The Committee is further concerned about children with disabilities aged 2 or 3 years, being enrolled in non-Governmental organisation, run specialised school, specially pupils with sensory disabilities, thus, preventing the very beginning of their inclusion in mainstream schools.”

Again, not my wording, not the wording of the Opposition; these are the recommendations; these are the observations of experts from the United Nation evaluating the policy of Mauritius when it comes to educating the children with disabilities. And the United Nations Committee recommended the creation of a fully funded and inclusive quality education system while ensuring that those who have been deprived of education can access lifelong education and vocational training. The United Nations Committee also recommended that we should provide tailored education plans to all students with disabilities. Mandatory pre-service and in service specific training to all teachers on inclusive education, including assistive devices, individual supports in classroom, accessible educational materials and curricular and accessible transport equipment and school environment with the corresponding budget allocation.

Mr Deputy Speaker, Sir, it is very important to highlight that the United Nations Committee recommended training to all teachers about inclusive education. Not teachers who would be working with children with special needs, not only to teaching and non-teaching staff who would be working in special education needs institutions, but training to all teachers. Each teacher should know how to deal with a child having disability. Every teacher, be it in primary or secondary schools, be it in a private school or a State-owned school, must be trained how to deal with a child having disabilities.

The truth of the matter is, Mr Deputy Speaker, Sir, that there are many children with disabilities who are perfectly capable to attend mainstream schools and colleges if only they receive the required support from the Ministry of Education. Let us take the example of a

child with visual disabilities. Several of them are attending colleges and sitting for exams and graduating. But do all schools and colleges in Mauritius have accessible educational materials? Are all schools properly equipped to receive children with disabilities? Hon. Mrs Perraud mentioned the case of Jane Constance. Jane Constance is a role model. She is our national pride. She won the French television competition, the Voice Kids and was appointed UNESCO artist for peace. But, Mr Deputy Speaker, Sir, probably she would never have been able to live her dream if it wasn't for a college known as St Nicolas College in Phoenix, which provided her with an inclusive education. Because before she went to that college, she went to other colleges in Mauritius who denied her access to an inclusive education. Now, how many Jane Constance are out there who are deprived their right to an inclusive education, who are deprived their right to be able to learn alongside children who do not have disabilities?

Mr Deputy Speaker, Sir, I was reading *un témoignage* which was published in *Le Mauricien* of 20 November. It is by one Mr Soovan Sharma Dookhoo. Very touching! The article is entitled: 'The Triumph of Persons with Disabilities through Proper Education Framework'. This gentleman who suffers from a physical disability wrote and shared his experience. How difficult it was for him to integrate mainstream. The very first time he went to school, the headmaster told his parents: 'Go and take your child to a special needs school'. But he persevered. He went to college. He went to university. He graduated with an MBA. I will urge the hon. Minister to read this just to know what is going on; the suffering, the challenges which people of disabilities are facing in mainstream education today.

Mr Deputy Speaker, Sir, I mentioned about education for visually impaired students. In a PQ which I asked on 31 July 2018, the hon. Minister of Social Security informed the House that the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise Print Disabled was signed by Mauritius on 28 June 2013, but it is still not ratified five years down the road. Ratifying this Convention, Mr Deputy Speaker, Sir, would have enabled students with visual impairment to have access to books and textbooks in braille. As far back as 2015, the United Nations Committee on the Rights of Persons with Disabilities had recommended that Mauritius accede to the Marrakesh Treaty. In fact, it had requested Mauritius within 12 months, that is, by 2016, to provide them with information on measures taken to implement their recommendations. Three years later, we have still not implemented the recommendation of the United Nations Committee on the Rights of People with Disabilities.

Mr Deputy Speaker, Sir, people with disabilities have special needs and very often they cannot use public transport. Despite the recommendation of the United Nations Committee to provide accessible transport, unfortunately this is still not done in practice. I am not going to mention names, but the hon. Minister of Education and the hon. Minister of Social Security are very well aware of the case of this boy from Triolet who has to travel to Royal College of Port Louis to get an education and he is physically challenged. He wrote to the Ministry and beg for money so that he can live his dream and learn alongside people of his age in a Star School. The Ministry wrote back and said that the policy of the Government is to pay only a return bus fare to the parent accompanying the child. This is the policy and we are talking about inclusive education, not even supporting a boy! I know the boy and I know who is sponsoring him now to pay for his transport to attend college.

The point, the bottom line, Mr Deputy Speaker, Sir, is that we should not just go around signing and ratifying Convention if we do not implement them. In July 2016, the then Leader of the Opposition, hon. Paul Bérenger, in a PNQ asked the then hon. Minister of Social Security, National Solidarity and Reform Institutions, Mrs Jeewa-Daureeawoo, when will the reservation to the Convention on the rights of person with disabilities be withdrawn. She replied and I quote -

“At secondary and tertiary levels, already there is a full inclusion of students with disabilities. As a result, it is proposed after consultation with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research to find out whether the conditions are gathered for a formal submission to be made to the United Nations Agency for the removal of this reservation.”

Seriously! All secondary and tertiary levels, already there is a full inclusion of students with disabilities and we would go to the United Nations and say: ‘We are taking back our reservation because it was implemented’. Obviously, it is not just hon. Rutnah who does not understand the meaning of inclusive education. We have a serious problem! When our own Minister is telling us that our secondary schools and our tertiary schools now are fully compliant and provide inclusive education, there is a big problem somewhere. Hon. Rutnah intervened on the Bill just before this one. He took it upon himself to pass comments on hon. Members of the Opposition who did not participate in debates. I can say the same thing. We have a Minister responsible for the welfare of children and for children development. Children development means and includes children with disabilities, development of children with disabilities. Why is the Minister responsible for the welfare of children not

intervening on this Bill when it is the very same Minister who went in 2015 and defended the cause of Mauritius before the United Nations Committee on people with disabilities? So, before hon. Rutnah starts throwing stones to others. When you live in glass houses, you should be careful.

Mr Deputy Speaker, Sir, I fully agree with what hon. Perraud said before me. What we need is not a Special Education Needs Authority Bill. What we need is a Disability Bill which will fully implement the United Nations Convention on the Rights of Persons with Disabilities. We need *une loi cadre*, a law which will fully protect and promote the rights of persons with disabilities, a law which will eliminate all kinds of discrimination against persons with disabilities, including children with disabilities.

Again, answering to the same PNQ in July 2016, hon. Mrs Fazila Jeewa-Daureeawoo stated and I quote –

“The Attorney General’s Office has already given its preliminary vetting in respect of the draft Disability Bill.”

We are back in 2016.

“After official consultations held with Ministries and Departments concerned in May and June this year, the draft Disability Bill will shortly be submitted for its agreement in principle to Cabinet before the document is shared with a broader spectrum of stakeholders, involving NGOs, disabled people organisations, disability activists, the Opposition parties and the civil society at large. After this process, the draft Bill will be finalised with the Attorney General’s Office before its introduction in the National Assembly.”

That was the commitment given by a Member of this Government to this House. Such commitment should not be taken lightly when there is a PNQ on such an important subject, a serious subject as the rights of people with disabilities, and a senior Member of this Government takes commitment and tells you that the Disability Bill is already being vetted by the Attorney General, would be coming before this House shortly.

Do not give false hope to people with disabilities if you do not intend to present the Bill. But you cannot come and take commitment before this House and do not live up to the commitment. Back in 2016 again, same hon. Mrs Fazila Jeewa-Daureeawoo answering to same PNQ by the then Leader of Opposition, she also promised to amend the Constitution,

to eliminate all forms of discrimination against people with disabilities. Because *les paroles s'envolent, mais les écrits restent*. She said and I quote in Hansard –

“(...) the Government Programme 2015-2019 spells out Government’s commitment to proceed with a constitutional amendment to remove any form of discrimination on the basis of disability. Much ground has been covered so far and a draft Constitutional Amendment Bill is nearing finalisation in consultation with the Attorney General’s Office.”

That was in July 2016. They are coming with a Constitutional Amendment Bill because this is what they said in their Government Programme and the Bill is near finalisation in the Attorney General’s Office. So, earlier this year, Mr Deputy Speaker, Sir, on 17 July of this year, I asked the now current hon. Minister of Social Security if the Government will bring the necessary amendment to the Constitution to eliminate discrimination against persons with disabilities. And hon. Minister Sinatambou replied and I quote –

“In fact, Madam Speaker, a draft has already been prepared. But it is not as easy to implement because once we put the clause on discrimination, in every single stand of society we will have to ensure that all measures are taken and there are a number of cost implications. A draft has been prepared, but the implementation is being worked out.”

There are a number of cost implications. Is it why you are not amending the Constitution because there are cost implications? So, was it a joke when we went to the United Nations and took a commitment to incorporate in our law the rights of people with disabilities. When we took the commitment not to have any form of discrimination against people with disabilities!? Did we take that without considering cost implications? When the hon. Vice-Prime Minister came to this House and said: ‘You know in 2016, the Bill is near finalisation’, there was no cost implication at that time.

Mr Deputy Speaker, Sir, I hope and I am sure that in the next General Election, persons with disabilities will remember what has been said in this House and why Constitution has not been amended to protect them from discrimination, cost implications. Mr Deputy Speaker, Sir, this is why when I started my intervention, I asked a very pertinent question of what is the Government’s Policy when it comes to the rights of children with disability, what is their policy when it comes to the rights of children with disability to have education, education at par with other children? The right to an inclusive education, the right



to attend the same school as other children of their age, the right to follow the same curriculum as other children of their age, the right not to be discriminated against. This is a matter of great regret, Mr Deputy Speaker, Sir, that this Government has chosen not to follow what is being done in advanced countries like United States, in England, but also in India to accommodate and include persons with disabilities in mainstream school. I must add not only in India, but even in Rodrigues, and I am very happy to see that there are two hon. Members from Rodrigues who are going to intervene. In matter of inclusive education at Primary level, Mauritius has much to learn from what is going on in Rodrigues. So much for inclusive education or rather lack of it, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, we do recognise that there are children out there who have special needs and who cannot and will not be able to attend mainstream schools. These children are looked after mainly by NGOs, and I pause here, Mr Deputy Speaker, Sir, to salute all the carers, educators, teaching and non-teaching staff of these NGOs who work very often in very difficult conditions, with very limited means, but with a lot of love, a lot of dedication to our children with special needs. Thank you. Thank you also to all the volunteers who devote their precious time to run these schools and improve the life of our children with disabilities. I make it a point to say so, Mr Deputy Speaker, Sir, because all too often we do not appreciate the good work that is being done out there by the NGOs.

Mr Deputy Speaker, Sir, coming to the Bill, existing NGOs and their staff will have one year to register with this Authority and any new school, any new institution or any new staff will have to register also with this Authority.

My question is the following, up to now the Government has relied exclusively on NGOs to provide, to run those special education needs schools. Is it the policy of the Government, does the Government intend to own, operate, and manage its own school, Special Education Needs Institution, at pre-primary level, at primary level, at secondary level? Or, is the policy of this Government, like they are doing now, just to leave it to NGOs to run these institutions?

The next question is: what will be the criteria that have to be satisfied for registration of an institution with the Authority?

The Bill is silent in this respect, and it is not clear whether it will be the Authority which will have a free hand in setting out the requisite conditions to be fulfilled or if this

will come by way of regulations by the hon. Minister of Education under section 23 of the Bill.

Mr Deputy Speaker, Sir, it is interesting to note that although section 5(a) of the Bill provides that the Authority will 'advise the Minister on the formulation of policies relating to special education needs', under section 23 of the Bill the Minister does not have to take the advice, to take the recommendation, to even consult the authority before passing any regulations.

So, despite the Authority, I agree again with my learned friend, Mrs Aurore Perraud, it is very much the Minister who still has the upper hand. She will also have the upper hand because she will appoint six out of the 13 members at the Board and she will be the one who will fix their salaries, their allowances, their fees. Her consent, her approval will be required to appoint the Director of the Authority. So, there will a *mainmise* of the Minister. I say so with a lot of regret, because it would seem that this Government has not learnt the lessons from the Tertiary Education Commission which failed, which licensed schools, universities which should not have been licensed precisely because of the *mainmise* of the former Minister over the operation of TEC. So, now was the time to have a fully independent Authority where there would be representatives of people with disabilities, representatives of parents of people who have disabilities, representatives of NGOs who would be running this Authority. Instead of this, unfortunately, there is still a *mainmise* of the Minister over the operation and running of that Authority.

One of the functions of the Authority, as set out in section 5 (k) of the Bill, is to administer payment of any form of grants to institutions and ensure that the grants are being used for the intended purposes. Now, we all know, Mr Deputy Speaker, Sir, that funding is the single greatest challenge faced by NGOs when it comes to financing the operation of special needs schools. The question is: will these institutions be allowed to raise their own funding or will they be totally dependent on grant from the Government to the extent that they are allowed to raise their own funding? Will the Authority have a *droit de regard* on the donation they are receiving and what use they are putting of that donation? Because it is not clear from the wording of the Act. The wording of the Act talks about grant. Now, does grant mean only grant-in-aid from the Government? Does it also include grants which these NGOs will receive from the National CSR Foundation? So, at least, as a drafting matter, we should have clarified what we mean by grant, because the Authority has a statutory duty to

ensure that the grant is properly utilised and they have the right to sanction the institutions if they don't properly apply the grant.

Talking about the grant, previously in section 34 of the Education Act, it was stated that grant-in-aid from Consolidated Fund may be made to special education needs schools fulfilling the prescribed condition. Now, this section 34 is being amended by deleting the words 'special education needs'. So, my question to the hon. Minister is: where is now the power given to the Government to provide grant-in-aid to the special education needs institutions? It is not explicitly stated anywhere in the Act. What the Act especially mentions is the provision of grant to the Authority, not to the institution. And when it comes to regulations, again section 23 lists the type of regulations that we have, but does not mention provision relating to grant-in-aid as one of the regulations that can be made under section 23. I would urge the hon. Minister in her summing-up to clarify this point and, if necessary, come up with legislative changes to enable institutions to receive grant-in-aid from the Consolidated Fund. Once we have decided that we need to fund this - and as I said, it is a commitment to the United Nations to provide free education to children with disabilities -, the issue is the quantum, the amount of grant, because NGOs have been complaining about the amount of grant that they are receiving. Will the fees paid to the teaching and non-teaching staff be aligned to what is paid to teachers in private schools by the PSSA? What about the per capita expenses? Will that be increased to take into consideration the fact that these schools have to acquire special equipment? They need to have special infrastructure because children suffer from mobility problem, and they need to have a grant for health care because these students must be looked after. So, Mr Deputy Speaker, Sir, there is an urgent need to revisit the amount which Government currently gives to the NGOs to run special education needs schools because there is no need to come up with a Bill to regulate the sector if Government is not committed to provide the necessary funding to the Special Education Needs Authority.

Mr Deputy Speaker, Sir, as the saying goes, 'the proof of the pudding is in the eating'. So, we will have to see in practice how much financial support and other support is given by the Government to these special education needs institutions, for as rightly said by Mahatma Gandhi, and I quote -

"The true measure of any society can be found in how it treats its most vulnerable members."

Mr Deputy Speaker, Sir, I find no better words to sum up my intervention than to quote from Circular 276 on provision of special school issued by the Ministry of Education of England as far back as 25 June 1954, and this is what the Circular says -

“No handicapped child shall be sent to a special school who can be satisfactorily educated in an ordinary school.”

This should be the motto of this Government; this should be the motto of any Government. Any child who can be sent to an ordinary school should be sent to an ordinary school and not to a special school. And as far as those students who cannot be satisfactorily educated in mainstream school, I really hope that the Government will provide the necessary funding to help them.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Leopold!

**Mr J. Leopold (Second Member for Rodrigues):** Thank you, Mr Deputy Speaker, Sir, and I thank the hon. Minister of Education for bringing this piece of legislation to this Assembly. I will detain only a few minutes of the House to give my participation to this debate.

It is a good step forward for children with disability and their families in support to them as it is obvious and clear that we are living in a different world, a different society compared to 50 years ago. From those old days forward, so many education related legislations have been adopted in our Legislative Assembly by successive governments, in such a way that people with disabilities enjoy the same rights. People with disabilities in our modern society are no longer accepted to be isolated needlessly, not just because of matter of goodwill but as a matter of law, people with disability are entitled for education. People with disability, as much as people without it, with an educated mind, will bring values to the community which they live in.

Therefore, Mr Deputy Speaker, Sir - and I know that the Special Education Needs Authority will also advise the Ministry of Education on the formulation of policies - it is important and welcoming because we are addressing issues of people with disabilities, both mental and physical. Although the structure that we want to set here is to address the educational needs of people with disability, there are other provisions, apart from what is cited in the Bill, needed to be addressed, which I am sure will be addressed as this Bill is not final in itself.

Although the Authority will focus mainly on setting special institutions to meet the educational needs of people with disabilities, it is also important that the Authority in turn makes sure that there are both special institutions and general classrooms exposure as well in an inclusive environment.

Therefore, it is important also to address inclusion within the mainstream education system into the setting of a Special Educational Needs Policy so that mainstream educational institutions meet the special educational needs of pupils. Such a measure will increase appreciation and acceptance of individual differences and a better understanding of diversity and prepare an adult life in an inclusive society. With Nine-Year Schooling and Educational Reforms in the Republic of Mauritius, it is clear that there is an expectation into adopting an approach which meets the needs of all pupils, including those with special educational needs.

Educational Reforms: Nine-Year Schooling or our new Educational System aims at high quality teaching, but despite all those efforts some pupils may continue to have difficulty and make less progress. In such cases, the Special Educational Needs Authority needs to make sure that there are collaborative consultations with parents to identify the weaknesses of children and recognise the problem of pupils so as to establish an appropriate plan of intervention.

Sometimes, Mr Deputy Speaker, Sir, learning disabilities or slow learners are associated with complex medical conditions and impairment. It is of great importance therefore that the Authority, through research and development, equips all mainstream educational institutions with proper requisites, so as to enable class teachers to identify and assess pupils with special educational needs.

It is important to regularly assess progress of pupils, and necessary support from outside, that is, for more special experts into identifying the extent of learning disability. In turn, additional resources are provided to make progress and to give the requireable support.

It is also important that the Authority makes sure that it has a list of all services available to support pupils with learning disabilities. Many pupils with learning disabilities often are very likely to have mental health problems, such as Attention Deficit Hyper Activity Disorder (ADHD). Therefore, it is important for pupils with special educational needs to have access to an integrated multi-disciplinary health and social support in a unified approach so as to get the best results.

To conclude, Mr Deputy Speaker, Sir, my intervention based on, that I wanted the Bill ensures that there is enhancement of inclusive nature of school by promoting access and diversity, proper identification and assessment of pupils so as to make proper diagnosis of the extent of learning disabilities, so that we can divert them to the appropriate and, if need be, give them the individualised care that they need, so that they grow as normal people.

My third point, which I was focused on, is to make sure that pupils with Special Educational Needs receive substantial support through a unified approach which reaches education, health care and social needs. That is my participation to this Bill.

I thank you for your kind attention.

**The Deputy Speaker:** Hon. Hurreeram!

(7.42 p.m.)

**Mr M. Hurreeram (First Member for Mahebourg & Plaine Magnien):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, let me start by saying that in life you will always have those who will see a glass half empty. Mr Deputy Speaker, Sir, it is with no surprise that my good friends, hon. Quirin and hon. Benydin, with whom we had the chance to participate in a meeting with the Pan-African Parliament, South Africa, with the Africa Disability Alliance (ADA), whose Vice-President is a Mauritian guy, who when meeting us there, was telling us how happy he heard what was happening in the continent regarding disability, how happy he was with what the Government of Mauritius has been doing for our disabled friends.

Hon. Uteem, in all his criticisms, skilfully avoided to talk about the injustice that our disabled friends have been victims for the last 40 years. You had to have a Government led by hon. Pravind Jugnauth, and as Minister of Finance to allocate that so needed pension to our disabled friends who are less than 15 years. No one has been talking about that and they dare talk about cost, and bringing this Bill to this House can be an easy thing! You bring a Bill, but then, what about the application of the Bill. You bring a Disability Bill, but then, what about the infrastructures. This Government is working today to modernise the country. When we walk around in the city of Port Louis, what it is today, is it not the making of this Government? Do you think that one of our disabled friends who is in a wheelchair will be able to leave this Parliament here, and not too far, say, he needs to go to the Municipality of Port Louis, will that be possible in a wheelchair? They just come and say that all you see around to remedy a situation that we have inherited. I will not say that it was the last

Government, but this is situation that we have inherited, that has been there for years, because we did not have Governments which were conscious. I am not blaming anyone, but, maybe, it was not a topic that was *d'actualité*. But today, with my friend hon. Quirin, when we hear people saying - for instance, in Cameroon, people believe - still nowadays - that kids with Down Syndromes belong to the river, and they were being put to the river. And fortunately, we are not there; this Government is doing what it can. We also note that they have been also skilfully avoiding to talk about the current legislation what we are debating, but been hitting all over the place.

