



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**TUESDAY 17 MAY 2016**

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Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Technology, Communication and Innovation
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare

Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 07 of 2016**

**Sitting of 17 May 2016**

**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) Report of the Commission of Inquiry on Processes/Practices for Granting of Loans Secured on immovable property and sale by levy of 19 August 2014.
- (b) Performance Audit Reports December 2015 (In Original) on the:
  - (i) “Healthcare Waste Management in Regional Hospitals” - Ministry of Health and Quality of Life.
  - (ii) “Enhancing Employability of Jobseekers” - Ministry of Labour, Industrial Relations, Employment and Training (Employment Division).

**B. Ministry of Energy and Public Utilities –**

The Radiation Protection (Safe Transport of Radioactive Material) Regulations 2016. (Government Notice No. 106 of 2016)

**C. Ministry of Health and Quality of Life –**

The Medical Council (Medical Institutions) (Amendment No. 2) Regulations 2016. (Government Notice No. 107 of 2016)

**D. Ministry of Local Government –**

The Annual Performance Report 2014 of the Local Development Fund.

**E. Ministry of Arts and Culture –**

The National Heritage Fund (Amendment of Schedule) (No. 2) Regulations 2016. (Government Notice No. 111 of 2016)

**F. Ministry of Industry, Commerce and Consumer Protection –**

- (a) The Consumer Protection (Control of Fairs) (Amendment) Regulations 2016. (Government Notice No. 110 of 2016)
- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 14) Regulations 2016. (Government Notice No.108 of 2016)
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 15) Regulations 2016. (Government Notice No.109 of 2016)

**G. Ministry of Social Security, National Solidarity and Reform Institutions –**

The Annual Report 2014 of the National Council for the Rehabilitation of Disabled Persons (NCRD).

**ORAL ANSWERS TO QUESTIONS****CHAGOS ARCHIPELAGO & TROMELIN ISLAND - MAURITIUS  
SOVEREIGNTY**

**The Leader of the Opposition (Mr P. Bérenger)** (*by Private Notice*) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the sovereignty of Mauritius over the Chagos Archipelago and over the Tromelin Island respectively, he will state -

- (a) the exchanges, if any, between Mauritius, the United Kingdom and the United States of America since the Ruling delivered by the United Nations Arbitral Tribunal in March 2015 on the so-called Chagos Archipelago Marine Protected Area and the beginning of this turning-point year 2016, and
- (b) if Government has had time to take up the issue of the sovereignty over the Tromelin Island with the President of the Republic of France since February last.

**The Prime Minister:** Madam Speaker, it has always been the unequivocal stand of Mauritius that the Chagos Archipelago, including Diego Garcia, and the Island of Tromelin form an integral part of the territory of Mauritius.

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

Pursuant to its commitment to ensure that the territorial integrity and sovereignty of Mauritius are fully respected and safeguarded, my Government is sparing no efforts so that Mauritius can effectively exercise its sovereignty on the Chagos Archipelago and the Island of Tromelin.

Madam Speaker, in reply to part (a) of the question, as the House is aware, the Arbitral Tribunal in the case brought by Mauritius against the United Kingdom to challenge



the legality of the ‘marine protected area’ which the United Kingdom purported to establish around the Chagos Archipelago delivered its Award on 18 March 2015.

The Tribunal unanimously held that the ‘marine protected area’ which the United Kingdom purported to establish around the Chagos Archipelago in April 2010 violates international law. It ruled that the United Kingdom had breached its obligations under Articles 2(3), 56(2) and 194(4) of the United Nations Convention on the Law of the Sea (UNCLOS).

In reaching these conclusions, the Tribunal made a number of important findings. Having considered in detail the undertakings given by the United Kingdom to Mauritian Ministers at the Lancaster House in September 1965, the Tribunal found that the United Kingdom’s commitments towards Mauritius in relation to fishing rights and oil and mineral rights in the Chagos Archipelago and its surrounding waters are legally binding. Moreover, the Tribunal found that the United Kingdom’s undertaking to return the Chagos Archipelago to Mauritius when no longer needed for defence purposes is legally binding. The Tribunal went on to hold that the United Kingdom had not respected Mauritius’ binding legal rights over the Chagos Archipelago.

In its Final Observations, the Arbitral Tribunal stated that, I quote -

“It is now open to the Parties to enter into the negotiations that the Tribunal would have expected prior to the proclamation of the MPA, with a view to achieving a mutually satisfactory arrangement for protecting the marine environment, to the extent necessary under a “sovereignty umbrella.”