M. le président, c'est avec une très grande satisfaction que j'accueille le texte présenté aujourd'hui par l'honorable ministre de l'Education et des Ressources humaines, de l'Enseignement supérieur et de la Recherche scientifique pour la création d'une autorité qui servira à offrir les meilleures chances aux élèves ayant des besoins extrêmement complexes.

Je ne peux que me réjouir de cette initiative permettant aux enfants en situation d'handicap de bénéficier d'une meilleure prise en charge en leur offrant accès à une éducation spécialisée de qualité.

Ce projet de loi a une réelle attente des parents d'enfants ayant des handicaps physiques, mentaux qui, pour beaucoup, sont désemparés quant à l'orientation scolaire de leurs enfants ; ces enfants qui, du fait de leur handicap ou trouble du développement, ne peuvent intégrer l'école obligatoire et doivent être accueillis dans des écoles adaptées à leurs besoins.

Alors qu'ils recherchent une école adaptée aux besoins de l'enfant et qui permettra à celui-ci de progresser dans l'enseignement et de se développer, et de s'épanouir, certains parents sont victimes d'abus de confiance de personnes mal intentionnées, qui se jouent de leurs vulnérabilités. Au final, les enfants sont négligés ou maltraités ou laissés à leur sort.

D'autres établissements, sous prétexte de subvenir aux besoins éducatifs et spéciaux des enfants, réclament des frais exorbitants aux parents pour des activités extra-scolaires ou pour des déplacements additionnels.

M. le président, il est temps de mettre bon ordre dans le domaine de l'éducation spécialisée pour l'intérêt et le bien-être de nos enfants mais aussi pour la paix d'esprit des parents. Pour pallier au sentiment d'abandon ou de détresse ou de stress de ces parents face à ces situations difficiles, il est important de mettre en place une législation appropriée pour

encourager les institutions à suivre des règlements précis déterminés par le futur *Special Education Needs Authority*.

Il faut aussi mettre en exergue que, malheureusement, quelques organisations, sincères dans leur démarche d'aider ces enfants ayant de gros troubles d'apprentissage à se développer harmonieusement, font face à des difficultés financières et doivent compter sur la générosité des uns et des autres pour leur fonctionnement. Ainsi, M. le président, ce projet de loi apporte une vraie dynamique dans le secteur de l'enseignement spécialisé.

Les articles 5 et 6 du projet de loi, qui définissent respectivement les fonctions et les pouvoirs de l'autorité qui va être nouvellement créée, prévoient un champ d'action élargi qui favorisera à long terme, j'en suis sûr, une prise en charge adaptée et cohérente des enfants aux besoins éducatifs spéciaux.

Je tiens à souligner que sont pris en compte dans ce projet de loi non seulement la bonne marche des établissements à travers, entre autres, leur financement, l'enregistrement des institutions et du personnel éducatif, des inspections avec ou sans préavis, et l'émission ou la délivrance de directives, mais aussi la politique générale, les programmes scolaires, la recherche, de même que les méthodes d'enseignement et d'apprentissage dans le domaine de l'enseignement spécialisé.

M. le président, je dois également transmettre l'appréciation des organisations qui œuvrent pour les droits des personnes en situation d'handicap, quant à la présentation du *Special Education Needs Authority Bill*, ainsi que sa prochaine implémentation. Le projet de loi est jugé par les parties prenantes comme un catalyseur pour le changement dans le domaine de l'éducation spécialisée et vient corriger les disparités dans le système éducatif avec les secteurs pré-primaire, primaire et secondaire.

Je me permets en outre de me faire la voix de ces organisations qui souhaiteraient une sensibilisation à plus grande échelle de ce projet de loi. Elles voudraient aussi que, parmi les attributions de la nouvelle autorité, figurent –

- (i) la diffusion auprès des parents, des écoles et d'autres parties prenantes d'informations sur les bonnes pratiques en matière d'éducation spécialisée, et
- (ii) l'établissement et le maintien de liaison avec les institutions de santé concernant les questions générales et spécifiques liées aux handicaps des enfants notamment les troubles neurologiques, maladies mentales et autres problèmes de santé.



M. le président, ce projet de loi représente donc une avancée importante pour tous - et je dis bien pour tous - les enfants en favorisant leur accès à une éducation de qualité. Le gouvernement vient donc proposer son appui aux élèves à des besoins éducatifs particuliers, aux parents et aux structures de prise en charge d'enfants en situation de handicap.

Cette proposition de loi s'inscrit dans le droit fil de la politique gouvernementale pour l'amélioration de la qualité de vie des citoyens et de la philosophie prônant un développement à visage humain, à l'image même du Premier ministre, et chances égales pour tous.

Merci, M. le président.

**The Deputy Speaker:** Hon. Mrs Monty!

(7.54 p.m.)

**Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue):**

Thank you, Mr Deputy Speaker, Sir, for allowing me to intervene on this Bill. I should like, first of all, to thank and congratulate the hon. Minister of Education for coming with this Bill.

Indeed, Mr Deputy Speaker, Sir, this Bill comes formally to allow us to see beyond all limits of our children with impairment, to look beyond disability, to focus on their capabilities, to stretch out, to meet their needs and to expand the possibilities offered to them. It was indeed high time to translate into reality what has stagnated since the early years of this millennium with the strategic paper on SEN.

Aiming at an inclusive educational system catering for the gifted and the less gifted is the vision and the decision of this present Government. And through a child, a true child, centred approach, it aims at providing each child of Mauritius with the necessary educational facilities so as to allow him/her to develop his/her potential in order to become a fully realised adult.

In line with our courageous educational reform, it has become, Mr Deputy Speaker, Sir, more than necessary to provide a special Authority to cater for the educational needs of all our children gifted otherwise and needing a different and more specific educational approach to be able to grow at their own pace and, most of all, to be included within the whole legal provision of education for one and all in Mauritius.

Mr Deputy Speaker, Sir, every child has the right to be educated and to benefit fully from what is a basic human right. And catering for special needs, apart from being a necessity, indicates the care and special attention given to the needs of the less privileged who need a set of well-planned educational structures in order to be able to grow fully and healthily as adults.

Mr Deputy Speaker, Sir, referring to the child's pledge of the Ministry of Gender and Child Development, we will recall that in our capacity as adults, we are the child rights' bearers and as such, we have the responsibility to see to it that all the inherent rights of our children of Mauritius are respected. And the decision to include special needs in the wide span of educational framework of Mauritius is indeed a great step forward.

It is the official, legal, recognition of the most urgent need. However, it should be remembered that SEN is not an easy field of adult intervention and that special needs cover a wide set of specific and often not well defined cases and as such require expertise, knowledge, training, experience, care, patience and above all dedication and love. I quote here, Mr Deputy Speaker, Sir, Joe Martin who says -

“What most people don't know is that most Special Education teachers are really angels disguised as extraordinary humans.”

But, Mr Deputy Speaker, Sir, if education means to bring light to the growing mind, all forms of impairment impeding the normal process in the acquisition of knowledge should and must be catered for and here I quote a saying of Judith Heumann who said –

“Disability only becomes a tragedy when society fails to provide the things needed to lead one's life.”

Mr Deputy Speaker, Sir, to provide a place for the disabled is to enable the unable to grow under the umbrella of light and love. If we go by what Eliana Tardio says -

“People with disabilities have the power to demonstrate that everything is possible. Logic is an illusion compared with the power of determination.”

Mr Deputy Speaker, Sir, in special education, we generally tend to place too much emphasis on the deficit and not enough on the strength as Temple Grandin rightly puts it.

Mr Deputy Speaker, Sir, a system of education cannot go lame in taking on board only the bright and gifted and the so-called normal stream students. For years and as far as 1978, numerous studies have been undertaken, numerous policy papers written, numerous

reports submitted, but no legal framework provided for the inclusion of the less gifted and the name of this present Minister will be recorded to have come up with a long-awaited decision to include the necessary clauses in law; to admit the less favoured children within the mandate of this Government.

It is to be understood, Mr Deputy Speaker, Sir, that this ability covers different types of incapacity that prevent the disabled child to benefit fully from a normal system of education designed for all. It ranges from physical impairment, visual, *auditive*, sensorial, intellectual to the mildly, moderately, deeply mentally handicapped child and also to children with learning difficulties including late developers and slow learners. This concept of SEN largely reaches those who, for other reasons, fail to follow with reasonable progress the established curriculum for the normal stream.

Mr Deputy Speaker, Sir, our system aims at providing world-class quality education to all our children and with this inclusion in law today, the word 'all' really takes a wider dimension and embraces now all needs. It should, however, be remembered, Mr Deputy Speaker, Sir, that our educational system is in line with international norms even though our local context dictates our specific needs. We only have to refer amongst others to a few international declarations and initiatives to which Mauritius has subscribed namely Article 23.13 of the World Education Forum on Education for all, 18 years back in Dakar, Senegal, whereby our country ascribed to the official commitment of education for all, inclusive of children with special needs or else to the 2003 ADEA (Association for the Development of Education in Africa) putting emphasis on inclusion and the right of all children with disabilities to a quality education. Or else the 13-year old dated Third African International Conference on Early Childhood Development in Ghana with special mention about access and use of quality basic education. Also to name but a few, Mr Deputy Speaker, Sir, and it is only now in line with our educational reforms that this inclusion is formally and legally made possible. Mention has been made of the above, the more than slow track and the long period of inertia that the cause of our disabled children has followed - a long and slow process - and how much parent and children have suffered along the way without forgetting the dedicated task of all teachers and carers having trodden on this thorny path.

Toutefois, M. le président, il convient de saluer ici, le travail acharné ô combien difficile des enseignants, des accompagnateurs et du personnel non enseignant qui se sont démenés à travers les associations non-gouvernementales et je pense ici particulièrement à l'APEIM, à prendre soin des enfants à besoins spéciaux souvent de manière intuitive et qui

ont accompagné nos petits Mauriciens sur leur chemin vers l'âge adulte. Le travail s'est fait souvent sans grande formation mais en offrant généreusement un encadrement humain et un confort émotionnel si indispensable à l'épanouissement de tout apprenant qu'il soit normal ou pas. Cependant, M. le président, la formation est primordiale et il ne suffit pas d'être bien intentionné et d'adopter une approche humaine et intuitive pour faire avancer la cause des enfants à besoins spéciaux.

Here, Mr Deputy Speaker, Sir, I must pay tribute to the Mauritius Institute of Education and to its Director and collaborators who, in line with the Ministry of Education's planning, instituted training for the SEN's sector six years back, that is right in 2012 and offered capacity building in 2014 through a Post Graduate Diploma in Inclusive and Special Education called the PGDISE for its own staff as well as to schools psychologists, educational and social workers of the Ministry.

Mr Deputy Speaker, Sir, even those engaged in and taking care of the visual impaired have not been neglected and 27 trainees have benefited from training leading to a Certificate of Proficiency in Education.

Mr Deputy Speaker, Sir, as compared to a decade before, efforts have been made to meet present and future needs. Even though much more is left to be done, most areas have been taken care of namely –

- training of trainers;
- license to those with no basic qualification involving 53 beneficiaries;
- foundation courses for persons in the sector addressing 452 persons in Mauritius and 12 in Rodrigues, and
- Recognition of Prior Learning commonly known as the RPL Programme taking on board basic knowledge and work experience in the field of SEN and today 792 persons have benefited from the above.

So to say, Mr Deputy Speaker, Sir, that, as a strategic partner, the contribution of the MIE is a precious one and vital to the implementation of this present change in the structure of and provision for SEN. And as a most important collaborator, the MIE has also undertaken a huge capacity building programme in association with the *Centre International d'Études Pédagogiques* of Reunion Island with the assistance of the European Union involving 25 trainees receiving the trainers' programme.

However, with the inclusion of these new clauses to cater for the needs of children with special needs, the lack of trainers will still be felt. And in this complex area where one size fits all program cannot be adapted to individual needs, services of school psychologists, speech therapists, social and community workers will be of utmost importance. Mr Deputy Speaker, Sir, regular education and special needs education is a shared and common enterprise in that at both levels a learning environment conducive to learning has to be created. A system equally responsible and accountable has to be put in place and research has to be conducted to inform future practice.

Mr Deputy Speaker, Sir, this new provision will entail much work, regular surveys, a close monitoring and evaluation to measure both effectiveness and efficiency, appropriate physical structures, provision of manpower, training and will also involve working with other stakeholders, namely parents and the numerous existing NGOs already on the job and having loads of experience.

Faut-il, M. le président, rappeler que les parents furent les premiers à se regrouper en association, à s'unir devant leur problème et à réunir leur volonté, leur disponibilité, leur compassion, leur savoir-faire souvent intuitif autour des responsables d'associations eux-mêmes pas ou peu formés pour offrir à leurs enfants un espace de soin, d'accompagnement et d'évolution. Qu'il me soit permis de saluer ici les courageux combattants de l'APEIM qui jadis ont accompagné tant d'enfants inadaptés de l'île Maurice.

M. le président, ce projet de loi vient traduire dans la pratique, la vision d'un gouvernement soucieux du bien-être et de la formation de tous les enfants du sol mauricien en leur offrant une chance égale à l'éducation et accomplissant ainsi son devoir éthique et moral envers la nation toute entière. Avec ce projet de loi vient aussi une instance régulatrice permettant à toute institution dûment enregistrée et pouvant suivre un programme adapté de se mettre au service de nos enfants. Avec ce projet de loi, tout un arsenal de services d'information, de documentation, de communication devrait être mise en place pour arriver à offrir les services voulus aux institutions tombant sous le chapeau du SENA. Des personnes ressources ayant une bonne connaissance du monde éducatif et ayant trait aux enfants à besoins spéciaux et aussi portant le souci de servir et pouvant donner un réel élan à ce secteur seront regroupées autour du corps constitutif, y relatif c'est-à-dire le *board* du SENA.

Ce projet de loi, M. le président, vient faire place à la différence et vient donner à l'éducation une vie plus abondante, plus inclusive et vient enlever les gonds à un système trop sélectif, jusqu'ici limité à un type d'intelligence. Il vient permettre l'existence des institutions dûment enregistrées pouvant dispenser des cours appropriés à nos enfants à besoins spéciaux. Donc, une décision qu'on doit saluer et qui sera salubre pour tous nos enfants trop longtemps négligés et trop longtemps étiquetés même s'il est dit que *children with special needs paint the world with beautiful colours each day*.

Before concluding, Mr Deputy Speaker, Sir, I wish to thank and congratulate the hon. Minister of Education for having understood, as Rita Pierson puts it, that 'our children deserves a champion, an adult who will never give up on them, who understands the power of connection and insists that they become the best they can possibly be' and that they indeed are special children with needs and not children with special needs. Let our children be the living testimonies of a caring Government's choice and decision for inclusion. Let the future of these children speak for itself and let it come to prove that what is decided today is for their own good and confirms what T. Amos says, I quote –

“Some of the most wonderful people are the ones who don't fit into boxes.”

On these words, Mr Deputy Speaker, Sir, I leave the floor and thank you.

**The Deputy Speaker:** Hon. Rampertab, please have the floor!

(8.13 p.m.)

**Mr R. Rampertab (Second Member for Flacq & Bon Accueil):** Mr Deputy Speaker, Sir, it is indeed a pleasure for me to be able to address this House on the Special Education Needs Authority Bill presented by hon. Mrs Dookun-Luchoomun, the Minister of Education and Human Resources, Tertiary Education and Scientific Research.

Mr Deputy Speaker, Sir, the welfare of our country's children has been a clear priority of this Government since December 2014. Since then, a number of successful initiatives has been achieved, for example, the nine-year schooling which has really changed the life of every single parent and grand-parent whose children are schooling. The investment per head on each child by our Government has steadily increased over the years, which is extremely encouraging. Also, the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research has herself been relentlessly designing and implementing the appropriate policies to transform the SEN sector in Mauritius. Mr Deputy Speaker, Sir, however, there has been a clear gap in the educational

system around the management of Special Education Needs and the Bill rightly addresses the lack of institutional authority and framework to manage the SEN policy designed, implementation, research as well as the increasing budget of the sector.

Mr Deputy Speaker, Sir, this Bill will not only be beneficial to our local SEN sector but also contribute in ensuring that our country adheres to the International Conventions and declarations it has signed. Indeed, this piece of legislation demonstrates the firm commitment of our Government to abide by the 1948 Universal Declaration of Human Rights which affirms the right to education for everyone. Also, one of the target goals of Sustainable Development Goals 4, is to ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous people and children in vulnerable situations by the year 2030. Mr Deputy Speaker, Sir, 2030 is not far at all, and this Bill is a vital step towards achieving this endeavour.

Indeed, hon. Mrs Dookun-Luchoomun, Minister of Education and Human Resources, Tertiary Education and Scientific Research is worthy of our heartfelt congratulations for coming up with this Bill. In fact, it is only after a wide range of consultations carried out by her Ministry and herself with the various stakeholders and partners, that this carefully crafted piece of legislation is being presented today. Also, since the first SEN task force was set up in 2001 under the MSM/MMM Government, the special needs unit of the Ministry has conducted and delivered a remarkable task which must be highly commended.

Mr Deputy Speaker, Sir, after delving into the first object of the Bill, it is with much satisfaction that I welcome the Special Education Needs Authority will be tasked to monitor and facilitate the implementation of Special Education Needs Policies of this Government. Hence, through the setting up of this Authority the Government is firmly acknowledging that every individual has unique characteristics, interests, abilities and learning needs. What we are doing is bringing education to them, an education which is relevant to their special requirements.

Indeed, another object of the proposed authority will be to provide guidelines for the design and development of curriculum for Special Education Needs. This will, Mr Deputy Speaker, Sir, ensure that the teaching will be adapted to the persons who have different learning requirements and they will benefit from more customised education materials, learning infrastructure and environment.

Mr Deputy Speaker, Sir, the proposed SEN Authority will also ensure accessibility by making it easier for persons who require a special education to be placed in the right institution. I am delighted to know that one of its functions will be to forge a relationship between schools and home because education does not start at schools only. Another key task of the proposed Authority is to enhance the quality of education to be provided to the persons with a special education needs. It will develop a quality assurance framework for special education needs, Mr Deputy Speaker, Sir.

Therefore, I am also delighted to take note of the work undertaken by the the Mauritius Qualifications Authority (MQA )with reagrd to the recognition of prior learning of persons working in the SEN sector. This initiative, Mr Deputy Speaker, Sir, will go one step further to professionalise the SEN sector and at the same time, address the scarcity of skill professionals in this sector. Indeed, there is a wealth of experience acquired by these persons over the years who will today be given their true value through recognition of prior learning.

Mr Deputy Speaker, Sir, it works alongside the training that will be needed for new recruits joining this profession as carers, assistant teachers and teachers. Mr Deputy Speaker Sir, through experience, myself having been a teacher, during my early years in the UK, I can perfectly relate the joy and satisfaction that a teacher gets by seeing his student achieving success in the educational journeys.

Mr Deputy Speaker, Sir, education is a never ending process and special needs education should not stop at primary or secondary level only. Hence, I would urge the hon. Minister to see to it that SEN Authority also focuses on developing policies which will help our tertiary education providers to eventually interrogate students who have special requirements. In the same vein, Mr Deputy Speaker, Sir, the SEN Authority should also consider policies for individuals who are to participate in professional courses.

Mr Deputy Speaker, Sir, Special Needs Education should also cover professional courses like ACCA, ACA, CFA or the Council of Legal Education Courses like for the Bar, the solicitors and the notary exams. It is this Government's solemn duty to ensure that the opportunity is provided to any individuals who want to achieve success at every step of their educational and professional path.

Mr Deputy Speaker, Sir, to conclude, I would like to thank once again the Minister of Education and Human Resources, Tertiary Education and Scientific Research for presenting this Bill. Indeed, the new SEN Authority will ensure that our society is more



inclusive but also is fair and equal in providing that every citizen of this country to grab the opportunity to succeed. Mr Deputy Speaker Sir, I do really appreciate and I would congratulate the Minister again for coming up and presenting this Bill to the House.

Thank you very much.

**The Deputy Speaker:** Hon. Rughoobur!

(8.21 p.m.)

**Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or):** Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I will try to be very brief. I have a couple of issues that I wanted to raise. First of all, during almost four years, Mr Deputy Speaker Sir, the hon. Minister of Education and her team have brought to this House a couple of Bills with the aim to reform our education sector and these Bills are at crucial phase of implementation. A considerable amount of work has been completed and I think that the the Minister and her team have to be congratulated for this.

Today, again, Mr Deputy Speaker, Sir, this is a very important Bill and it is a good Bill. I believe that we have to start with the regulatory and institutional framework. There was a strategy and policy paper that was prepared by the Ministry, I think in 2006, where four priorities were defined for the children with special education needs and those four priorities were to put in place an Institutional and Regulatory Framework, Capacity Building, Information and Communication and Documentation and then fifth Monitoring, Research and Evaluation. As I had the opportunity to say during the presentation of the Higher Education Bill, Mr Deputy Speaker, Sir, this Institutional Regulatory Framework that we set is the spinal cord of the system, this is where everything starts and it is not the end in itself. It is a very good start because everything is going to start from there.

I must say, Mr Deputy Speaker Sir, before coming to the Bill itself, I wanted to share a personal experience. When I just became an MP, a young guy in his early thirties came to see me, was blind - and is actually blind till now - he told me that he has been given a plot of land by his in-laws, he wanted to construct a small house and he wanted my intervention at the level of the NEF. He told me that because he has been continuously going for several months to the NEF for a support and he wanted my intervention so that he could get a support and construct a housing unit. I asked him whether he was interested to work and he said in the condition that he was who is going to give him a job. I somehow managed to get

him a job in a paint factory. He was appointed as trainee receptionist/telephonist. Today, after three years, if that company had to give a best employee award, he would have been the one winning that trophy for the three years that he has been there almost.

To tell you, Mr Deputy Speaker Sir, when I look at this Bill, whether you come from a poor or rich family, whether the colour of your skin is black or white, whether you come from a family who is known or unknown, but certainly whether you are able or disabled, somebody is able or disabled, if you struggle and if you are given the right *encadrement* support, you can make a prominent place for yourself under *l'arc-en-ciel mauricien*. And this support, this is what this Bill is all about. The support that we have to give to those children who are disabled, to give them the opportunity to make a place of themselves. But how do we do this, Mr Deputy Speaker, Sir? It is not an easy thing to do.

I believe that this Bill is a very good start. Of course, when you look at what has been happening in other jurisdictions, I believe there are five major issues that going forward with the support of this Bill, the Ministry will have to address. And this institution, this regulatory body that is being put in place will be of great support, because it is going to enable the Ministry with the support of this institution to define a roadmap for this sector, the Special Education Needs sector.

So, those five components, I believe, are extremely important, Mr Deputy Speaker Sir. One is the need to detect as early as possible those children who require special education, the need for special education. I can see that in this Bill, in the 'Functions of the Authority', we can see that this has been clearly defined somewhere, where it is said that and I quote from the Bill –

“devise and implement plans to facilitate the early identification and assessment of persons with special education needs”

Very important!

This is the number one issue that we have to look at. We need to devise, we have to have a mechanism in place to ensure that this need is detected as early as possible. I have the case of my nephew himself, Mr Deputy Speaker, Sir, whose need for special education was determined when he was in Standard IV. Can you imagine, during all those years, when he was in pre-primary, in Standard I, Standard II, Standard III, you keep telling him 'you are a lazy boy, you are good at nothing, you are failing all your exams'! What happens to that child, Mr Deputy Speaker, Sir? In many countries, there is provision for 15 hours of

education for children at the age of two. As early as the age of two, their need for special education is detected. We know that there has been some delay that has been accumulated, but this is a very good start, Mr Deputy Speaker, Sir. We have to start somewhere. So, one first major component, major issue that will have to be addressed is how do we determine as early as possible the need of a child for special education, and this requires lot of work. This requires the collaboration of, for example, the Ministry of Health, other Ministries, not only the Ministry of Education, possibly other Ministries as well. The Ministry of Education possibly will have to be properly staffed in order going forward - we cannot do this overnight - to be able to address this issue.

Second issue, major issue that I believe will have to be addressed by this Authority and which will be a priority in this field, Mr Deputy Speaker, Sir, is the support that we have to give to those parents, because we must agree - I think the hon. Minister mentioned it - that there is a need to communicate better because there are parents - it is not a new thing. We will need to find solutions as to how we can improve on communications. For example, parents to know what facilities are being provided by the Government; where the schools where special education is being provided are - all these issues. Whether we are going forward, we will need to have better counselling for these parents; the need for financial assistance. So, the support to those parents whose children have a specific disability is also an issue, I believe, which will have to be addressed going forward.

Then, there is a third issue also, Mr Deputy Speaker, Sir, and again this was mentioned in the House, but it is important that we come to it. That third issue is the support to those schools. I have carefully listened to the intervention of hon. Uteem. I believe that this Bill makes provision not only for children in separate specialised schools. The Authority will cater for all those children, whether they are in the mainstream schools or specialised schools which are found within the mainstream schools, like we have in Goodlands, but even I hope for those children who cannot go to school but are at home. This is what the Authority will have to look into. And in this process, Mr Deputy Speaker, Sir, it is important - the training that we have to give to those teachers has been mentioned. But again, where do we find the resources? We talk of training. We need collaboration with foreign authorities. It takes time, but I think that we are in the right direction. We will need to make adjustments. We are coming with this Bill. Gradually, I am sure that the Ministry - as they are doing in the definition of the Bill - will look for collaboration with foreign organisations. But this training issue is an important issue because true it is that in many

organisations - we have seen that in a lot of those private schools, the SENs schools -, you have got the teachers, the resource persons who are there and who are today teaching, but there is a deficit at the level of training. The issue of training will have to be addressed; I do not know, collaboration with the HRDC, the role that they will have to play, going forward. But the support to these schools, I believe, is another major issue, third issue that will have to be addressed by the Ministry going forward after the implementation of this Bill.

There is also the issue of curriculum. There is one thing, and maybe the hon. Minister might clarify. I have seen in the Education Act that there was a curriculum Board that was in charge of defining curriculum, but this time this curriculum is coming under the responsibility of the Authority. Maybe over the months, over the years, we might be coming with a separate Board that can take the responsibility of defining this curriculum for those children with disabilities. You have got the issue of *la formation des enseignants*, and this is really not as simple as we often say. Because where do we get the trainers to train? Where do we get specialised teachers? *Il y a un sérieux déficit à ce niveau*, which will have to be addressed, and I hope that going forward we would put a lot of emphasis or possibly by collaborating with foreign organisations, foreign countries.

The support required at the level of schools; infrastructure, finance assistance to those schools are normal and I won't come to these issues as these have been mentioned by some hon. Members, I think.

But the fourth issue that I wanted to mention also, Mr Deputy Speaker, Sir, is the need for a common platform for the stakeholders to be able to work together, whether it is the Ministry of Education, the Ministry of Health, the Ministry of Social Security, the private organisations. If I take the case of private organisations, Mr Deputy Speaker, Sir, in some countries, I have seen that those people from the private sector do not only contribute in terms of money, but experience, the hon. Minister stated this earlier. There are different ways in which the private sector can contribute, the expertise they have in management, for example. They can delegate people to be members of Board of those SENs schools, where they can bring their expertise in terms of management and try to manage those organisations - bring their expertise, try to make these schools more efficient, more effective. So, Mr Deputy Speaker, Sir, devising a common strategy for the promotion of an inclusive society, all the stakeholders together.

Finally, Mr Deputy Speaker, Sir, I have this issue of support when children become adults. I know that this is a first step, but going forward, I believe it is also important for the Ministry to *réfléchir* how we can possibly have a sort of, I call it an educational health and a social care plan for every child. Sure you have an education plan, but I am thinking of an educational health and a social care plan as well that would be more long-term, that is, to care, to devise a strategy as to how we do support those children with disability not only until 16 years of age, but until they are an adult of 24-25 years of age. In some countries, they are working backwards. They are working with the employers to devise strategies as to how the workplace can be more conducive for these types of children. So, there is a long-term plan, there is an educational health and then a social care plan for the long-term.

Mr Deputy Speaker, Sir, I will not be long. It is always a pleasure to contribute in these types of Bills because we are talking of children with disabilities, and it is also a pleasure to congratulate the hon. Minister and her staff for coming forward with such a Bill, and I hope that going forward, the five issues that I have mentioned would be addressed gradually in the interest of our nation.

Thank you very much.

**The Deputy Speaker:** Thank you, hon. Rughoobur. Hon. Members, I think it is a convenient time to break for dinner. I, therefore, suspend the sitting for one hour.

*At 8.38 p.m., the sitting was suspended.*

*On resuming at 9.54 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** Please, be seated! Hon. Benydin!

**Mr T. Benydin (First Member for La Caverne & Phoenix):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, the presentation of the Special Education Needs Authority Bill in this august Assembly is, once again, a showcase of this Government to strive towards an inclusive society. No caring Government can leave any segment of the population on the margin by depriving them of one of the basic fundamental human rights and to ensure that every person with a disability has the right to education in line with international norms and standards relevant to the rights of persons with disabilities.

Already this Government has done a lot in the field of education with the profound educational reforms, so much so, that today we are among the most rated countries in terms of literacy. Allow me, Mr Deputy Speaker, Sir, therefore, to commend the Minister of

Education and Human Resources, Tertiary Education and Scientific Research for the laudable initiative to promote the rights and dignity of children with disabilities and to thus allowing their full participation in the development of our country.

However, Mr Deputy Speaker, Sir, special education has always been a challenge to all societies. In this respect, the setting-up of the Special Education Needs Authority constitutes a positive step to uphold quality education for all and to provide guidelines for the development of curriculum for special education needs. *Ce projet de loi n'est pas un arbre sans racines, M. le président.* On the contrary, this Bill is deeply rooted and, you know, this Government, when we sow seeds, we always sow on fertile grounds so that we will reap the results afterwards. This is how we are working and I think that we should salute, we should greet the bold effort of the Minister of Education to come forward with this Bill. There have been many documents before, a lot of recommendations, but there has never been any legal framework whereby we could operate and really cater for people with disabilities and children who have some problems physically.

As I have said, this Bill, I think will provide the opportunity to everybody to live, like we say, in a society where we will be on the same footing everywhere. I have said already in 2006, I have seen a document, a Policy and Strategy Paper that was elaborated, but we would like to know whether there has been the political will, whether there has been the political commitment to go forward. We want to translate recommendations into reality. This is how we work here.

The hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research should not feel too much concerned about criticisms because the Opposition is here to criticise, the Government is here to work and we are working and we will give results. This is what is the most important. So, we will continue, we will not lose courage, on the contrary we will gather momentum and we will do the work so that we can live in a better society.

Like some other orators before me, we have shown our appreciation already to organisations like APEIM, *Lizie dan la main*, School of Deaf, CEDEM and others who have been providing special education to our impaired children. Some societies like Cooperative Handicap Society and others provided some employment to these impaired children. Even the Training and Employment of Disabled Persons Act provided for mandatory employment of a 3% of their overall staff for companies employing over 35 employees.

Equally important is the employment of teachers, including teachers with disabilities, who are qualified in sign language and Braille to support students with disabilities. We know that in some primary schools - I would like to cite one from my Constituency - like Visitation RCA, there is a class for special needs in their premises for the integration of these children in the mainstream. I know we have others, but this I have in mind. So, such initiatives, I think, should be acknowledged and put on record. But we want to do more, Mr Deputy Speaker, Sir, at a time when we are looking at the basic rights of everyone and everything that concern our society. Our impaired children cannot be ignored in the process. They have to live with dignity in the society with a special education system geared at promoting full development of human potential, talents, skills and creativity consistent with the goal of full inclusion.

This Bill, Mr Deputy Speaker, Sir, comes at a time to set things right and has functions to effectively look into the policies with regard to special education needs. To this end, it is very encouraging - I think, my colleague, the Chief Whip, hon. Hurreeram stated that - because we are Members of the Pan-African Parliament together with the other colleagues, hon. Uteem, hon. Quirin, hon. Mrs Monty, hon. Hurreeram and myself - when we were at the Pan-African Parliament, we know that they have already come with a document, a Model Law on Disability and where the right to education for persons with disability is clearly enshrined in Article 19 of the Model Law. I would like to refer to paragraph I (iii) which underlines the following, I quote –

“Ensuring that the education of persons, in particular, children who are blind, deaf or deaf blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in an environment which maximises academic and social development.”

Another paragraph spells out that it should be ensured that, I quote –

“Persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.”

With reference to what I have already mentioned, I think this Bill is meant for what the Authority will work upon. So, I think we are already in consonance with the prescription of this Model Law that has been adopted by the Pan-African Parliament. So, this is an important step that we have already taken.

Mr Deputy Speaker, Sir, education in itself serves the purpose of society by socialising the citizens to integrate the society itself and forms the labour force requirements. In fact, a special education needs serves as well the same purpose and is geared to socialise and integrate the citizens in the mainstream. So, we have heard a lot that as if we are going to have a sort of segregation. This is not the case. We want them to be in the mainstream. So, this is what this Bill is about. I am sure that it will set the basis for the employability also of our children with disabilities.

For me, Mr Deputy Speaker, Sir, setting the base for the employability of this segment of society remains one of the most important functions of the Authority. People will find their dignity by living a decent and independent life. This can only be achieved when we can earn a living of our own. However, as I have said, their future depends mostly on academic background and it is rightly what this Special Education Needs Authority Bill is emphasising.

Mr Deputy Speaker, Sir, we have to provide for special classes. I think that has been mentioned. Tools, equipment and also especially trained personnel to meet the objectives of the Authority in line with section 5(q) of the Bill regarding professional development programmes for teaching and non-teaching staff of a special education needs institution.

Also we should strive to provide, in the first stance, classes in our already existing primary schools, colleges and even in universities. We can later come with the setting-up of more of such specialised schools and colleges. The integration of these children in the mainstream and within the normal schools can help also to change the perception of many and can, therefore, be easily accepted. We want to give to our children with disabilities due respect as full-fledged citizens of the Republic of Mauritius.

Mr Deputy Speaker, Sir, I would fail in my duty if I do not refer to those NGOs who are looking after such children as I have already mentioned earlier. We are aware that special needs equipment, particularly for the NGOs, are a bit costly, but we know that there are many NGOs who are working in this field and they are looking - I think this has been mentioned - for funds from CSR. I think that with these funds also available, they can also give a helping hand to cater more for the needs of children with disabilities.

Hence, Mr Deputy Speaker, Sir, the setting-up of the Authority as a regulatory body can look after these issues as checks and balances and to allow NGOs to operate unbridled.



Mr Deputy Speaker, Sir, bullying and discrimination - we know there have been some cases - are always harmful to society. I think that the Authority also will have to look at this aspect because if in any case, there are offences of this nature, I think that we should put an end to this. I am confident that with the setting-up of this Authority, this aspect will be taken care of.

Mr Deputy Speaker, Sir, I would like to draw the attention of this august Assembly to the necessity to provide a level playing field to all our citizens, normal or with disabilities. I am confident that this Bill will give the opportunity for the emergence of elites within the ranks of persons with disabilities. I would also like to refer to: Franklin D. Roosevelt, who was diagnosed with poliomyelitis, but ruled over the world as President of the United States of America. Ludwig Van Beethoven, who was deaf, but composed some of the finest music, Stephen William Hawking - I think this has been mentioned - a Theoretical Physicist suffering from amyotrophic lateral sclerosis, who recently passed away, was famous for his book on 'A Brief History of time'. Washington Augustus Roebling, an American Civil Engineer who was paralysed and disabled, but developed a code to communicate - with a very important person - with his wife for the construction of the Brooklyn Bridge in the United States. We should also be proud to have, in Mauritius, our own Jane Constance who has received international recognition as a talented singer and with other talents also, other skills.

Mr Deputy Speaker, Sir, the list can be even longer but my point is that given the opportunity, and this is rightly the purpose of the Authority, we can dig out the gem from our children with disabilities.

On this note, I would like to end my intervention and I would like to thank you for giving me the opportunity to express my views on this very important Bill.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Ganoo!

(10.08 p.m.)

**Mr A. Ganoo (First Member for Savanne & Black River):** Mr Deputy Speaker, Sir, we are today the 21 November, yesterday was 20 November. 20 November, that is, yesterday is an important date that needs to be commemorated. On the 20 November 1959, the UN General Assembly adopted the Declaration of the Rights of the Child. It is also on that same date in 1989 that the UN General Assembly adopted the Convention of the Rights

of the Child and since 1990 the Universal Children's Day marks the anniversary of the date that the UN General Assembly adopted both the declaration and the convention of the rights of the child.

This Universal Children's Day offers to the world and to all of us an inspiration to give a special thought to promote and to celebrate children's right and to translate into actions what we, adults, conceive should be a better world for all the children of this world. This is why, Mr Deputy Speaker, Sir, when I am intervening on this Bill, I do realise that we are dealing with a very emotional complex subject.

*En effet, M. le président, la problématique des enfants d'handicaps ne date pas d'hier.* And when we talk about providing education to persons, to children requiring special education needs, I think we should try not to make politics out of this debate, which I shall try to do. But, of course, I have my own personal opinion and Members on the other side of the House or on the left side of where I am sitting might also have different opinions to mine which I respect.

But suffice it to say, Mr Deputy Speaker, Sir, that, having listened to all the Members who have intervened since the hon. Minister made her opening speech, it is clear that there are two different ways of looking at this Bill. There are two different distinct opinions as to whether this Bill which we have before us today will fulfil its purpose. I think it might be a sincere disagreement. On the one hand, Government, through the Minister, is proposing this Special Education Needs Authority Bill which proposes to set up the Authority and this Authority has been tasked with different functions and to Government this is the way how once the Authority is set up, staffed, manned; the Board is appointed and respectful of the functions of the of the Authority, this institution will achieve its aim as elaborated in the Explanatory Memorandum; it will, therefore, provide guidelines on the design and development of curriculum; harmonise and promote the programmes and policies for the education and holistic development of persons with special education needs in line with the two Conventions and this is how the aim will be achieved. To Government, this is what inclusion is all about. On this side of this House, I have heard hon. Mrs Perraud and hon. Uteem, the picture is different and this debate has not only taken place in Mauritius Mr Deputy Speaker, Sir. To the Members of the Opposition, what we are doing today has nothing to do with inclusion and they have elaborated on their arguments, on their stand.

I have given a lot of thought to this debate, Mr Deputy Speaker, Sir. I have read all the documents which have been mentioned by the hon. Minister and by hon. Reza Uteem. I have with me the PNQ which was put by the Leader of the Opposition in 2016. I have looked at all the documents which should be looked at in order to make an opinion and I have to say, Mr Deputy Speaker, Sir, that, in fact, I agree with the two Members of the Opposition in the sense that - and this is not politics - I think Government, and the hon. Minister to whom I pay all my respect, is going the wrong way. This is not the recipe. This is not the prescription for introducing inclusion in our society for the benefit of disabled children.

In fact, I would tend to say that however good the intention of the Minister is, but she has chosen *le chemin de la facilité*. She has chosen or the Ministry has chosen to come with the minimum and, in fact, what I can see is that lip service only is being paid to the concept of inclusion. This is not a Bill for integration, this is not a Bill which will unfortunately yield or result in integration or in mainstreaming as the Americans call it.

Mr Deputy Speaker, Sir, in the United Kingdom, the UK Parliament has been legislating since the XVIII century to address this problem and throughout the centuries in the UK, new laws have been adopted to keep up with the evolution of the situation. The first school for the blind in the UK was established in 1791 followed by the setting-up of other institutions in the same century in 1805. In 1835, the Yorkshire School of the Blind was set up and, in fact, all along these years, all along these centuries, the Authorities had to grapple with one main problem, the problem of definition – who is a handicap? In those days, ‘handicap’ was the term used until recently. Now, we use the words ‘disability’ and ‘disable’; so the question was always one of definition.

In our country also, as some hon. Members said before me, since the 50s, schools have been run by the NGOs but not all the time. The School for the Deaf, Lizie Dan La Main, Loïs Lagesse Trust Fund were funded by Government. Then came the NGOs who took over several of these schools until we remember APEIM came along and managed a school of more than one thousand students at one time, requiring special needs education.

This Bill, Madam Speaker, raises certain important questions and I would try not to repeat what has been said before me. As I said, the intention might have been good but there are several weaknesses and loopholes in the Bill. To me, it is fundamentally flawed. I would not repeat what have been said about consultations, whether there were consultations or not.

The hon. Minister would have a chance to rebut what has been said by hon. Mrs Perraud, that the NGOs or only a fraction of the NGOs dealing with children with disabilities were consulted. But what is clear is that when we try to tackle such an important issue in our education sector, that is, the education of disabled children, the collaboration and the consultation of maximum stakeholders should have taken place. Has this taken place? The hon. Minister will surely express herself on that issue.