Following the delivery of the Award, I wrote to the British Prime Minister on 14 April and 14 May 2015 to indicate that Mauritius stands ready to enter into negotiations with the United Kingdom, on the understanding that the latter shall fully respect the rights of Mauritius under UNCLOS and international law.

I also drew the attention of the British Prime Minister to the ruling of the Arbitral Tribunal at paragraph 298 of its Award that, I quote -

“the United Kingdom’s undertaking to return the Chagos Archipelago to Mauritius gives Mauritius an interest in significant decisions that bear upon the possible future uses of the Archipelago. Mauritius’ interest is not simply in the eventual return of the Chagos Archipelago, but also in the condition in which the Archipelago will be returned.”

In view of this ruling of the Tribunal, I have impressed on the British Prime Minister that the United Kingdom cannot take any action in connection with the defence uses of the Chagos Archipelago, including the UK-US agreement in respect of the Chagos Archipelago, without the full prior involvement and consent of Mauritius.

The British Prime Minister replied to me on 09 June 2015, proposing that Mauritius and the United Kingdom engage in discussions on marine conservation matters. He also indicated that the United Kingdom does not accept that Mauritius has any right to be consulted or to join in negotiations between the United Kingdom and the United States about the defence uses of the Chagos Archipelago.

In a letter which I subsequently addressed to the British Prime Minister on 06 July 2015, I pointed out that a constructive engagement on the Chagos Archipelago issue would not be possible with discussions limited only to marine conservation. I stressed that the issue of marine conservation should be addressed in the framework of a broader discussion on the Chagos Archipelago, having regard to the obligations of the United Kingdom under international law, including UNCLOS, as recognised by the Award of the Arbitral Tribunal. I reiterated the stand of Mauritius that any action taken by the United Kingdom in connection with the defence uses of the Chagos Archipelago, including the UK-US agreement in respect of the Chagos Archipelago should be with the full prior involvement and consent of Mauritius. Mauritius has urged that its rights should be expressly recognised in any continuation of the present agreement between the UK and the US in respect of the Chagos Archipelago. I also underscored that the meeting proposed by the UK should be held without prejudice to either country's position on sovereignty over the Chagos Archipelago.

Following a further exchange of correspondence between Mauritius and the United Kingdom, the latter agreed to the holding of a meeting of senior officials from the two countries on 09 November 2015 in London. Another meeting was held on 11 May 2016 in Mauritius. During these meetings, the following issues were discussed -

- (a) interpretation and implementation of the Award delivered by the Arbitral Tribunal in the case of *Mauritius v United Kingdom*;
- (b) protection of the marine environment of the Chagos Archipelago;
- (c) fishing rights of Mauritius;
- (d) oil and mineral rights of Mauritius;

- (e) resettlement;
- (f) UK-US agreement in respect of the Chagos Archipelago;
- (g) submission to be made by Mauritius to the Commission on the Limits of the Continental Shelf in respect of the Chagos Archipelago Region;
- (h) maritime delimitation with the Maldives, and
- (i) the United Kingdom's proposal for the establishment of a bilateral consultative mechanism on marine conservation in the Chagos Archipelago.

Hardly any progress has been made in these two rounds of discussions in view of the differing interpretations of the Award by Mauritius and the United Kingdom. Mauritius considers that the 'marine protected area' purportedly established by the United Kingdom around the Chagos Archipelago is without legal effect under international law and cannot be enforced; this view is not shared by the United Kingdom. Further, the United Kingdom's interpretation of the Award is very, very narrow.

These two rounds of discussions have been held without prejudice to the position of Mauritius and the United Kingdom on the issue of sovereignty over the Chagos Archipelago, including UN General Assembly Resolution 1514 (XV) of 14 December 1960, and to all the rights of either country under international law, including under the UN Charter.

I also wish to point out that prior to the first round of discussions, we made it very clear to the UK side that since Mauritius does not recognise the so-called "BIOT", it could not have any discussions with any representative of the so-called "BIOT". However, there could be discussions with officials from the UK Foreign and Commonwealth Office. Hence, the UK delegation at the two rounds of discussions was led by Dr. Peter Hayes in his capacity of Director for Overseas Territories.

Madam Speaker, immediately before the meeting of senior officials held last Wednesday in Mauritius, I saw Dr. Peter Hayes, Director for Overseas Territories at the UK Foreign and Commonwealth Office and Head of the UK delegation, in my Office.