Mr Deputy Speaker, Sir, the first point I would like to make has been suggested before me and has been mooted before me, but I would like to come on this point again and attempt to express my point of view in a different manner. Did we have to set up a traditional and a classical authority where the Minister has so much powers in terms of appointment? Hon. Rutnah brought us back to Bodies, institutions which have been set up before by hon. Mrs Perraud and so on in the past, but this is not the point. We are here dealing with a very sensible institution and we are concerned here about the need of providing special education needs to disabled kids. Did we really have to come up with a traditional, classical body which we find in every piece of legislation and which we vote for or against whenever such an institution or a sector of Government decides to control such and such sector?

Mr Deputy Speaker, Sir, this Bill is concerned, as I said, with a very sensible issue and we need flexibility, we need participatory approach. I will come in a few minutes to the clause regarding the Board, the Director and the Chairman of the Board. But I repeat what has been said before me and I do not apologise to do that. I think it would have been more logical and sensible that a Disability Bill should have been passed before the introduction of the present legislative initiative because the adoption of a Disability Bill by this House would have perhaps made this present Bill redundant. Perhaps there would have been no need of a SENA, as has been the case in India to which I will come in a few minutes.

In India, the hon. Member should know, Mr Deputy Speaker, Sir, two years ago, I think, this Bill was introduced, the Rights of Persons with Disabilities Act, 2016. I have the Gazette of India in front of me and I am having a look at this Bill. This Act may be called the Rights of Persons with Disabilities Act, 2016 and in the definition section, the word discrimination is defined -

“(h) “discrimination” in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or

nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;”

Inclusive education is defined -

“(m) “inclusive education” means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;”

Person with disability is defined -

“(s) “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;”

Person with disability means a person with long term physical, mental - I underline the word ‘mental’ because I will come to that in a few minutes. But more importantly, Mr Deputy Speaker, Sir, section 16 of this law, this is why I say, there would perhaps have been no need of a SEN Authority Bill if we had already adopted a piece of legislation, our Disability Bill, which should have been more or less along the same lines.

In section 16, education -

“The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

- (i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;
- (ii) make building, campus and various facilities accessible;
- (iii) provide reasonable accommodation according to the individual’s requirements;
- (iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

- (v) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;
- (vi) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.”

This is the Indian Rights of Persons with Disabilities Act, 2016, Mr Deputy Speaker, Sir. It would be good to remind Government - it has been done before me - that Mauritius has expressed reservation on Article 24 of the United Nations Convention on the Rights of Persons with Disabilities which states that persons with disabilities can access inclusive quality and free Primary and Secondary Education. Therefore, my point is that a Special Education Needs Authority without guiding principles and legal provisions for inclusion of children with disabilities will only sharpen any existing segregation that these children are subject to in our society, and more fundamentally when we talk about special needs education, it is superficial or it serves no purpose perhaps to set up an authority without defining clearly the rights of disabled children who are subject to already so many discriminations and prejudices in our society.

My point, therefore, is that the issue of inclusion is discarded in this Act, when we know about so many cases of children who went to mainstream school despite their disability and who became notorious. We have just heard the name Jane Constance who went to St. Nicolas Grammar School and so many others. Mr Deputy Speaker, Sir, this is the point. Therefore, a more human rights-based approach in a disabled friendly educative environment should have been privileged and would have been more successful in dealing with the issue of marginalisation in our education sector. Therefore, we insist that instead of a SENA Act, Government should have proceeded with a Disability Bill which would have better responded to the needs of children with disabilities and ensure equal opportunities for children with disabilities at all levels.

When we go through the Bill, Mr Deputy Speaker, Sir, where is the inclusion element in the will of the Government to implement a Special Education Needs Authority? Where is this element of inclusion? In fact, in this Bill, there is only one word ‘inclusive practice’. Go through the whole Bill at different pages, granted it is not a very lengthy Bill, but there is only on one occasion that the word ‘inclusive’ is used and it is in clause 5 (j), the functions of Authority to –

- “(j) promote inclusive practices to facilitate inclusive learning environment;”

So, it is only in that section 5 (j) that we hear of the word ‘inclusion’ or ‘inclusive’.

Therefore, devoid of this *volonté*, of this will, of this desire to import this concept of inclusion in the Bill, the Bill finally leads, in fact, to segregating students with disabilities at a primary level and subsequently expect them to integrate the mainstream society. This law finally is a segregative one, it is *la consécration de la ségrégation, la pérennisation de la ségrégation*. When we recall that the main objective and function behind the creation of this Authority should have been in harmony, in convergence with the United Nations Convention on the Rights of Persons with Disabilities and the Convention on the Rights of Children. This should have been the main objective of the foundation behind the creation of this Authority inclusion at all levels, where, in fact, it does all the contrary. Policies aiming at inclusive practices to facilitate transition in the mainstream education is not, in fact, the primary function of the said Authority, and the good and laudable example besides India of an inclusive education environment is the United Kingdom Special Educational Needs and Disability Act.

In fact, in May 2001, the Special Educational Needs and Disability Act became law and it strengthened the rights of children and young people with disabilities and special educational needs to be educated in mainstream schools and the accompanying code of practice to this Act emphasised that all children with special education needs, including all these children should usually be educated alongside with other children in ordinary schools and secondly, have access to a broad balance and relevant education which includes the national curriculum. In fact, we should refer to this legislation and the statutory interpretation of United Kingdom and we should have been inspired by the English law to promote inclusion.

The problem with this Bill, Mr Deputy Speaker, Sir, is that it starts with the appellation ‘Special Education Needs Authority’. We could have set up an Inclusion Education Authority Council. Call it what you may because at the core of the convention lies inclusive practices, elimination of discrimination, inclusion, yet when we look at the Bill once again, amongst the whole list of functions that this Authority would be given, as I said, there is only one clause out of the 27 clauses which mentions inclusive practice.

Section 5(a), (b), (c), (d), (e), (f); it goes on (p), (q), (r), (s), (t); it goes up to (v); (a) to (v). These are all the functions of the Authority and it is only 5 (j) which mentions –

“(j) promote inclusive practices to facilitate inclusive learning environment;”

So, what this law is bent upon is to set up an Authority and this is borne out by the other subclauses in clause 5 (a), (b), (c), (d); in nearly every of the subclause from (a) to (v), we see the mention of special education needs institutions. This is what is called segregation. The Authority has been set up to register these institutions, to monitor these institutions, to look at their grants. So, these are the institutions where our disabled kids will be parked, will be sent, and this is why this Bill, from (a) to (v) minus two or three subclauses, cares only for these special education needs institutions.

- (b) it is the registration;
- (c) it is the enhancing quality education;
- (d) it is to take appropriate action to ensure that special education needs institutions are managed in accordance with relevant laws;
- (e) special education needs institutions carry out the inquiries into complaints regarding them;
- (f) the special education needs institution be suspended or cancelled the registration;
- (g) develop a Quality Assurance Framework for special education needs;
- (h) pedagogical and quality assurance inspection of special education needs institutions;
- (i) regulate such matters pertaining to special education needs institutions.

And we go on and on. All of these subclauses deal with these special institution needs which have been set up pour *pérenniser cette ségrégation* and not promote inclusion, find the right mechanism to encourage our kids to go to mainstream schools.

But, I listened to the hon. Minister also, she said it will take time, I heard her, it will take time and this is also what was said, what was replied to by the hon. now Vice-Prime Minister, hon. Mrs Jeewa-Daureeawoo, when in 2016 the question was put to her, she was then Minister of Social Security, National Solidarity and Reform Institutions.

Hon. Mrs Jeewa-Daureeawoo also said when the question was put to her about this dichotomy of segregation or integration, that was two years ago, Mr Deputy Speaker, Sir -

“With a view to ensuring parity of esteem, since 2006 Mauritius has officially adopted a policy of inclusive education, and I am informed that the Ministry of Education



has taken a number of measures to gradually allow for the integration of children with disabilities in mainstream education.”

Gradually, granted. That was two years ago, and two years afterwards, the Minister comes before us again “Gradually, we will do it”. Two years since 2016. And today, this is why we can detect in the behaviour of Government, in the thinking process of Government that, in fact, they do not have a lot of interest to really bring about a system where Mauritius can say that we have finally found out the right mechanism to integrate our disabled kids in our mainstream schools.

Mr Deputy Speaker, Sir, in America, the Americans have an Act called Americans with Disabilities Act. The legislation speaks for itself; it is about us, it is about the Nation, it is about the people of the United States - Americans with Disabilities Act. They have another Bill, the Individuals with Disabilities Education Act (IDEA). We are not here talking about special education needs schools, but we are talking of public institutions, Mr Deputy Speaker, Sir. In the States, public schools are given the mandate of preparing an individualised education plan and supporting the child with disability to achieve the learning education outcomes. In fact, the concept of special education needs schools become obsolete, become redundant as in India because “pre-schools, primary, secondary schools must provide the students with an education that lays emphasis on special education and related services designed to meet the unique needs and prepare them for further education, employment and independent living.”

Therefore, I talked about the UK, I talked about India, I talked about the US, Mr Deputy Speaker, Sir. In the United Kingdom law, we have the Special Education Needs and Disability Act, the purpose of which is to mainstream education for every child with disability, but this Act also strongly advocates against disability discrimination and even provides for the setting up of a Special Educational Needs and Disability Tribunal to address claims of discrimination.

The intention in all these jurisdictions, unlike ours, is clear in its need and its will to promote and foster inclusion. This is the whole point. Can we read, go behind the mind of Government, behind the mind of the Minister? Is there the intention to promote and foster inclusion? Unfortunately no, and this is direly missing in the endeavour of Government tonight.

One can very well say, “This is a Bill for the creation of the Authority. The Authority is there with the different functions and tasks, and will advise and create the necessary framework”. But then again, the counter argument would be simply: why do we not create the correct legislative environment once for all to support inclusive education, inclusive practices, instead of wasting the resources of the State in creating an Authority which, as we can see, will drain the Exchequer?

Mr Deputy Speaker, Sir, the Convention on Disability clearly states -

“State parties recognise the right of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, State parties shall ensure an inclusive education system at all levels and lifelong learning.”

And I put the question again: How does the SENA address the above statement? In all of the 22 functions that are underlined in the Bill - which I just mentioned -, where is equal opportunity if the focus itself of that Authority is to set up by all means and costs special education needs in these special schools? Where is inclusive education? How will creating the Special Education Needs Authority ever lead to inclusion? These are the answers that I am sure the hon. Minister would like to give us.

The experts have said, Mr Deputy Speaker, Sir - even the articles that have appeared in the Press in the recent days - that integration of children with learning disabilities into mainstream education does not only promote physical growth and development but enhance their self-confidence, their self-awareness, their self-internalisation and development of interpersonal skills. It develops the ability to be more independent. These kids will become more self-reliant, more able to lead a normal lifestyle within their community and which we, as a Nation, have a duty to achieve.

And I say it again, when I was reading this Bill, I thought that perhaps there was a difficulty faced by the hon. Minister, the legislator, when deciding the category of children who will be subject to the provisions of this Bill. Who, what category of children fall under the net of this Bill? Should it be children with disabilities? Disabilities have been defined, as we all know; the point has already been made before me. Who does this Bill target, Mr Deputy Speaker, Sir? Disability, as we were told and as it is to be found in this Bill, means -

“A long-term physical, intellectual or sensory impairment of a person, which substantially hinders his ability to carry out normal day to day activities;”

So, who are we targeting? Children with disabilities, long-term physical, intellectual or sensory impairment or are we also targeting children with learning disabilities? Children who are not disabled, who are not handicapped, but who have learning disabilities. Is this Bill targeting children suffering from disabilities and other incapacities, children struck with emotional or behavioural disorders, not necessarily physical disability? In fact, there is no cut and dry distinction between the concept of handicapped and other related concept. A child suffering from adverse social conditions may have difficulties in learning and there may also be some sensory disabilities which may be only temporary.

There are a variety of factors which determine if a person is educationally disabled. Unfortunately, for long years, it has been believed in educational thinking that there are two types of children: the disabled and the non-disabled. And this is why the former have generally been thought of requiring special education.

Mr Deputy Speaker, Sir, the complexities of individual needs of a child are far greater than what this dichotomy implies. This is why in the UK, in 1948, the Commission of Warnock was set up and it was the report of this Commission which conceptualised the concept of special education needs, which is, in fact, a reflection not in terms of a particular disability a child may have, but in relation to everything about him, that is, all the factors that have a bearing on his educational progress. This is why, to me, this Bill is limited in its scope and restricts itself to children with disabilities, that is, with children with physical, intellectual disabilities, as in article (2), 'disability' meaning a long-term physical, intellectual or sensory impairment of a person which substantially hinders his ability to carry out normal day-to-day activities.

In fact, Mr Deputy Speaker Sir, this definition of disability has been borrowed from a definition of disability to be found in the United Nations Convention on the Rights of Persons with Disabilities. But even when the legislator deliberately borrowed the definition, the legislator deliberately, I think, omitted one word. I can give you the definition of 'disability' according to the Convention. 'Disability' means a long-term physical, mental, intellectual or sensory impairment of a person which substantially hinders his ability to carry out normal day-to-day activities. The word 'mental' has been taken off from our definition in the Bill. I say it again, in the UN Convention CPRD, 'disability' includes mental, whereas in our Bill, 'disability' excludes mental. The omission of the word 'mental' in our law means that children with mental disorders - I am asking the question - will be discriminated against by institutions which are being set up and, therefore, these children with a mental

disorder will not be able to prevail themselves of the benefits of a special education needs. I am asking the question: what about the education of children suffering from autism, for example? How will they be categorised following the definition of ‘disability’ as provided in this Bill? The point I am making, Mr Deputy Speaker, Sir, is, why has the word ‘mental’ been removed from the definition of ‘disability’, as provided for in the Convention which we have signed, that is, the United Nations Convention regarding disability.

What is more paradoxical, Mr Deputy Speaker, Sir, I have with me a copy of a document which has been published by the Ministry of Education, and which has been referred to, I think, by the hon. Minister, ‘Ministry of Education and Human Resources: Norms and Standards for Special Education Needs Schools’. This is a recent document published by this Government, by the hon. Minister. It is an elaborate document with the preamble, with the norms and standards for SEN schools, governance, curriculum, pedagogical materials, food and nutrition, infrastructure and so on. And then, there is classification of disabilities. I quote –

“A Committee comprising of representatives from the Ministry of Education and Human Resources, NGOs and other stakeholders worked on the classification of disabilities.

The recommendation for the purpose of classification by the Committee is at annex 1.”

So, I went at annex 1 at page 12 of the document. Annex 1 reads as follows.

Classification of Disabilities	Categorisation
Physical disabilities	(a) Orthopaedic (i) Bones affected causing mobility problems (ii) Joints and articular cartilage affected (iii) Muscles and ligaments are affected (b) Neurological (i) Spinal Cord injuries

	(ii) Spinal deformity (iii) Spina Bifida (iv) Hemiplegia (v) Cerebral Palsy (vi) Sensory Integration deficits (vii) Visual Spatial Perception
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All these are physical disabilities, but the list does not end here.

Another part of this annex –

Social, Emotional and Behavioural Disturbance	(a) Attention Deficit Hyperactive Disorder (i) Predominantly hyperactivity (ii) Predominantly inattentive (iii) Combined hyperactive - impulsive and inattentive (b) Schizophrenia (c) Anxiety Disorders (Social Anxiety, Obsessive Compulsive Disorder, Post Traumatic Anxiety, Separation Anxiety leading to school phobia, General Childhood Anxiety) (d) Emotional and Behaviour Disorders and Antisocial Personality Disorder
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All these are not physical disabilities. Schizophrenia is not a physical disability.

When we read our law, which has excluded mental impairment, a child suffering from schizophrenia, antisocial personality disorder, emotional and behavioural disorders, will he be admitted strictly in one of these schools which are being set up by Government. This is a document emanating from the Ministry of Education. This is why, Mr Deputy

Speaker, Sir, the Warnock Report to which I referred, proposed that special education be extended to children, although not categorised as physically disabled, but who need additional support in a variety of forms and is directly in line with the principle that disabled and non-disabled children should be educated in a common setting as far as possible. And the report goes on to say, I quote -

“Moreover, we have made very clear our determined opposition to the notion of treating disabled and non-disabled children as forming two distinctive groups, for whom separate educational provisions have to be made. It follows that we wholeheartedly support the principle of the development of common provisions for all children.”

This report magnificently summarises, Mr Deputy Speaker, Sir, the idea in the following terms. I quote -

“A disability does not necessarily create a special educational need. Such needs arise if the child’s environment cannot compensate for the disability without extra help.”

And going on further to say, I quote –

“No handicapped child should be sent to a special school who can be satisfactorily educated in an ordinary school.”

I read also, Mr Deputy Speaker, Sir, an article authored by one Mr Raj Pendia, Barrister-at-law, ‘A Vote for Integration.’ The author in this very succinct article reminded us that, I quote -

“The Fish Committee in its report recommends that children with learning disabilities should have the opportunity to interact with contemporaries and stressed the importance of all children having equal access to an acceptable range of equal opportunities.”

Other researchers add that it is essential to provide children with a least restrictive environment possible and opportunity for wider experience to enhance development. It is best for children with learning disabilities to be exposed, to be involved and to be treated as fully able students inasmuch as possible, thus reducing the differences in approach towards children with learning disabilities and fully able children to provide equal opportunities for development to all children.

I will now, Mr Deputy Speaker, Sir, very briefly, make a few comments on the Bill itself. And the point that I have been making was that, in fact, no integration is being envisaged when we go in all the different clauses as, in fact, the main focus of the Authority according to this Bill is on the monitoring and the controlling of this SEN institution.

With regard to the Bill, Mr Deputy Speaker, Sir, the point has been made before me, I think, the Chairman who is nominated by the Prime Minister *pose un problème* because, as I said, Mr Deputy Speaker, Sir, this is a non-political issue. Is it not more appropriate to have the Prime Minister appointing the Chairman after consultation with the Leader of the Opposition? We know the Constitution although providing that, there is no need, in fact, for the Prime Minister to consult the Leader of the Opposition.

Consultation includes no consultation, but the moral weight that this little amendment can carry, Mr Deputy Speaker, Sir, will help the Authority to regain a little of its lost independence. So, that is why I am of the view that we should have - this is the wish of the majority, allowing the Prime Minister to nominate the Chairperson, but it should have been at least after consultation with the Leader of the Opposition. I hope for the Director for administrative affairs of the Authority, the hon. Minister chooses someone not only with public administration background because we know Ministers are surrounded by public administrators, but it should be that type of background but supplemented by some knowledge of the Special Education Needs Sector.

Mr Deputy Speaker, Sir, I have never seen a Bill - I mean there have been in the past, let me correct myself, but the Minister, in fact, wheels a lot of power by virtue of this piece of legislation, with regard to this Board. True it is this point has been made before me, but very rarely do we see so many members being chosen by one Minister. I do not know about what hon. Rutnah was saying. I cannot remember the Bill he was referring to, but indeed in the present piece of legislation when we look at this Board, therefore, the Chairman will be appointed by the Prime Minister, four persons from NGO will be appointed by the Minister, two persons experienced in the field of special education needs to be appointed by the Minister.

As far as the staff is concerned, the Director who shall, with the approval of the Minister, be appointed by the Board. The Minister will again approve the appointment of the Director and the staff also, the Board may employ such employees as the Minister may approve. So, definitely, a lot of power and I will also comment on one clause linked to what

I am just commenting upon is concerning the members of the Board in clause 7 (4) to (7). This is a classical formula. We are talking about the members of the Board. No member will hold office for a period of 2 years, and so on.

“No member shall engage in any activity which may undermine the reputation or integrity of the Authority.”

I have seen in other pieces of legislation a more elaborate provision, that is, clearly stipulating that a member of this Board should not be actively engaged in politics and I think perhaps this would have also reassured all the NGOs and the Opposition also that Government should refrain from appointing anybody which has anything to do with politics because this is a Body which should be left to work independently.

Mr Deputy Speaker, Sir, the last point is about the grants. The question I wish to ask the hon. Minister is whether private donations will be allowed, whether these schools - because we know that this is a matter for which people have a lot of empathy. So, the question I wish to ask is whether in that case, not only grants-in-aid, but will donations be allowed from private donors who sympathise with the fate of our disabled children.

And a last question: are we discriminating against teachers of SEN Schools and teachers in mainstream schools by having them being registered under SENA? The last point I would like to make is about the transportation, the travel...

**The Deputy Speaker:** It is the hon. Member's third last point.

**Mr Ganoo:** Mr Deputy Speaker, Sir, last point on the Bill itself. In fact, we remember in the last Budget, paragraph 186, the hon. Minister of Finance, the hon. Prime Minister paragraph 186 in his budget of this year says, I quote –

“Students with special needs benefit from taxi fares if they are attending tertiary institutions. I am extending this facility to those students with special needs who are attending secondary schools as well as primary schools.”

I have been informed and I have credible information to the effect that perhaps it is a question of democracy, but these students, I know one student attending the RCPL, Royal College of Port Louis, who falls in that category and so far has not been paid any of these travel grants, and I would ask the hon. Minister to look into that, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, the point I have been making all this time is that children are not disabled because of how they are born; they are disabled due to barriers in people's



attitude and the environment that hinders their full and effective participation in society on an equal basis with persons without disabilities.

Environmental obstacles come in many guises and are found at all levels of society. They are reflected in policies, in regulations created by law-makers, by Governments such as those relating to health, welfare and education system. Such obstacles may also be physical, for example, as we know, barriers in public buildings, transportation and recreational facilities. Attitudinal obstacles come in the form of widespread under-estimation of the abilities and potential of these children creating a vicious circle of under expectation, under achievement and low priority in the allocation of resources.

In fact, Mr Deputy Speaker, Sir, these obstacles explain largely why poverty is so closely linked to disability. Poverty is both a cause and a consequence of disability. In fact, the World Bank estimated that persons with disabilities account for up to one in five of the world's poorest people, that is, people live on less than one dollar a day and lack access to basic needs, to shelter and clean water. Environmental obstacles feed into correlates of poverty such as inadequate medical care and safe environments, malnutrition and lack of education which contribute to both the incidence and impact of disability upon children.

Mr Deputy Speaker, every child has a fundamental right to have access to education without discrimination as stipulated by Articles 28 and 29 of the Convention on the Rights of the Child. In fact, this Convention, as we know, states that children with disabilities should be guaranteed access to an inclusive quality and free primary education and so on. I said it earlier on, we ratified those Conventions. The hon. Deputy Prime Minister promised us in 2016 that the needful will be done to remove these reservations that we have, but be it as it may, we have committed ourselves to promote the rights of our children with or without disabilities including the right to education. Here, I would like to draw the attention of the hon. Minister of Education and of the Deputy Prime Minister of an anomaly which exists in our law. In the Equal Opportunities Act of 2008 which was referred to by hon. Rutnah, the same section to which he referred to about education, but there is section 17(3) of the Equal Opportunities Act of 2008 which states, Mr Deputy Speaker, I quote –

- “(3) An educational institution may discriminate against a person on the basis of impairment where –

- (a) in order to participate or continue to participate in, or to derive or continue to derive substantial benefit from, the educational programme of the institution –
  - (i) the person requires or would require special services or facilities; and
  - (ii) it is not reasonable in the circumstances for those special services or facilities to be provided;(...)"

Can we think about that, Mr Deputy Speaker, Sir, that, in our law, there is a provision which encourages discrimination against a person that an educational institution may discriminate against a person on the basis of impairment. This is a paradox. This was highlighted in the Report of the Ombudsperson for Children and listen to what the Ombudsperson for children said and I am sure we will fully agree with what the Ombudsperson said when she made the following comments, quote – ‘I am of the view that a 21<sup>st</sup> century Mauritius cannot include a discriminatory clause or exception in any legal document, especially in a situation involving education, disability and children. A discriminatory law cannot be used to deny a child access to an educational institution of his choice. And I also note that special services or facilities code are undefined and vague which puts-in jeopardy the application of essential rights in the context of a social model of disability’. So, the Ombudsperson expressed herself and said that we cannot have, in our law, a discriminatory close in any legal document, especially in a situation involving education and disabled children. I hope, Mr Deputy Speaker, that the Government does the needful to remove this retrograde provision from our statutory book.

Mr Deputy Speaker, to conclude, I would say that the quality of special education cannot be guaranteed merely by mere legislation and structural change. We should have a framework which provides for the setting within which people work together. The NGOs, the parents, the Minister’s advisers, the public servants work together in the interest of our children and the quality of education, of regeneration will depend essentially upon their skill, their insight backed by adequate resources, not only educational resources but all the resources that we, as adults, as lawmakers, as Ministers, our Ministers can efficiently deploy to ease the situation of our disabled children in this country.

I have done. Thank you, Mr Deputy Speaker.

**The Deputy Speaker:** Hon. Sinatambou!

(11.13 p.m.)

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Mr Deputy Speaker, Sir, I would like first to congratulate the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research for bringing this Bill before this House today.

I am particularly honoured to address the House on this Special Education Needs Authority Bill which provides mainly for the setting up of a Special Education Needs Authority for better control and monitoring of the activities of special education needs institutions. This Bill was long overdue and the House will note that it is this Government which is bringing the required legislation to have a full-fledged agency for better control and monitoring of the educational and development needs of those of our children who require special attention in view of their own vulnerability and special needs.

This Bill comes at a time when disabilities which over the years were considered as a taboo are now given due and distinct attention by this Government in particular.

M. le président, à l'exception de l'honorable premier membre pour Savanne/Rivière Noire qui avait démontré un semblant de bon sens qui s'est vite évanoui, l'Opposition pour moi a malheureusement enlaidi le débat sur ce projet de loi qui aurait dû avoir fait l'objet d'une belle discussion avec un ton correct. L'Opposition pour moi a choisi de salir de son venin habituel ce projet de loi noble qui se propose de venir en aide aux personnes porteuses d'un handicap. Malheureusement, cette Opposition a pour moi fait preuve d'une médiocrité philosophique. Quand j'ai observé certains des membres de l'Opposition en train de débattre, je n'ai pu m'empêcher de penser à une scène de théâtre absurde de mauvais goût et indigne d'une Opposition responsable. Nous nous attendons à des critiques constructives mais pas à des critiques tendencieuses, fallacieuses voir calomnieuses.

A certains moments, l'Opposition dévie le débat, va dans la rebondance et semble être prête à tout salir pour ses propos afin de ne pas reconnaître les bonnes intentions et les bonnes mesures que contient ce projet de loi. J'ai entendu diverses références au traité de Marrakech, au Disability Bill et aux amendements à la Constitution. Pour moi, ces références sont hors sujet ce soir. Elles ne constituent qu'une minable tentative de noyer le poisson parce qu'au fond l'Opposition ne peut trouver de vraies fautes à ce projet de loi. En conséquence, certains n'ont rien trouvé de mieux que d'essayer de dévier l'attention en essayant de faire croire que ce traité de Marrakech, ce Disability Bill, ces amendements aux

articles 3 et 16 de la Constitution étaient à l'agenda de ce jour et de ce projet de loi mais M. le président tel n'est pas le cas.

In fact, Mr Deputy Speaker, Sir, I was in a qualm because the tone taken by a few Members of the Opposition - I must concede with the exception of the hon. first Member for Savanne and Black River – was, I felt insulting at different stages. I am seen in a qualm so I don't know whether I going to reply a tit for a tat, but maybe I shall start with the one who actually said that he was going to debate outside the realm of just doing party politics, that is, the hon. first Member for Savanne and Black River. Here, I would like to dispel what appears to me the first major misthinking, the first major flaw in the reasoning not only of the hon. first Member for Savanne and Black River, but also in the reasoning of hon. Uteem earlier, as the second orator for the Opposition, when they tried to make out that this law is actually segregative and not inclusive.

Hon. Ganoo went so far as to say that the only instance of inclusion was to be found in I think Clause 5 (j) and I must insist he is wrong. Let me, for these purposes, refer him to the objects of the Bill, in particular clause 4 (d). Clause 4 (d) mentions that one of the objects of the Special Education Needs Authority is –

“the harmonisation and promotion of programmes and policies for the education and holistic development of persons with special education needs – I stress - in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.”

The words ‘in line with the Convention on the Rights of Persons with Disabilities’ immediately direct us to Article 24 of that Convention. Article 24 (1) of that Convention states clearly that –

“States Parties shall ensure an inclusive education system at all levels (...) and lifelong learning directed to (...) the development by persons with disabilities.”

So, all this that we have heard, which was the major chunk of the argumentation of hon. Uteem and hon. Ganoo against this Bill, go down the drain because it is quite clear under the 4<sup>th</sup> object of this authority that it has an object to ensure the harmonisation and promotion of programmes and policies for the education and holistic development of persons with special education needs in line with the Obligation of Mauritius to ensure an inclusive education system for persons with disabilities under Article 24 of the UN Convention on the Rights of Persons with Disabilities. So, where is the segregation? It is all about inclusion.

In fact, it is so wrong to come before this House and say that there is segregation, that there is discrimination. I am quite appalled at the reading which is being made of section 17 of the Equal Opportunities Act. The Act starts by saying, Mr Deputy Speaker, Sir, that no educational institution shall discriminate against a person nor against a student. So, the rule is inclusion. That is what the law of the land says regarding any student, be it a normal student or a student with a handicap. The law says, under section 17, that no student, no person shall be discriminated against by an educational institution.

So, where on earth did they go and see segregation? Sometimes, you can see how their minds are warped. They will try to find anything which does not even exist, just to have an argument to go on the newspaper tomorrow. That, I think, is insulting to intelligence. That is not a retrograde provision. However, under section 17 (3), what happens? It is said that if a person requiring special services or facilities because of his disability, is applying to an educational institution and it is not reasonable in the circumstances for those special services to be provided by that institution, then, of course, it cannot take the student.

If you have an institution where there is no ramp to actually have wheelchairs, and you have 20 applications for unfortunate paralysed students who apply, and that they have to be on the first floor. How can they be admitted? That is the exception. It is not a retrograde legislation. The general rule in this country is about the inclusion of all students, including those who have special education needs.

The other exception about the general rule for inclusion is that you cannot admit a child with special needs in an educational institution if, even after the provision of the special services or facilities, the person could not participate or continue to participate in or derive or continue to derive substantial benefits from that educational institution. These are two exceptions to the general rule, because they make sense. You cannot bring a blind student in an institution which does not offer braille services. This is what those exceptions are about, not at all what I have heard. What bothers me, Mr Deputy Speaker, Sir, is the air of seriousness with which such nonsense is ventilated to this country. This improper air of reasonableness with which some claim to come with valid argumentation when it is all clear. It is all clear in the text. I am reading the same text as has been actually read out by the other side of the House. How come that the reading is so different? That is why I insist that the Opposition is not doing a service to this country when it comes before this House. This is such a noble piece of legislation that the hon. Minister is bringing. I am moved because you

are making a disservice to this country. You are making out that things are ugly, when we should be congratulating the hon. Minister for what she has been doing, and what she has brought to this House today. They should be ashamed if they had some sense of shame.

*(Interruptions)*

I listened attentively to the other side of the House, I would expect them to have the courtesy and the elegance of listening. I did not agree with many things that are said.

**Mr Ganoo:** Mr Deputy Speaker, Sir, the hon. Minister mentioned what I said was nonsense. I was just quoting what the Ombudsperson for Children has been saying. Unless he is saying that the Ombudsperson for Children has also said nonsense in a Report of 2017/18. I was just quoting what she said, the comments about this section 17 (3).

**Mr Sinatambou:** I did not quote any Member. I did not mention any name. But I believe that you should be congratulating the hon. Minister, because in your 32 years of career...

*(Interruptions)*

In his 32 years of career, he has never proposed any single Authority to look after disabled children. This, at least, should be considered. Maybe it is not on the Ombudsperson Report. In 32 years always to find things not good with others; that is why I appreciate what the hon. Chief Whip said. Even assuming that this was a half-empty glass, we should first start by seeing in it a half-full glass because, for so many years, nothing has been done. Some have been MPs for so many years; some have been in Government for so many years.

*(Interruptions)*

That is why I congratulate the hon. Minister when she comes with a piece of legislation which makes sense. All we are saying is: 'Please, say: yes, thank you', then, you say 'but'. Here, we are starting by putting all types of negative intentions against...

*(Interruptions)*

No! May we have some attention from those hon. Members?

As the House is aware, Mr Deputy Speaker, Sir, the UN Convention on the Rights of Persons with Disabilities was adopted by the UN General Assembly on 13 December 2006. Mauritius signed the Convention in September 2007 and ratified it in January 2010. This Convention brought about an important paradigm shift as it marked a departure from the

charity and medical model of disability to the adoption of a social and human rights approach to disability. This human rights approach views persons with disabilities not as sick persons, but as holders of rights who are unable to fully exercise their rights due to barriers which have to be removed so that they can be integrated in mainstream society and participate fully in activities of daily life.

We are, indeed, now talking more of equality, equity and inclusiveness. It has been reported that, in many societies, people with disabilities are marginalised and kept out of the mainstream of socioeconomic development. As the Minister responsible for the welfare of the disabled, I am looking forward to the enactment of this Bill and its early implementation. I have, at the level of my Ministry, a dedicated team known as the Disability Empowerment Unit whose main objective is to ensure that persons with disabilities are not victimised or marginalised. I, therefore, look forward to my Ministry and the Ministry of Education and Human Resources, Tertiary Education and Scientific Research working together in close collaboration for the protection and promotion of the rights of children with disabilities who require special attention and care for their education.

The global concern, Mr Deputy Speaker, Sir, to provide special education goes back to the 1940s with the Universal Declaration of Human Rights which came into force in 1948. The provision of Universal Special Education became a major item on the agenda of world conferences. The 1989 Convention on Children's Rights, which most countries have signed, voted this right as a legally binding obligation. The two World Conferences which were held in 1990, the Jomtien Conference and the World Summit for Children set 10 years as the target for achieving global basic special education for all, including persons with special needs. In the year 2000, it became clear that this target would not be reached. This is why the Conference held in Dakar, the Special Education Conference of 2000, accordingly set new targets for achieving the Millennium Development Goal 2 on primary education by 2050.

According to the international classification of impairment disabilities and handicaps, disability is defined as any restriction or lack of ability to perform in a manner or within a range considered normal for a human being. In the proposed Bill, the definition given in clause 2 is significant and is further defined in the context of the promotion and protection of the rights and privileges of persons with special needs requiring specific and special educational facilities and programmes.

The disabilities, which are covered, are visual impairments, physical disabilities, hearing impairments, multiple disabilities, psycho-socio disabilities, intellectual disabilities and albinism. And here, I would like to pause just for a second to go back to what the previous orator said about the definition of disability. His main contention is that disability, as found in clause 2 of the Bill, does not include the word ‘mental’. Now, I would beg to disagree that, therefore, the definition is deficient. The reason for this is that the word ‘intellectual’, at least from the little knowledge I have of Latin, comes from the Latin word ‘intellego’ which means to understand. Now, anyone with a mental impairment would certainly have an intellectual impairment. Therefore the word ‘intellectual’ does, from my interpretation and from my simple understanding of this word include the word ‘mental’.

Of course, we can agree to disagree but that is what I have to propose to this House whether it pleases or displeases the hon. Member. Now this allows me, Mr Deputy Speaker, Sir, to go to another aspect which I do not agree. Apart from this aspect of the object to be found at clause 4 paragraph (d) which refers us to Article 24 of the United Nations Convention on the Right of Persons with Disabilities, I would like then to say that, apart from the object of the Authority which clearly encompasses inclusion of children with special education needs, even the functions of the Authority actually encompass this inclusive feature of the UN Convention on the Rights of Persons with Disabilities.

True it is that it is only at clause 5(j) that the words ‘promote inclusive practices to facilitate inclusive learning environment’ are to be found out of nearly two dozen functions but one must not lose sight of the fact that the first two lines of the function of the Authority are very clear about the inclusion of children with special education needs. I read those first two lines –

“The Authority shall have such functions as are necessary to further its objects (...)”

So once this object, as defined in clause 4(d), is about inclusion in line with the Convention on the Rights of Persons with Disabilities, immediately afterwards the law now prescribes in clause 5 that the Authority shall have such functions as are necessary to further this particular object. So it is incorrect to say that it is only clause 5 sub clause (j) which is about inclusion.

Now, this being said, Mr Deputy Speaker, Sir, there is another aspect which I believe is not correct. Big questions have been put as to whether there is an intention in the mind of the hon. Minister to foster inclusion. I think as we say there is another Latin locution which



comes to my mind, *res ipsa loquitur*, the fact speaks for itself. If you have clause 4(d), if you have the first two lines of clause 5, if you have clause 5(j), if you now refer to Article 24 (1) and 24 (2) (a), obviously the intention of the hon. Minister can only be to foster inclusion.

I think that any adverse proposition could only be wrong if I were to doubt that.

At some stage, I heard that one felt that one could detect in the thinking process of the Government that there was no interest to bring the right mechanism to bring inclusion. I believe that what I have just said clearly, therefore, shows that there is rather a defect in one who thinks that this is so. Let us be clear. *Il n'y a certainement pas une pérennisation de la ségrégation dans ce texte de loi. Il y a au contraire un renforcement du souci et de l'obligation d'inclusion pour ces enfants porteurs d'un handicap.* Here, I must say that maybe one can disagree about how things could have been done, but one should, however, agree that this has to be a step in the right direction.

Now, let us go back and see the consequence of, let us say, juxtaposition of the Bill, of Article 24 and of section 17 of the Equal Opportunities Act. So, the rule is about inclusion. There will be two exceptions, that is, when the institution cannot admit the student because of the circumstances of the school, and they have to be reasonable circumstances, or even if you provide the circumstances, the child could not benefit from the education dispensed by this institution. At that stage, we would say that, somehow, the child, within the actual parlance that we are using, is not included.

The Special Education Needs Authority has to act, first of all, towards inclusion, as we just said, when we look at clause 4(d), the first two lines of clause 5, and Article 24 of the Convention. But whenever there is non-inclusion, isn't it appropriate that there should be a special educational needs institution to take over what a normal education institution should have been doing under section 17? I just cannot understand how what appears to me to be a simple value proposition has not been taken on board by the other side of the House.

Indeed, we do concede, Mr Deputy Speaker, Sir, that children with disabilities face different forms of exclusion, which affect them in different ways, due to factors such as the kind of disability they have, where they live and the culture or class to which they belong. Yet, as I have just said, there is a right to an inclusive education, and this is articulated in both the United Nations Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Article 24 of the last Convention states -

“The right of every person who has a disability to participate fully in an inclusive quality education on an equal basis with people without disabilities”.

As a signatory of the Convention, however, with the exception of the reservation made by Mauritius as regards Article 24(2) (b), Mauritius has the obligation to respect, protect and fulfil the rights articulated therein, including the right to inclusive education.

Now, that is where we come to those children who, for some valid reason, cannot be entertained in a normal education institution because in Mauritius non-governmental organisations along with parents of disabled children took the lead and set up schools for children with special educational needs, for which we have to thank them. But we have to acknowledge that the issue of special education per se has not been addressed in a coherent, systematic and holistic manner. And this is what this Bill seeks to remedy.

Special education itself is the practice of educating students in a way that addresses their individual differences and needs. Ideally, this process involves the individually planned and systematically monitored arrangement of teaching procedures, adapted equipment and materials, and accessible settings. These interventions are designed to help individuals with special needs achieve a higher level of personal self-sufficiency and success in school and in their community, which may not be available if the students were only given access to a typical classroom education.

Indeed, it is my view, Mr Deputy Speaker, Sir, that special education needs will not happen without the commitment and support of Government, of educators and NGOs, all doing their part to develop an inclusive culture for society. The vision of this Government is to make the necessary policies -

- (i) to provide the appropriate resources for children with special needs;
- (ii) to provide the level of leadership required at the school and Ministry level;
- (iii) to provide knowledge and skills to the educators, and
- (iv) to provide an enabling environment in the classroom, at home and in public places.

All four fall squarely within the objects of the Authority as appear at clause 4 of the Bill.

If education is to be inclusive, a host of policies will have to be introduced. The creation of inclusive classrooms with adaptable features is a *sine qua non* condition for the success of a special needs institution. These classrooms have to be flexible, relevant and adjustable to the different characteristics and needs of the students. Designing those

appropriate adaptations or modifications to the curriculum is central to inclusive education and is probably the biggest challenge that special needs educators face today.

The curriculum should have activities that are developed mentally age appropriate and allow the use of multilevel teaching to take into consideration the diversity within the classroom. They should be accessible to all individuals with special needs tailored to the strength and needs of the learners. It will be the responsibility of the Special Educational Needs Authority to make rules, issue guidelines and set standards to ensure that there is quality education in the special education needs institutions as provided for in clause 5(d) of the Bill.