During that meeting, I pointed out that the United Kingdom had illegally excised the Chagos Archipelago from the territory of Mauritius prior to its accession to independence. I also referred to the undertaking which the United Kingdom had given to Mauritius on several occasions, including during meetings which I have had with my British counterparts in the past, that the Chagos Archipelago would be returned to Mauritius when it would no longer be

needed for the defence of the West. I mentioned that since the Cold War was over and the Soviet Union no longer existed, the UK had to honour its undertaking and could not now contend that the Chagos Archipelago was needed to fight terrorism and piracy as they pretend. I stated that it is totally unacceptable for the UK to keep coming up with new excuses in order not to return the Chagos Archipelago to the effective control of Mauritius. I underscored that if the UK were to honour its promise by returning the Chagos Archipelago to the effective control of Mauritius, this would contribute to completing the decolonisation process of Mauritius and would be a win-win situation for both countries.

In this regard, I requested that the Chagos Archipelago be returned by the United Kingdom to the effective control of Mauritius by a precise date to be agreed upon and proposed that consideration could be given to the joint management of the Chagos Archipelago pending its return to Mauritius. I asked for a reply to be given to my request by the end of June 2016, otherwise Mauritius would take appropriate action at the international level, including at the United Nations. The need for a precise date to be set for the return of the Chagos Archipelago to the effective control of Mauritius was also stressed during the bilateral talks last week.

I wish to point out that during the meeting which I had with Dr. Hayes, I made it very, very clear that Mauritius does not have any objection to the continued use of Diego Garcia as a military base by the United States in the context of an agreement providing for the return of the Chagos Archipelago to the effective control of Mauritius by an agreed date. I indicated to Dr. Hayes that Mauritius was even prepared to grant a sixty-year lease to the United States in respect of Diego Garcia, subject to the payment of a rent.

As regards the resettlement of the Chagos Archipelago, I reiterated to Dr. Hayes our stand that it is only with the Government of Mauritius that the Government of the United Kingdom can discuss that issue since it is the resettlement of Mauritian citizens which is at stake.

Mauritius has conveyed to the United Kingdom that it cannot, on the basis of the ruling of the Arbitral Tribunal at paragraph 298 of its Award, take any internationally lawful decision relating to resettlement without the prior involvement and consent of Mauritius. Mauritius has also made it clear that it cannot participate in a unilaterally determined consultation exercise that imposes consultation under domestic law. The consultation exercise purportedly carried out by the UK Government also envisaged resettlement under

conditions amounting, again, to a gross violation of the most basic human rights of Mauritian citizens of Chagossian origin.

Madam Speaker, following the Award delivered by the Arbitral Tribunal in the case brought by Mauritius against the United Kingdom under UNCLOS, I have also written on 14 April 2015 to the President of the United States to inform him of the Award and to urge him to contribute actively to a rapid settlement of the dispute between Mauritius and the United Kingdom over the Chagos Archipelago and an early return to full legality in accordance with international law. I also expressed the expectation of Mauritius that it should be involved in any negotiations regarding the continued use of Diego Garcia for defence purposes beyond 2016 in view of the Award of the Arbitral Tribunal.

In the bilateral talks between Mauritius and the United Kingdom, Mauritius has asked the United Kingdom to invite the United States to participate in trilateral discussions with Mauritius and the United Kingdom.

Moreover, I urged the United States, in my statement to the United Nations General Assembly last October, to engage in discussions with Mauritius regarding the long-term interest of Mauritius in respect of the Chagos Archipelago. When Dr. Shannon Smith, Deputy Assistant Secretary of State for African Affairs called on the Secretary to Cabinet and Head of the Civil Service last November, the latter reiterated the invitation of Mauritius to the US to engage in discussions with Mauritius.

When Hon. Linda Thomas-Greenfield, US Assistant Secretary of State for African Affairs, called on me last January during her visit to Mauritius, I conveyed to her that Mauritius does not oppose the existence of a military base in Diego Garcia in the context of an agreement that settles once and for all the issue of sovereignty over the Chagos Archipelago.

Madam Speaker, as the House will see, Government has not remained inactive since the first meeting of the Committee on Chagos Archipelago held under my chairmanship on 13 April 2015. During that meeting, views were exchanged with a view to contributing to the development of a strategy by Government for concrete action to be taken at the earliest opportunity.

Madam Speaker, in reply to part (b) of the question, I wish to inform the House that Government will continue to press for the early resolution of the dispute between Mauritius

and France over the Island of Tromelin, in the spirit of friendship and trust which has always characterised the relationship between our two countries.

As the House is aware, pending the settlement of the sovereignty dispute between Mauritius and France over the Island of Tromelin, the two countries reached an agreement in 2010 on the co-management of the Island of Tromelin, without prejudice to the sovereignty of Mauritius over the island.