I have seen the qualms about responding to what I thought were unfair comments of a number of speakers, but I think in view of the late hour, I will refrain from going into more replies to what I had heard. Maybe what I will say now – this, at least, was a positive point I heard from the first speaker for the Opposition. She said that « *Il nous faut avoir plus de Jane Constance, plus de Noémie Alphonse et plus de Coomara Payendee* ». That is exactly what the Special Education Needs Authority is doing.

*(Interruptions)*

Sorry?

*(Interruptions)*

Well, not the first three orators for the Opposition.

That is what this Bill aspires to do. This is what we are convinced Government will work for. In fact, it is good to know also that some, at some stage, tried to bring in what my Ministry does or does not do. I think it is good to know that, when I say that my Ministry will be collaborating with the hon. Minister as regards what the Special Education Needs Authority will be doing. I can indeed say that we will be providing support to the Authority through a number of facilities and specific schemes and programmes made available by my Ministry to persons with disabilities.

Two of these measures are –

1. The refund of bus fares to about 2,000 accompanying parents of disabled children already attending 44 schools or special needs schools. In fact, for the Financial Year 2017/2018, Mr Deputy Speaker, Sir, an amount of more than Rs14 m. has been disbursed for this purpose.

2. A second measure, which I believe is going to provide a support to the children in need of special education, is the refund of taxi fares to all students who suffer from severe disabilities and are attending full-time education at primary, secondary and tertiary levels.

This measure has actually been extended to all levels of education by this Government in this Financial Year, under paragraph 186 of the Budget Speech 2018/2019, which reads as follows, I quote –

“Students with special needs benefit from taxi fares if they are attending tertiary institutions. I, (meaning the hon. Prime Minister, Minister of Finance and Economic Development) am extending this facility to those students with special needs who are attending secondary schools as well as primary schools.”

And, that is in addition to those who are attending tertiary institutions.

So, all in all, Mr Deputy Speaker, Sir, I believe that I can now conclude by saying that, for us, on this side of the House, disability should not be an impediment in the total development of an individual, the more so when he or she is still a child. This Bill provides the necessary framework whereby appropriate facilities and programmes will be designed specifically to allow children with special education needs to have access ideally to quality inclusive education, but otherwise to quality education, and to enhance the opportunities to live a life not different from the rest.

I wish to conclude, Sir, on a note of optimism that similar to other fights and battles, this Government will also win the fight against discrimination with respect to disability. This will come much sooner than expected.

Thank you very much, Sir.

**The Deputy Speaker:** Hon. François!

(11.51 p.m.)

**Mr F. François (First Member for Rodrigues):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, the right to a more inclusive education is covered in several significant international declarations, namely –

- a. the UN Convention on the Rights of the Child of 1989;
- b. the World Declaration for Education for All of 1990;

- c. the Standard Rules on the Equalization of Opportunities for Persons with Disability of 1993;
- d. the UNESCO Salamanca Statement and Framework for Action of 1994;
- e. the Dakar Framework for Action of 2000 and so on.

For the purpose of this Special Education Needs Authority Bill, No. XVIII of 2018, I will refer to the UNESCO Salamanca Statement and Framework for Action of 1994, which states, amongst others, that –

“Students with special needs must have access to regular schools with adapted education.”

Mr Deputy Speaker, Sir, experiences, in many countries demonstrate that the education of children and youth with special educational needs is best achieved within inclusive schools that serve all children within a community, as rightly pointed out by the hon. Minister of Education, Human Resources, Tertiary Education and Scientific Research, Mrs Dookun-Luchoomun, and other orators before me. It is commendable that Government is seriously looking into regulating the delivery of education services to children with disabilities and, despite the Education Act, this is a big step forward for our Republic.

However, the Bill raises concerns on certain levels. The concerns, which are not necessarily about the Regulatory Authority, but rather about what the Authority is purported to regulate as per its functionality, which I will lay much emphasis on during the course of my intervention.

Firstly, Mr Deputy Speaker, Sir, the Bill defines Special Education Needs Institutions in a context where these institutions are *de facto* viewed as an acceptable means to provide specialised education services to a person with disabilities. Therefore, it is noted that the *de facto* means of providing special education services is through places or locations that are separated from mainstream education services, as opposed to proposing that special education services be provided on a continuum that are delivered to all children.

The definition, as it exists, can account for mainstream primary schools with integrated units, but the emphasis on separate units may be problematic as it allows for the possibility of services to exist outside of mainstream schools and to be separated from the mainstream.

Mr Deputy Speaker, Sir, in clause 4(b) of the Bill, it is proposed that the Authority will be responsible to formulate policies and criteria for registration of special education needs institutions as well as human resources for the special education needs institutions.

My question: is it Government's intention for special education needs institutions that are not part of regular primary and secondary schools to last and, maybe, even become the norm? Why I said so, is because the idea of educating children with disabilities in separate settings, however, runs counter to Articles 7 and 24 of the Convention on the Rights of Persons with Disabilities.

Mr Deputy Speaker, Sir, allow me to quote the two Articles (reference also made by hon. Sinatambou) –

**“Article 7 - Children with disabilities**

The States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.”

Therefore, *de facto* educating children with disabilities in separate settings, where they may or may not gain access to the same quality of educational services as their peers without disabilities and the same opportunities to develop to their full potential, deprives them of their right to access to a free and appropriate public education, on an equal basis with other children.

Secondly, Article 24 specifies that, let me quote –

“State Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, State Parties shall ensure an inclusive education system at all levels and lifelong learning (...)”

as also referenced by hon. Sinatambou.

With the function of the Authority as per clause 5 (j) of the Bill, that is –

“to promote inclusive practices to facilitate inclusive learning environment,”

it meets the requirements of Articles 7 and 24 of the Convention of Rights of Persons with Disabilities. That is my question.

Mr Deputy Speaker, Sir, in line with the goodwill of Government, I plead that we figure out how to welcome and educate children with disabilities attending special education needs institutions into mainstream schools. Catering both for the needs of children with disabilities, as well as staffs who have worked in NGOs in this sector for many years, and how to make special education services available to children with disabilities in all primary and secondary schools of our Republic.

Mr Deputy Speaker, Sir, rightly so, as mentioned by previous orators, there are still barriers to inclusion, including attitudinal and physical barriers as well as issues of lack of funding and lack of qualified personnel, amongst others, which should be addressed as the future for persons with disabilities is inclusion and not segregation. The question remains why should we call a school offering services to children with disabilities, a special education needs institution or else shall we call all schools a special education needs institution? Shouldn't all schools welcoming children with disabilities and shouldn't all schools be special education needs institutions? Today, I believe that mainstream schools welcoming children with disabilities should become the norm.

Mr Deputy Speaker, Sir, one aspect of the Bill that should be addressed for school functionality is the limited definition of major concepts of disabilities, special education needs and special education services. It would be commendable that we be enlightened further to better understand the definition of both specialised education and special needs education. Are they simply somewhat synonymous or at the very least intertwined, inextricably linked and inseparable.

At present, specialised education and special education needs institutions are likely to be synonymous and specialised education seems to be just a place to send children who are failing to learn without a second thought as to the quality of educational support they are receiving thereat. And even without a consensus regarding what the outcomes of such education should be. I am of the view that no one wants through this Bill to risk perpetuating the misconception of specialised education as a monolithic entity and even a characteristic of special education needs institution as a solution to any disability.

Mr Deputy Speaker, Sir, I will substance the same by referring to Rodrigues where in certain education institutions there has been an increase in recommendations from parties such as medical doctors, therapists and even teachers who simply refer children to these so-called specialised schools without any evaluation or educational needs or knowing what

specialised schools exist and what services they offer. This results in scaring and pressuring parents to request the transfer of their disabled children from mainstream schools to attend these so-called specialised schools or centres.

In a particular case, I was informed that a little boy, who is eight years old actually requested to come back to a mainstream school. That also offers specialised education services. The boy felt he was not making progress in the special education needs school. He was mainly worried that he would not be able to attend a secondary school like his friends in the future.

Mr Deputy Speaker, Sir, furthermore, specialised education which is meant to be individualised and adapted, may often not actually be so and instead may often be a generic service that does not match the level of needs arising from the disability. For instance, two children who are visually impaired may have different special education needs. One may simply need accommodations such as enlarged prints and other accommodations in terms of how materials are visually presented. In the classroom, as they have no other learning impairment while another one could need both accommodations and modifications of the curriculum because they also have learning difficulties in a specific area as a result of their visual impairment.

In the second case mentioned, the child with visual impairment will need specialised education as he/she is not making adequate progress in the mainstream curriculum as a result of his/her education services which can involve a modified curriculum or same curriculum, but modified learning materials and methods, and increased support as well as accommodation such as enlarged print as I mentioned earlier.

Similarly, from what I was told is that from experience two children with Down syndrome could also have very different educational needs. One could need support only in academic areas being totally autonomous in all domains of daily living and communication while another could need support in all domains of functioning and needs a functional curriculum speech and engaged therapy, and occupational therapy to increase autonomy to learn and become autonomous as opposed to support to benefit from the regular mainstream curriculum.

Mr Deputy Speaker, Sir, let us not overlook the fact that around the world in developed countries, many persons with disabilities go on to become successors in fields of academic nature and many go on to pursue tertiary studies to PhD level. No one should aim



at lower expectations for children with disabilities and this is what should be our expectations, our visions and our dreams for disabled children in our Republic and yes, they can and yes, we can.

Mr Deputy Speaker, Sir, now I will comment, on the concept of educational needs mentioned in the Bill, as ‘the needs of a person with disability which makes learning harder for him than another person of the same age’. This definition is similar to the one used by Cambridge Assessment International Education.

Mr Deputy Speaker, Sir, ‘special education needs’ entails in terms of whether, as a result of a disability, a child requires special education services such as individually planned and systematically monitored arrangement of teaching procedures, adapted equipment and materials.

This Bill will certainly address the need for procedural safeguards to protect children who have disabilities, but not special needs, from being arbitrarily removed from mainstream settings, and placed into special education needs institutions solely on the basis of having a disability, and irrespective of the educational needs of the child. The Authority will have to demonstrate understanding of the nuances in the concept of special education needs.

Mr Deputy Speaker, Sir, I come to the issues of disabilities, this Bill defines disability as the long-term physical, intellectual or sensory impairment of a person which substantially hinders his ability to carry out normal day to day activities.

This reflects a sort of cultural belief that a person with a disability is simply a person who is deaf, blind, who cannot use his limbs, is not very smart and is not autonomous. These are mostly biological impairments and seem to be a purely medical definition, placing the problem within the person. However, I hope the Authority will look at the impact of the environment on a person with impairment.

Mr Deputy Speaker, Sir, while doing some research, indeed, an impairment on its own would not lead to disability should there be a completely inclusive and comprehensively accessible environment.

Allow me to refer, despite it has been mentioned earlier, to the Convention on the Rights of Persons with Disabilities (CRPD). I have to refer to its definition where it says –

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments(...)

And there are a few words which are very important –

(...) which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”

This includes the notion of an impairment becoming disabling solely as a result of interactions with barriers that may be again attitudinal or physical for instance. I will also refer to the World Bank in 2011, Mr Deputy Speaker, Sir, which viewed disability as arising from the negative interaction between health conditions and the context including environmental factors; the natural and built support and environment, support and relationships, attitudes, services, systems, and policies and personal factors such as age, sex, motivation and self-esteem. I suggest, that the Authority defines the normal day to day activities and the term ‘normal’ should probably not be used although the term ‘normative’ could be used, because what is ‘normal’ is purely subjective, while what is normative refers to what is most common for the majority of persons of the same age.

In Rodrigues, the fundamental problem lies in the perception, in assuming that quality special education actually exists where many disabled children are referred. Recently, I interacted with two parents who were absolutely disappointed because a doctor had told them to remove their child from a regular primary school and to enrol him in a specialised centre. When asked why, the parent could not explain the reason given by the doctor other than saying that the child was not progressing adequately in the mainstream.

Mr Deputy Speaker, Sir, is this the role of a medical professional? Yet, it regularly happens. The parents are also concerned that they will get into trouble with the Child Development Unit for keeping their children in a regular education classroom.

When it is not doctors making recommendations, it is teachers, based on visual physical sign, who decide on their own accord that a child has a certain degree of disability.

Mr Deputy Speaker, Sir, now allow me to say a few words specifically with regard to Special Education Needs in Rodrigues, where there are three Special Education Needs NGOs schools registered with the Commission for Education and the Commission for Social Security namely –

- i. The Edycs Rodrigues Help to Grow Educational and Rehabilitation Centre with a population of 18 students, one manager, three assistant teachers, one carer and one cleaner;
- ii. The Development Learning Centre for Disabled Children with 33 students out of which 28 are regular, again one manager, three assistant teachers and one handy worker, and
- iii. The Gonzague Pierre-Louis Special Learning Centre with 51 students, one manager, eight assistant teachers, one handy worker and two carers.

The various impairments of the 100 students in Rodrigues, being catered by the 3 SEN schools, are namely; down syndrome (16%), mental retardation (51%), physically handicapped (5%), physically mentally handicapped (1%), visual (2%), hearing (14%), slow learner (1%), speech delay (7%), autism (5%) and behavioural problem (2%).

Each SEN school in Rodrigues receive a grant-in aid, and the funding of these schools is based purely on the numbers of students and not on needs. They sometimes are sponsored by CSR contributions for specific projects.

I have to inform the House that, for the month of October 2018, through the grant-in aid formula, the Development Learning Centre for Disabled Children received only Rs46,000; Gonzague Pierre-Louis Special Learning Centre Rs97,700 and Edycs Rodrigues Help to Grow Educational and Rehabilitation Centre Rs55,000 which are very small fundings.

However, disabled pupils are encouraged to attend schools through transport refund for both parents and the pupils themselves from home to school on a four trips per day basis which is being provided by the Commission for Social Security in Rodrigues.

Mr Deputy Speaker, Sir, due to the sensitivity of this Bill towards the non-formal special needs education sector that has existed for a very long time, there is a need to cater for these NGOs and their personnel who have provided a service in the form of a charitable model of disabilities perspectives.

There are no qualified teachers attached to the centres, but only assistant teachers. The assistant teachers only have a Foundation Course Certificate with no further proper training and monitoring. They are actually, awaiting for MIE to run a Proficiency Course in Rodrigues, shortly, which I will urge MIE to run the course.

Mr Deputy Speaker, Sir, the personnel could even be integrated in the formal education system as paraprofessionals, who are essential service providers of special education services. But, the issue is that, it runs counter to best practices and the conventions on the rights of persons as mentioned earlier.

It is worth be noted that the Rodrigues Regional Assembly will set up at the level of the Commission of Social Security a Disability Unit to be operational as at January 2019, which amongst others will look into the same object as being set out by this Special Needs Authority Bill.

In addition, the Rodrigues Regional Assembly, on a pilot basis, is planning to set a special room for autism in one of the Government Community schools next year.

Mr Deputy Speaker, Sir, allow me, to share the only Rodrigues Experiences for Special Education services in mainstream school serviced by the Roman Catholic Education Authority following thorough discussions I had with Dr. Annick Tolbize, the RCA Manager, Trainer and Training Coordinator thereat.

The House will note that the R.C.A. schools in Rodrigues, since 2014, only obtained a grant from Europe Aid to make primary education accessible to children with various disabilities.

RCA has worked on increasing the accessibility to all its five schools and upgraded settings in two schools to serve as resource rooms for special education services. They have been able to train two teachers in special and inclusive education and they serve as special education teachers.

In the beginning, RCA planned to mainstream all children and reserve the resources rooms to house children who could not be mainstreamed. However, all RCA pupils with disabilities are mainstreamed and go to the resource rooms to receive special education services as per their individualised educational plan.

So far, there has been only one case where a child had the resource room as his homeroom. The parent requested the admission of the child who is 12 year old and has very severe impairments towards the end of the 3rd term. The parent, unfortunately, viewed Special Education Needs School only as '*garderie*', not the primary school, not the RCA school but the SEN school only as '*garderie*'.

However, as the special education already had a full work load, arrangement was made to have the child to come to school half days, where he spent most of his time in the resource room, with short scheduled periods of inclusion in the mainstream. The positive thing is that, though this child had not received consistent education services, the parent reported convincing improvements in the behaviour of the child.

Mr Deputy Speaker, Sir, it is worth noting that the RCA special education services model generally follows the services based on the US Model, that is, it follows the prescriptions of the Individuals with Disabilities Education Act (IDEA) which was also referred by hon. Ganoo.

RCA has been working on two levels with respect to special education. On the one hand, the use of a Response to Intervention Approach to work with children who were already in the R.C.A. schools, to provide them with the supports that they need and eventually identify those who have special education needs.

At the same time, they have to carry out comprehensive special education evaluations for incoming children who have disability diagnosis or who have a visible impairment disability but no diagnosis, in order to write an individualised education plan for these children. RCA looks at areas of educational needs as addressed in the individualised education plan. It is very important. This plan is then used as a map for the services that these children receive. So far, all the children who have come in with serious disabilities have been mainstreamed and are receiving special education in a pull-out model.

Mr Deputy Speaker, Sir, there is even a child with a disability who does not have special education needs and is outperforming his non-disabled peers. What is most amazing is that this little boy has a dream to become an Astronaut when he grows up. He simply needs mainstream supports and related services and not special education.

Mr Deputy Speaker, Sir, services to children with SEN in the RCA schools has a simple structure ranging from identification, individualised education plan, and placement for our disabled children. I won't elaborate on the processes for now, but it is worth that the Authority conducts and promotes research together with RCA in that direction as per clause 5(r) of the Bill.

Mr Deputy Speaker, Sir, in the RCA schools in Rodrigues, inclusion has been surprisingly successful in terms of the benefits to the children themselves, but also in terms of how it changes the whole school community, the peers and the teachers.

There is, however, still a lot of work to be done, bearing in mind that RCA schools, the only school does not received any Government funding for special education services even though one school serves 9 children with severe disabilities and in the other 3 children with severe disabilities and there is no existing mechanism for same.

Let me say that this is the experience. You will learn from that, hon. Bhagwan. There are experiences from Rodrigues and I am sure the Authority will have to go there to look at it. There are increasingly referrals to RCA schools for new children with disabilities, coupled with a lack of specialised teachers and necessary supporting staff.

*(Interruptions)*

I will finish in a few minutes. Many children in Rodrigues simply need therapeutic services, especially in areas of speech and language impairments and occupational therapy.

I understand that the lack of ready-made materials that are aligned with the curriculum is an issue. These materials will need to be created locally for all levels or at least as from grade 3, for all subjects. The delivery of special education service is still a process in the making.

Mr Deputy Speaker, Sir, by the way, our special education needs system, will also rely heavily on the advancement of technology and that will be impactful, for us in Rodrigues, following the MARS Submarine Optic Fibre Cable that historically landed in Rodrigues, Saturday last, in the presence of the hon. Prime Minister.

*(Interruptions)*

One year in advance, correctly, hon. Sawmynaden!

*(Interruptions)*

*Oui, oui, élection...*

*(Interruptions)*

**The Deputy Speaker:** Quiet, please!

*(Interruptions)*

**Mr François:** *En tous les cas élections Rodrigues nous pe élus!*

This will be a milestone for the Special Education Needs Sector, this new era of digitalisation and connectivity for Rodrigues.

**The Deputy Speaker:** Silence, please!

**Mr François:** Mr Deputy Speaker, Sir, allow me, on behalf of all the people of Rodrigues, to express our appreciations and to thank the Central Government and especially, the hon. Prime Minister, Minister of Finance and Economic Development and all those who are accompanying us for this ground-breaking project.

Coming back to the Bill, what I find interesting, and as a good benchmark from Rodrigues, is that the RCA schools experiences of inclusive special education has proved that the mainstreaming special education is possible with required resources and the right attitude.

To conclude, Mr Deputy Speaker, Sir, it is clear that more investment for special needs teachers is required and thus, there is a need for more funding, for more posts, such as support teachers, therapists and SEN teachers for the benefits of children with disabilities and which could be a promising sector for job creation. Our Republic overall requires more special education teachers with various specialisations, support teachers, paraprofessionals and therapists, among others.

In that regard, I propose that despite the training from MIE, the various authorities must create a pool of special education needs, full-fledged teachers through sponsored training programmes, scholarship, cadetship and internship to HSC school leavers or University graduates.

Mr Deputy Speaker, Sir, there is also a whole sector as per clause 5(1) of the Bill to be developed in terms of early interventions, not only for early childhood special education, but for vocational services at secondary level and adult services as well.

Insofar as Rodrigues is concerned, I will humbly request the Minister of Education to discuss thoroughly with the Regional Assembly as well as the Roman Catholic Education Authority (RCEA) in Rodrigues for a timely alignment of a well-structured Special Needs Education System adapted for Rodrigues and to devise strategies, so that no one of our disabled pupils are left behind together with the vision to achieve education for all. This is perfectly feasible for Rodrigues.

Mr Deputy Speaker, Sir, I concur with the object of this Bill to provide for the establishment of a Special Education Needs Authority, and this entails a paradigm shift from a Charitable Model to a Rights Based Model for special education needs.

Mr Deputy Speaker, Sir, let me thank and congratulate the hon. Minister, Mrs Dookun-Luchoomun, for introducing this Bill. On this note, I thank you for your kind attention.

Thank you.

**The Deputy Speaker:** Hon. Dr. Boolell!

(00.30 a.m.)

**Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes):** Mr Deputy Speaker, Sir, bear with me if, at this late hour, I mistake you for Madam Speaker because at this very early hours of the morning, sometimes we have blurred vision.

Let me remind our friends from both sides of the House that there is no dividing line between them and us on an issue which cuts across and which transcends political barriers. What is the Bill all about? It is about empowerment, doing away with taboo, doing away with stigma and discrimination. The hon. Minister is simply trying to fill the lacuna. There have been several strategic papers prepared by successive Ministers and to me, this Bill is an emanation of those strategic papers. The Minister is right to fulfil the lacuna. What is the message that we have to convey loud and clear to the public? Unfortunately, this Bill has not been a subject of discussion at the bar of public opinion. It should have been widely disseminated. True that a decision was taken to Cabinet almost a month ago and the Minister in her right frame of mind has decided to usher in this Bill. What is it that we need to know to do? We need to convince parents that they have to move their children from home to school. This is what we need to do. This is the very essence of this Bill and once we have been able to go some way - not a long way - to convey that message, I think, half of the battle is won, but we have to reach out and we need to have a better outreach. Now, clause 5 of the Bill makes provision to -

“(n) set up and maintain a database of all special education needs institutions and persons with special education needs;”

If I refer to the replies given by the Minister, we do not even have sizeable number. The fact is we have not been able to reach out and to convince parents of the merits of moving their children from home to school. To do so, we need to provide the relevant infrastructure. We need to make sure that the ultimate objective or one of the objectives is to move children



from home to mainstream school or from home to special education needs schools, and eventually moving them at their own pace to mainstream schools. But to do so, we need to have the means and the resources. Let me tell you, it is easy to introduce a Bill, but we need to make sure that the resources are disbursed. I am going to refer to a paper which was published entitled: 'Norms and Standards for Special Education Needs Schools'. Let us look at the recommended ratios for effective and efficient teaching/learning –

“(i) Teacher: Pupil ratio

The recommended Teacher: Pupil ratio is 1:7.

(ii) Teacher: Assistant Teacher ratio

The recommended Teacher: Assistant Teacher ratio is 2:1.

(iii) Pupil: Carer ratio

The recommended pupil: carer ratio is 15:1.

(iv) Classroom: Caretaker ratio

The recommended Classroom: Caretaker ratio is 8:1.”

Mr Deputy Speaker, Sir, we have subscribed to many Conventions. In fact, we have made pledges not only before our own people or when we talk to journalists just to please them and to say that Government is moving the process and anything said is heard loud and clear by representatives of international organisations. What was the commitment given by this Government? That they would introduce the Disabilities Bill and only the day before, the Vice-Prime Minister, hon. Mrs Jeewa-Daureeawoo, stated in no certain terms that the Children's Bill is in the pipeline. Questions were put. There was a Private Notice Question that was put by the then Leader of the Opposition and one of the sub-questions was: when the Disability Bill will be introduced in the House? What was the reply given by the Vice-Prime Minister, hon. Mrs Jeewa-Daureeawoo?

“As regards part (c) of the question, I wish to inform the House that my Ministry has been actively working on the draft Disability Bill, which aims at promoting and protecting the rights of persons with disabilities, eliminating discrimination against them and incorporating the provisions of the UN Convention on the Rights of Persons with Disabilities. The Attorney General's Office has already given its preliminary vetting in respect of the draft Disability Bill.”

I think there was a question that was put by hon. Ganoo to our good friend hon. Sinatambou, who today has become the biggest defender of this Government. The question was: “(...) whether, in regard to the proposed Disability Bill, he will state the expected date of introduction thereof in the Assembly, indicating if consideration will be given for copy thereof to be circulated to the stakeholders prior thereto”.

Not yet replied, and that question was put a year ago. When, as Ministers of a Government, you commit yourself to introduce Bills which are in line with International Conventions - and when we refer, Mr Deputy Speaker, Sir, to one of the objects of the Special Education Needs Authority, what is clearly stipulated? That the Special Education Needs Authority shall be responsible for the –

“harmonisation and promotion of programmes and policies for the education and holistic development of persons with special education needs, in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.”

Hon. Ganoo was right when he stated that you should have come with these two comprehensive Bills, and it would have subsumed the Bill which is being introduced by the hon. Minister of Education. But one thing, whatever we say has to be implemented. Otherwise, Mr Deputy Speaker, Sir, are we surprised that we had a good hiding from the UN Human Rights Committee? You know the outcome when the Minister of Human Rights appeared before the Committee on the Elimination of Racial Discrimination or the Universal Periodic Review.

Certainly, there were no thumbs up on the human rights issue. That’s why we say we are yet to be an inclusive society. My feeling - and I have said it so many times - is that after 50 years of independence, as an independent nation, we need to set up a constituent assembly to review our Constitution, to do away with what I have just stated, do away with taboo, discrimination and stigma. But what is spelt out in the Constitution? There is nothing which said that the rights of the disabled should be fully protected. I grant you section 16(3) makes a fleeting mention.

And it’s relevant, Mr Deputy Speaker, Sir, because at any one time, anyone of us in this very room or outside will be vulnerable, and we all need to have access to special needs. What is the world’s population with respect to disability? 15% of the world’s population deal with a disability and nearly 200 million between the ages of 10 and 24. Yet, these are

not visible in Government's statistics. Why is it that we feel uneasy with this legislation which is being introduced?

First, with respect to definition of disability. Earlier, hon. Mrs Perraud made mention of social and emotional behavioural disorders or problems. If we do not address this, we are going to alienate sideline and marginalise a sizable number of young children, and you know what the consequences would be. So, I would have expected that the definition of disability would not have been so narrow. Earlier, hon. Sinatambou was referring to intellectual impairment. Intellectual impairment does not mean that you suffer from psychiatric disorder. You may have a psychiatric disorder, but that does not mean that you have intellectual impairment. I do not agree with what he said earlier.

This legislation was also the subject of discussion with some stakeholders. But what about the other stakeholders who were not taken on board but who did express themselves freely years back, 2006, 2008? What did they say, Mr Deputy Speaker, Sir? That there is a need to set up an Authority, but the Authority has to be fiercely independent, has to be autonomous, far from the *mainmise* of any Minister. This is the message that was conveyed. And what has Government done with respect to resources that were available to those who were running and managing special education needs schools efficiently?

Government has deprived them of necessary funding which was being disbursed by the private sector; I have in mind the National Corporate Social Responsibility Fund. And if Government is earnest and there is honesty of purpose, I expect Government to disburse resources akin to the one which is being extended to schoolchildren attending private secondary schools. Bring them at par; because we need to release resources, we need to make sure that these resources are disbursed upfront. I highlighted earlier the cost involved. Either we believe in education for all, either we say that we subscribe to universal declaration and we believe that we need to be a dignified Nation. But if we want to be a dignified Nation, we have to live up to our expectation. Besides disbursement of funds, training of the teachers - and I think hon. Uteem was right to say that there should not be selective training. In fact, there should be over broadening of training. But then, skill those who have had a broad knowledge in specific areas because detection starts early. If you do not detect some malformation, if you do not detect that those children need specific needs before the age of three to five, then you are missing the boat as we say.

What we call first-line doctors or first-line personnel who are there to do the earliest screening have a generic knowledge; they have to be accompanied by specialists, people who have the necessary skills. And when you look at the resources, human resources, dispensing services to the Ministry of Education to attend to children with special needs, you can count on the fingers.

In fact, there is a call from the Ministry to enlist the services of those who have the acumen and who can be involved in early detection. And if you detect those with a mild disability or with severe disabilities earlier, much can be done to usher them smoothly into special needs schools or into the mainstream schools, Mr Deputy Speaker, Sir. Building a few ramps, providing a few pedagogical equipment, this is not holistic or all encompassing means to address the problem. In fact, there is a call for disbursement of sizable resources because we need to train teachers, we need to conduct proper training analysis, we need to conduct research and development. And I ask myself: what is the role of the Mauritius Research Innovative Council? Why is it so far it has not entrusted relevant bodies to conduct research, to assess the needs of parents who are in difficulties, to assess the need as to why parents are reluctant to send their children to special schools? It can be done, but for this to happen, there is a call for synergy, there is a call for genuine partnership between private and public sector. The problem is that Government is giving instruction, Government can show the way, Government can act as an enabler, Government can act as a facilitator, but Government cannot have a strong hold; then, what you are trying to do, you are keeping away those who can deliver, those who are totally committed. I agree, there are some special education needs schools which are inept, which don't use resources judiciously. They can be identified, corrective measures can be taken. There is a call for good governance and sound management. But what signals are we being sent when the Chairperson is going to be appointed by a Prime Minister? You could have sent better signals if, of course, after consultation with the Leader of the Opposition or we could have left it to the President of the Republic, for example, to appoint the Chairperson. Why is it when the Deputy Prime Minister introduced the Radiation Safety and Nuclear Security Bill, there were no dissenting voice? Because there was consultation *à priori*, because relevant resource persons were appointed, because the Director was appointed by the Public Service Commission! Today, what is the Minister doing? Minister will give directives, will give instructions, will impress upon the Board that they have to act accordingly! Had there been an autonomous body, which reflects the views of one and all, of all the stakeholders, the process would have

been moved and many of the objects spelled out in the Bill would have been fulfilled or reached.

So, my appeal to the Minister, to see to it that the four members, who are going to sit on the Board, are representatives of different organisations who are responding to the cause of the special education schools. They have to be a representative of those institutions. The Minister cannot handpick those people, it does no good, this is not good governance, this is not the politics of accountability.

My appeal to the Minister, Mr Deputy Speaker, Sir, is to have a fresh look, to invite all the stakeholders, to convey the message to them that the body will be autonomous, and even if he has to come back with the legislation, subject that there is concurrence of all the stakeholders with respect to preparation of a legislation which become the property of one and all.

Mr Deputy Speaker, Sir, I will highlight the case of a young lady who had a congenital problem and who became blind at the age of 14; she had, what we call, Intra-ocular glaucoma and she became blind at the age of 14. She got her CPE Exam, attended one of the good secondary schools, non-State secondary school. When she became blind, she had to take a sabbatical year, went to Lois Lagesse to learn Braille, the sign language. That girl completed her School Certificate and Higher School Certificate and was admitted to read law at the University of Mauritius. She had to fight tooth and nail to be admitted, she was barred because of her impairment. She graduated, and then, was employed on a temporary basis, then, got engaged and went to lease a flat or to rent an apartment. Again, she was barred. Why, because of her impairment, and today, she is still trying to find a job, despite the fact that there is provision in the legislation for recruitment by the private sector to employ more than 35 %, to recruit at least 3 % of people with special needs. But since charity begins at home, what is Government doing to recruit people with special needs? What is Government doing? We are all responsible, we have been in Government. Tomorrow, we are coming back but, of course, we need to ask what they are doing.

*(Interruptions)*

I am not a dreamer, I turn dreams into reality.

What I am saying, Mr Deputy Speaker, Sir, we need to provide the infrastructure, we need to respond to legislation which we introduce and we have to make sure that the training and employment of disabled person live up to the expectation of disable persons. I can't

understand, for example, why is it that we have closed three units, one in Rose Belle, one is in Flacq and the other one is in Calebasses, which was dispensing vocational training to people who are disabled. This Government has chosen to close those three centres, and now, you want me to believe that this is a caring Government. So, I want the hon. Minister to live up to the expectation of those who are in need because what is good for some, will be good for all of us tomorrow. Either we are a caring nation as signatories to many International Convention, either we live up to the expectation of those organisations or we simply blurt out and don't fulfil any of our commitment.

Mr Deputy Speaker, Sir, I consider this Bill to be an important Bill, but it could have been a much better Bill had there been prior consultation with all stakeholders and had this Bill been a mirror image and a reality of the aspirations of one and all. But, unfortunately, it is far from this reality and I hope the hon. Minister will take the corrective measures.

Thank you very much.

**The Deputy Speaker:** Hon. Members, Madam Speaker will now resume her seat.

*At this stage, Madam Speaker took the Chair.*

**Madam Speaker:** Hon. Mrs Dookun-Luchoomun!

**(00.59 a.m.)**

**Mrs Dookun-Luchoomun:** Madam Speaker, let me start by thanking all hon. Members who have contributed to the debate on this Bill. I must say that when this Bill was brought to the House, I sincerely had the feeling that it would be a Bill that will gain consensus, but I was a bit, I must say, taken aback by the way the Bill was treated. I think hon. Sinatambou rightly pointed out that when such a Bill comes to the House, when we are talking about education, when we are talking about children having special education needs, the attitude, the way we welcome such a Bill should be above party politics.

I was, I must say honestly, taken aback, but then I would like to come now on certain points raised by Members in the House. I must say some Members came up with very valid points, but I would like to spend some time on the points raised by Members of the Opposition.

Let me start with the first Member of the Opposition having taken part in the debate. Hon. Mrs Perraud started by saying that this Bill did not gain consensus outside; the stakeholders were not consulted; that there was a circular letter or an invitation that had gone

to only a few stakeholders, only a few NGOs running schools. I have got, Madam Speaker, with me the list of NGOs who attended the meetings. Of the 41 NGOs that run SEN Schools, all 41 were invited, and 36 NGOs attended the meetings. There were three meetings with NGOs and most probably the hon. Member had taken cognizance of one of the meetings and found that there were only 21 NGOs that were invited.

So, let me, first of all, Madam Speaker, get the records right! 36 NGOs out of the 41 NGOs attended the meetings and all 41 NGOs were invited. Talking about consultations, consultations did not start yesterday. Consultations started as from April 2017 when the expert from India came in and made it a point to meet all NGOs and stakeholders prior to starting working on the strategy and policy of special education needs. So, Madam Speaker, I expected some research work to be done by hon. Members before coming in the Assembly and claiming things that are totally incorrect.

Point number two, Madam Speaker! Hon. Mrs Perraud stated that there will be a *mainmise* of the Minister. Granted! I think hon. Rutnah had got this particular issue cleared, but let me say that on the Board, we have got 13 members and the Minister would be appointing four representatives of NGOs which are hardly my friends or political cronies. NGOs are doing a wonderful work and I think no one here in this House can deny this. And as stated by hon. Dr. Boolell, NGOs are doing something formidable, where the State sometimes – let us be frank about it - could not come forward and offer the services, NGOs have done so. So, having the Minister asking for these representatives from four different NGOs why for? Because we are talking about the different disability groups! So, we want all of them to be represented. This is not party politicking. This is not looking for cronies or political nominees. This is partnership between private and public sector, this is partnership that has been in the system for a long time, and this is recognition of the work done by NGOs, Madam Speaker. So, such types of sweeping statements, *c'est du dénigrement de ma personne en tant que ministre, mais aussi de toutes ces NGOs qui font un travail franchement louable. Et là je reviens sur ce qu'a dit l'honorable Madame Perraud.* That we are talking about children, we do not care for them, that it is as if we are putting them, we are segregating them, *pas du tout!*

And this will lead me to another point raised by hon. Uteem. He raised the question: are we, in fact, talking about inclusion or segregation? Madam Speaker, in this country, every year, the Ministry of Education invites parents having children with disabilities to

come forward and get their children admitted in our primary schools, and this number has been increasing.

In 2010, there were only six children admitted in our primary schools, six children with disabilities. This year, 60 students with disabilities were admitted in Grade I in our primary schools. There is progress being brought in, and this is our outreach. We have been going out; we have been talking to people; we have been trying to canvass parents, to get them to understand that children with disabilities should be sent to school, not kept at home, as it was in the yesteryears; people were scared; parents were worried; parents were ashamed sometimes to let people know that they have someone at home with disability, and this was a wrong notion. We are getting rid of that.

Madam Speaker, when we talk about inclusion - and this is where Members in the House have gone wrong - we are having inclusion, there are students with disabilities in our primary schools and our secondary schools, students with visual impairment, students with hearing impairments in our schools and just as stipulated in the United Nations Convention on the Rights of Persons with Disabilities. We are trying to get them on board and they have access to our schools. And it is only when this access is not possible for one reason or the other that these children are sent to Special Education Needs Schools.

So hon. Uteem was saying that we are encouraging segregation, we are asking parents to send their children to SEN schools. This is not the case. We are asking parents to send their children to our primary and secondary schools and the number is increasing, where providing all types of assisting devices to those children. I can look in my papers and I will tell you the number of computers with magnifier screens, all types of devices being provided for students so as to ensure that they can integrate in an effective and efficient manner in our schools. But what is being said here is this House? That we are promoting segregation. Now, what do I do with the 2,586 students who are presently in SEN schools? Do you mean to say that the State has to turn its back to these children? Don't we have a responsibility vis-à-vis these students? Don't we have to ensure that they are getting the right type of education, the right standard; the quality that is required in the type of education provided to them? Are we not responsible to make sure that the condition, the environment in which they are evolving is proper, right and according to norms? So, this Special Education Needs Authority is coming to address all these issues assuring that we have a proper curriculum, assuring that, wherever required, we have individualised programmes and work schemes for these children. So we are, in fact, doing the right thing.



We are, in fact, taking care of our children, and specially children with special education needs.

So, I think that just saying that ‘Okay, these people are trying to get people nominated on Boards; these people are trying to segregate’. ‘We are encouraging people to keep their children at home or we are encouraging people to keep students in SEN schools and we are against inclusion’ is totally improper and unwarranted for, Madam Speaker. I really feel very sad. I am saddened by the way things have been tackled in this august Assembly. A Bill that has received total support from the stakeholders - I do agree some people are saying that it should not be an Authority, it should be a Council, that we should not be nominating people, they should be democratically elected, how do I ensure that all the different types of, different categories of disabilities are represented? How do I ensure? And we all know power games. We all know how things work out outside. So, as a responsible Government, we are doing what we consider to be right for our children.

Madam Speaker, I have talked about outreach, I have talked about integrated units. I am stating it again and again, as far as possible the students are being accommodated within the regular classrooms, but there are cases where it will be impossible to get the child to be in the normal regular classrooms. Then we have the integrated units. The integrated unit is not ideal inclusion but it is a step towards inclusion. When we talk about the SEN Authority, one of the things mentioned here and acclaimed by some Members of the Opposition is the need for early assessment. This is what the Authority is going to do. And not only will there be early assessment, there will be the monitoring and *l’accompagnement de l’élève* so as to ensure that if the child is ready after some time, then this child could transit to the regular system. So, Madam Speaker, let us be fair, let us be fair not to us here but to these children. Let us take the right decisions bearing in mind their interests.

Madam Speaker, we have been talking about public-private partnership. In my speech, I mentioned it. Partnerships cannot be struck off that easily. The partnership between the State and the private sector for Special Education Needs is a strong one and will be further strengthened by this Bill. I have talked about screening and assessment of learning needs. We have to consider also the pedagogical aspects; what type of systems we have in place and we know that, for the screening purpose, initially, in fact, right now we have a team. We have doctors, parents, social workers, therapists; we have a group of people doing the assessment, but with the Authority, we will be having a proper group of professionals for that. We are trying to move a step forward.

Someone talked about capacity building. Obviously, we cannot talk about education without proper training of trainers. We cannot talk about a good system if we do not come up with a proper system of capacity building. And the MIE - hon. Mrs Monty, in her speech, clearly showed how the MIE has been extremely instrumental in making this happen. But, apart of the MIE, we have been talking about our collaboration with France and Reunion Island, we have been talking about the training of trainers' programme which started last year and which will be over by 2020. So, the work has started and I am not going to talk about the many courses run by the MIE; the post Graduate Certificate in Special Education Needs, the Diploma in Special Education Needs and a series of other certificates.

Now, what are we saying? We are saying that, once the Authority becomes operational, once the registration is done, all the teachers, all the assistant teachers will be given some time, a moratorium for them to be trained and to have, at least, the basic requirements to be able to cater for our children. So, this is what we are doing.

Madam Speaker, hon. Ganoo talked about the definition of disability. The definition that we have taken in the Bill, that we have used, deliberately excludes the word 'mental'. We have used the word 'intellectual' since it encompasses the term 'mental' as part of the international certification and functioning of the World Health Organisation.

Madam Speaker, I think I have canvassed this point sufficiently. Let me now come on the issue of budget/funds. Someone asked me whether the institutions would be able to get donations. Obviously, they can take donations but the Authority will be ensuring that the grant-in-aid provided to the school is being used in an effective and optimal manner, and is being used for what it was intended to.

Now, the Authority will ensure the well-being of the child or the student in that particular institution and will make sure that whatever is being provided to the institution by the State is being utilised properly. Now, if there are other institutions donating money or funds to that particular school or institution, then obviously they will have their own mechanism to ensure that it is being used effectively. So Madam Speaker, so much for the issue of funds.

I was also asked whether the amount of money being provided is sufficient or not. Madam Speaker, in 2013, the State was contributing some Rs52 m. to the SEN sector. When we came in, in 2014, that amount was increased to Rs118 m. In this year's Budget, we have Rs203 m.

So, if we look over the past four years, we move from around Rs52 m. to Rs203 m. this year. It is more than 200% increase. From *R 52 millions* to *R 118 millions*, it is even more than 100%, but from there to Rs203 m., another 100%. I am not saying it is sufficient, I am saying that we are progressing and we still have more to go. I must say that we have a multipronged approach. The Prime Minister and Minister Finance has, from the very beginning, stated that the interest of the child remains one of our prime interest. He came up with the increase in the pension for the children, the invalidity pension. He did away with the age barrier. He did away with the income threshold for eligibility for that particular pension. We came up with a free taxi fare for the students going to pre-primary and tertiary and this is being monitored by the Ministry of Social Security. We came with the scholarship - five scholarships as from last year for students having disabilities for them to pursue their tertiary education. We did not roll our arms and sit from the time we came in, Madam Speaker. We have been working diligently to ensure that there is not only inclusion within schools, but proper integration of people with disabilities in our society. There has been a genuine move towards proper integration.

Madam Speaker, as I said earlier, I believe that the points raised I hope genuinely were not points raised just for political mileage because the work behind this Bill is a work that has been done with much honesty. I must thank my team of officers from the Ministry of Education who have been working on that particular Bill for almost two years now and I must thank the people from the State Law Office as well who have been working with us to ensure that the Bill is ready in time because, Madam Speaker, when we came up with the reform in the education sector, we had mentioned that this reform is one that cuts across all subsectors of the education system. We have said that it is a systemic reform. We have brought the reform in the primary sector, in the secondary sector, we have brought the reform in the tertiary sector, now, we are taking up the SEN sector and we will be coming up very soon with the technical and vocational training sector.

Madam Speaker, I think that I have canvassed this Bill sufficiently, but I would like to say one thing. When I completed my second reading, I had said that I had wished that the debate on this Bill be an edifying one. I had also mentioned that I would have wished this august Assembly to become a platform for advocacy for children and people with special education needs.

The debate has taken the shape that it has had, but I will say one thing, that on this side of the House, we are motivated and we will go further to ensure complete integration

and complete inclusion of children and persons with disabilities and with special education needs.

With this, Madam Speaker, I thank you for your attention.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

*The Special Education Needs Authority Bill (No. XVIII of 2018) was considered and agreed to.*

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

## *Third Reading*

*On motion made and seconded, the Special Education Needs Authority Bill (No. XVIII of 2018) was read a third time and passed.*

## **ADJOURNMENT**

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 27 November 2018 at 11.30 a.m.

**Mr Sawmynaden rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned.

## **MATTERS RAISED**

(1.25 a.m.)

## **CANDOS HILL, QUATRE BORNES, - LANDSLIDE**

**Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes):** Thank you very much, Madam Speaker. My attention has been drawn by the inhabitants of Quatre Bornes, living at Candos Hill, with respect to a landslide which occurred some time back.

They are worried that with impending flash flood, matters could get worse. I have informed the PPS with respect to this issue. I am impressing upon the Minister concerned to do the needful.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will certainly look into the matter and attend to it, Madam Speaker.

**Madam Speaker:** The hon. Member has a second issue, time permitting, I will allow him to raise the second issue. Hon. Bhagwan!

### **ALBION VILLAGE - LAND DRAINAGE**

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** Thank you, Madam Speaker. My plea is to the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands together with the Minister of Public Infrastructure and Land Transport concerning land drainage along the main road of Albion village in front of the *Terre de Paix* which falls under the responsibility of the Minister of Public Infrastructure being a classified road. Can I appeal to the hon. Minister of Public Infrastructure to send officers of the RDA or whichever section of his Ministry to have a site visit and inform the House whether in this year's Budget urgent work can be carried out in view of the forthcoming rainy season?

Also, in the same vicinity, concerning the Crown Land where the habitants were given the portion of land in 2004 and 2005, *il y a une inquiétude de la part des habitants concernant le niveau de terrain de ceux qui y habitent, mais aussi la montée des eaux*. There is urgent work which has to be done. I have been made to understand that the District Council of Black River has some money, about Rs5 m. or Rs6 m., if they do not have, can the Minister, please, intervene through the NDU or the Land Drainage Authority so that this urgent work be carried out before the coming of the heavy rain, in terms of construction of a retaining wall.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Madam Speaker, as regards the site visit, I will organise one with the RDA, it is a classified road, and then, we will follow suit from there. Thank you.

**Madam Speaker:** Hon. Uteem!

### **BEAU- BASSIN - MONKEY INVASION**

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Thank you, Madam Speaker. I would like to raise a matter addressed to the hon. Minister of Agro-Industry and Food Security. It relates to the invasion of monkeys - and this is a very serious issue - where I live in Beau Bassin in the Balfour area. We have been witnessing an increase of herds of monkeys coming into gardens of people and even coming in houses of people and causing a threat to the people, especially the children and also health issues.

But the issue of monkey invasion is not limited to Beau Bassin, even in my constituency, in Port Louis, in Vallée Pitot in the Eidgah area, several of my constituency members have reported cases of monkeys coming in, stealing fruits and even coming in the kitchen and stealing food. So, I would urgently ask the hon. Minister to look into the matter, and then, if need be, come up with a *communiqué* about what people who are facing these problems should do, whether there is a hotline or whether the Ministry will come and take away these monkeys, because it is coming to a stage where it is a threat to the inhabitants.

**The Minister of Agro-Industry and Food Security (Mr M. Seeruttun):** Well, Madam Speaker, this is a problem which is not only limited to the regions mentioned by the hon. Member. In fact, the Department of the Veterinary Services do intervene at times when they are being called upon to address this problem, but it is something which is getting much bigger now and we are looking at ways and means of how to control the population of monkeys.

**Madam Speaker:** Hon. Quirin!

#### **CHEBEL - FOOTBALL GROUND & MUNICIPAL GARDEN**

**Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière):** Merci, Madame la présidente. Ma requête s'adresse à l'honorable vice-Premier ministre et ministre des Collectivités locales, et concerne le très mauvais état dans lequel se trouve le terrain de football de Chebel qui, rappelons-le, est géré par la municipalité de Beau Bassin/Rose Hill. Mais j'attire aussi l'attention de l'honorable ministre sur toute l'insalubrité autour de ce terrain de foot allant du jardin familial au boulodrome ainsi que les gradins. En effet, Madame la présidente, le terrain de football de Chebel qui supposément est en phase de rénovation, depuis janvier de cette année, est toujours indisponible pour les équipes de la région, car les travaux ont été abandonnés par le contracteur qui, paraît-il, après avoir encaissé l'argent qui lui était dû, n'a toujours pas complété les travaux.

Donc, la pelouse étant impraticable, car à certains endroits il n'y a même pas de gazon. Donc, ajouter à cela, comme je l'ai dit précédemment, l'insalubrité des gradins est inacceptable ressemblant beaucoup plus à un dépotoir. Le jardin à côté du terrain de foot n'est jamais entretenu, le boulodrome qui s'y trouve aussi est à l'abandon depuis plusieurs mois déjà et le luminaire, qui permettait aux jeunes et moins jeunes de pratiquer leur sport le soir, est défectueux. J'ai d'ailleurs, Madame la présidente, pris quelques photos que je vais déposer et qui permettra à l'honorable ministre de prendre connaissance. Donc, je fais un pressant appel à Madame la ministre de façon à ce qu'elle voie avec la municipalité, que la municipalité assume ses responsabilités de façon à ce que les travaux reprennent rapidement et soient complétés dans les meilleurs délais.

Donc, je voudrais aussi que l'honorable ministre s'assure qu'un nettoyage complet soit effectué au niveau du jardin, des gradins et tout autour du terrain de foot et que cela se fasse de façon régulière. Je vous remercie.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, with regard to cleaning, I must say that, very often, cases of dumping and damage municipal amenities are reported to the Municipal Council of Beau Bassin/Rose Hill with regard to the municipal garden. These requests are being attended to by the Municipal Council in a timely manner. However I am not aware of this issue. I will certainly look into it.

**Madam Speaker:** Hon. Tarolah!

#### **MELROSE - COMMUNITY HEALTH CENTRE - MEDICAL EQUIPMENT & MEDICINES**

**Mr K. Tarolah (Third Member for Montagne Blanche & GRSE):** Thank you, Madam Speaker. My intervention is addressed to the Minister of Health and Quality of Life concerning the Community Health Centre of Melrose which is found in the building of Melrose Village Hall.

Medical equipment and medicines are being kept in the village hall itself which are causing lots of difficulties for the inhabitants and the councilors to carry out their normal activities in the Village Council. My humble request to the Minister is to, please, do needful to move the Community Health Centre to another building as the village councilors are

coming with new projects, such as indoor gym and zumba classes where they will require more space. Thank you.

**The Minister of Health and Quality of Life (Dr. A. Husnood):** Madam Speaker, I appreciate the problem faced by the villagers there. I will try to look if we can find an alternative place to move the community centre.

**Madam Speaker:** Hon. Osman Mahomed!

#### **JEETOO HOSPITAL - POST-MORTEM EXERCISE**

**Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central):** Thank you, Madam Speaker. I wish to address the Rt. hon. Minister Mentor tonight about post-mortem exercises that are conducted in my Constituency at Jeetoo Hospital, where early burial permits are at times required. But this is not possible after 16:00 hrs because Police Medical Officers are not available at the hospital at that time to conduct the exercise. Corpses together with officers and members of the bereaved families have to go to Victoria Hospital to get the body.

In a previous PQ, hon. Dr. Husnood has said that facilities are available, but the only issue is that Police Medical Officers are not available to conduct the exercises. So, my request to the Rt. hon. Minister Mentor tonight is to kindly request the Commissioner of Police to request the Police Medical Officers to come and conduct the exercises at Jeetoo Hospital, like the case was before in 2008. If I am to refer to a circular or letter MHO/19408/35 Vol. 3, whereby instructions were given to Police Medical Officers, through the Ministry of Health and Quality of Life, to conduct exercises up to 22:00 hrs, albeit be it on call.

So, I thank whoever is going to reply to me to convey to the Rt. hon. Minister Mentor to accede to my request. I thank you.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, I take good note of the issue raised by the hon. Member and will inform the Rt. hon. Minister Mentor accordingly.

**Madam Speaker:** Hon. Abbas Mamode!

#### **PUBLIC OFFICERS – CONFIRMATION OF APPOINTMENT**



**Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East):** Thank you, Madam Speaker. The matter that I would raise this early morning is addressed to the Minister of Civil Service and Administrative Reforms and it concerns public officers. Madam Speaker, we all know that when public officers are recruited, they are employed on a temporary basis and then confirmed after one year in their respective post.

But unfortunately, a batch of MSOs and Medical Health Officers, that is, Doctors, who were employed last June, have not yet been confirmed in their respective duty and this is causing prejudice when they are applying for loan. There are some officers who are applying for study leave. So, please, look urgently into the matter.

**The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon):** Madam Speaker, I take note of the information that the hon. Member is giving me and I will see to it that things are done tomorrow.

**Madam Speaker:** Hon. Mrs Perraud!

#### **RESIDENCE LA CURE – NOISE POLLUTION**

**Mrs A. Perraud (First Member for Port Louis North & Montagne Longue):** Ma question ce matin est adressée au ministre *Mentor*, c'est concernant la situation qui prévaut sur la gare de Résidence La Cure dans ma circonscription. Ce n'est pas la première fois que j'évoque ce problème ici, cela concerne la pollution sonore sur la gare jusqu'aux petites heures du matin, le va-et-vient des voitures, ronflements des moteurs, la musique et aussi le trafic de drogue.

Donc, les habitants ont écrit à tous les députés de la circonscription et ils sont aussi partis au poste de Police Abercrombie pour faire une entrée, mais malheureusement, après ils ont subi des représailles et l'intimidation. Donc, les habitants ont vraiment peur pour leur sécurité. Donc, je demanderai si vous pouvez passer le message au ministre Mentor pour qu'il s'occupe personnellement de cette situation parce que cela s'empire. Merci.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Certainly, Madam Speaker, I will inform the Rt. hon. Minister Mentor accordingly.

**Madam Speaker:** Hon. Lepoigneur !

### **ALBION - RESIDENCE CAMP CREOLE - FLOODING**

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** Merci, Madame la présidente. Ma requête s'adresse au vice-Premier ministre et ministre des collectivités locales et en même temps le ministre de l'Environnement concernant le problème qui surgit à ce chaque saison de pluie à Résidence Camp Créole à Albion.

L'année dernière, pratiquement toutes les maisons qui sont au bord de la rivière ont été inondées et il a même failli y avoir mort d'homme. Sans l'intervention des voisins, une dame aurait péri dans l'inondation. Je sais qu'au niveau des collectivités locales, il y a un montant de 5 millions qui est resté dans le budget. Si ça aurait pu servir à mettre un mur à côté de la rivière pour protéger ces maisons pendant la saison des pluies, donner un peu de confort à ces gens pendant la période des fêtes, et en même temps, du côté de l'environnement, on peut faire le dragage de la rivière pour pouvoir faciliter l'évacuation d'eau. Ce serait souhaitable que ces gens passent une bonne fête de fin d'année.

**The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo):** Madam Speaker, I will look into it.

**Madam Speaker:** Hon. Ms Sewocksingh!

### **CUREPIPE - FORUM MARKET FAIR - SHUTTLE**

**Ms M. Sewocksingh (Third Member for Curepipe & Midlands):** Thank you, Madam Speaker. I would like to raise a matter concerning the Minister of Public Infrastructure, and the matter is related to the operating time of the shuttle that goes to the Forum Market Fair in Curepipe on Wednesdays and Saturdays respectively. Normally, the shuttle starts operating as from 9.00 a.m. Inhabitants are requesting if the shuttle can start as early as possible, around 6.30-7.00, as the market is open at this time.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will raise the matter, Madam Speaker, with the NTA and see what can be done.

**Madam Speaker:** Hon. Henry !

### **SPORTS CLUBS - GRANT**

**Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien):** Mon intervention concerne le ministre des Sports. Il y a une équipe de basket à Mahebourg, les Flippers qui sont champions de Maurice et qui sont en train de faire tout ce qu'ils peuvent

pour récolter des fonds pour aller représenter Maurice au championnat de l'océan Indien aux Seychelles. Je sais que le ministère les a déjà aidés, mais ce n'est pas facile pour eux d'avoir le budget nécessaire pour partir représenter leur pays, parce que ces jeunes ont vraiment fait de gros efforts pour arriver jusque là. Je demande au ministre des Sports de voir comment il peut aider ces jeunes. Je crois qu'il manque seulement R 100,000 pour que ces jeunes puissent partir représenter notre pays. Je demande au ministre des Sports de voir, dans son ministère ou avec des sponsors, comment il peut aider ces jeunes à représenter notre pays, parce qu'ils ont vraiment fait de gros efforts pour être champions de Maurice et malheureusement ils ont du mal pour partir représenter le pays. Merci.

**The Minister of Youth & Sports (Mr S. Toussaint):** Madame la présidente, laissez-moi dire à l'honorable membre que je suis tout à fait conscient de cette situation et que dans le cas des clubs qui sont champions, que ce soit basket-ball, hand-ball, volley-ball ou football, il incombe bien sûr à la fédération et club de trouver leurs sponsors pour aller participer à des compétitions internationales. Toutefois, comme je l'ai annoncé il y a trois semaines de cela, nous venons cette année avec un *scheme* qui vise à donner un *grant* à tous les clubs de première et de deuxième divisions en ce qu'il s'agit de sports d'équipe. Cela n'a pas été le cas depuis plus de 15 ans. C'était seulement les clubs de football qui recevaient un *grant* de chez nous, un *regionalisation grant*, et très bientôt, les autres disciplines aussi vont recevoir un *grant*. Donc, j'espère qu'à ce moment-là, l'équipe des Flippers, que je connais bien à travers notre ami Pascal, pourra utiliser cet argent pour participer à la compétition. Voilà, c'est fait.

**Madam Speaker:** Hon. Dr. Boolell!

#### **BOUNDARY STREET, QUATRE BORNES – CROSS HERE**

**Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes):** Madam Speaker, thank you very much. My attention has been drawn by the inhabitants of Beau Séjour and Père Laval of Quatre Bornes, especially the elderly and the kids are very scared to cross the road for fear of being run over by fast moving vehicles. So, my appeal to the hon. Minister or their appeal to the hon. Minister on my behalf is to see to it that a cross here be constructed near the shopping mall in Boundary Street.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will look into the matter, Madam Speaker.

**Madam Speaker:** Hon. Bhagwan!

## **BEAU BASSIN - METRO EXPRESS PROJECT – COMMERCIAL ACTIVITIES**

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** *I will be very brief, Madam Speaker.* Mon appel s'adresse au ministre Bodha, toujours concernant les gens qui ont subi pas mal de préjudices à la rue Sir Virgil Naz, les petits commerces, mais aussi à Beau Bassin, tout près du rond-point, il y a des petits commerces qui ne fonctionnent plus depuis plusieurs mois. Le ministre a fait état l'autre jour que dans le contrat de Larsen and Toubro, il est mentionné qu'il y a un *scheme* pour ceux qui méritent des compensations en cas de problème. Je fais personnellement un appel au ministre de voir ce dossier et de ne pas laisser ce dossier entre les mains de Metro Express et Larsen and Toubro, car ces petits commerces, ces gens ont subi pas mal de préjudices, pas seulement financiers mais aussi moraux, et que ça dure depuis plusieurs mois et nous sommes presque arrivés à la fin de l'année. Alors, que le ministre puisse rencontrer ces gens et fasse diligence et informer la Chambre à la prochaine occasion.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Madam Speaker, I think what we are going to do is to request all parties to put up a claim and put up a case to Larsen and Toubro, to Metro Express and to send a copy to the Ministry as well. I have learnt today that Larsen and Toubro has, in fact, chosen Patrice de Spéville Chambers to represent them to consider the claims, and Metro Express from its side also will be advised by the State Law Office as per the contract.

**Madam Speaker:** Hon. Henry !

## **PLAINE MAGNIEN – TRAFFIC LIGHTS**

**Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien):** Ma requête s'adresse au ministre des Infrastructures publiques concernant le carrefour de Plaine Magnien, les feux de signalisation qui ne fonctionnent pas. Cela fait au moins trois mois que ça ne fonctionne pas et c'est vraiment très dangereux pour les habitants de Plaine Magnien et des alentours. Je demande ministre de faire le nécessaire pour essayer de faire réparer ces feux de signalisation, s'il vous plaît.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will certainly look into the matter, Madam Speaker.

**Madam Speaker:** Hon. Tarolah!

## **PALMAR PUBLIC BEACH – REHABILITATION WORKS**

**Mr K. Tarolah (Third Member for Montagne Blanche & GRSE):** Thank you, Madam Speaker. My intervention is addressed to the Minister of Social Security, National Solidarity, and Environment and Sustainable Development, responsible for public beaches. It concerns the public beach of Palmar where several works are being carried out, dry filao trees are being cut down and uprooted, but they are left scattered all along the beach.

Secondly, holes have been made at different areas, I think, to erect some kiosks, but the holes are left without securing them and prevent access for public and, thirdly, poles have been fixed with solar pannels and lamps all along the beaches, but due to rust, the lamps are hanging on their own.

So, my humble request to the hon. Minister is to look into these matters urgently, taking into consideration the forthcoming celebration of Gangasnan on 23 November, where huge crowds usually gather along the beach. Thank you.

**The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou):** Thank you, Madam Speaker. In fact, I got advance notice of this problem and I checked. The Beach Authority has already carried out 13 lorry trips of those trees. There are two lorry trips left to be done tomorrow. The holes will be levelled tomorrow, and the two electric poles are going to be repaired tomorrow.

*At 1.46 a.m., the Assembly was, on its rising, adjourned to Tuesday 27 November 2018 at 11.30 a.m.*