I propose to take up the issue of sovereignty over the Island of Tromelin with the French President when I next meet him.

However, in the meantime, I have had the opportunity to raise the issue of the sovereignty over the Island of Tromelin with the French Ambassador and other French dignitaries.

When the President of the French National Assembly called on me last month, I urged for the early resolution of the issue of sovereignty over the Island of Tromelin. I also informed the President of the French National Assembly that Mauritius might have to reconsider its position if the French authorities do not show greater interest in moving forward the ratification process of the agreement on co-management of the Island of Tromelin in the French Parliament.

Madam Speaker, I would like to reaffirm the commitment of my Government to ensure that the territorial integrity and sovereignty of Mauritius are fully respected and safeguarded.

**Mr Bérenger:** Madam Speaker, I hope you will give us some time to put our questions. Before I move to the part of the question relating to the UN General Assembly to leave the issue of the arbitration pronouncement behind us, has Government, with its lawyers here and overseas from UK or elsewhere, looked at the possibility or advisability of going back to the Tribunal being given the way the UK is interpreting the pronouncement?

**The Prime Minister:** Well frankly, we have not discussed that because I don't see the need of going back to UNCLOS. The award is there. It is very clear. UK is trying to play hide and seek with us and there is no reason for us to go back to UNCLOS.

**Mr Bérenger:** If I can move on. Can I know whether the Rt. hon. Prime Minister has had the occasion of raising personally with Prime Minister Cameron and President Obama the whole issue of the Chagos, of our sovereignty and so on, especially at last year's

Commonwealth Summit in Malta at the retreat, whether the Rt. hon. Prime Minister had a chance to take that up one to one with Prime Minister Cameron?

**The Prime Minister:** In fact, I tried, but Cameron evaded all the time and I got the signal that he was unwilling to meet me and discuss this matter.

**Mr Bérenger:** The Rt. hon. Prime Minister has informed us that he is given dates and if we don't have agreement by that date, by the end of June, if I heard correctly, the decision is to go to the General Assembly of the UN and then on to the International Court of Justice. Can I know - for the record especially because now we have moved further - why since the last elections there has been no attempt - it's already more than a year back - to re-launch the 2001 initiative which we took when the Prime Minister was Prime Minister, which I took with Foreign Minister Jack Straw, which he took with President Bush, and which I took again a year later with President Bush? Why since the elections there has been no attempt to re-launch that initiative?

**The Prime Minister:** Well, we didn't re-launch that initiative because, in the light of the Award, we have tried to start negotiations with the findings of the Award. I can't say how I could have taken other initiatives and other discussions with the Prime Minister or with the President of the United States. The President of the United States in the past, when I met him and discussed the matter, all the time their excuse was: "Look, we have an agreement with UK. We can't deal with you, you must deal with UK!" That has always been their stand.

**Mr Bérenger:** Now, we have been told that if agreement is not reached - and I hope it is reached - by a given date, we are going to the General Assembly and on to the International Court of Justice. This needs a lot of preparation and planning. Can I know whether Government is targeting the General Assembly of this year or the General Assembly of next year?

**The Prime Minister:** Of this year!

**Mr Bérenger:** This year!

**The Prime Minister:** That's why I have given time limit - end of June.

**Mr Bérenger:** Yes, but the problem is that at the level of the United Nations, to get it on the agenda of the United Nations General Assembly is not that easy. Can I know, therefore, whether - if the target is the General Assembly of this year - we have approached the present Chairperson of the General Assembly, because this is essential?

**The Prime Minister:** Our representative there is doing the needful and I also raised the matter with the Secretary-General of the United Nations when he was visiting us here.

**Mr Bérenger:** There was reference made to the Committee set up on 20 March 2015 with Parliamentarians of all the parties. We met twice and now we hear no more. We did not achieve anything and now we hear absolutely nothing. The Committee has not met for many, many months. Can I know what is the intention of the hon. Prime Minister?

**The Prime Minister:** Well, we are taking the necessary steps. I have explained in my answer and I see no need for such a meeting at this stage. When the need will require, we will certainly meet?

**Mr Bérenger:** Does the hon. Prime Minister plan, whilst this process is taking place at the United Nations, to meet personally with both the UK Prime Minister and the outgoing President, President Obama of the United States?

**The Prime Minister:** Well, I have not made any attempt insofar as the President of the United States is concerned, but the Prime Minister of UK, I have said, he does not want to meet me and discuss this matter. So, how can I?

**Mr Bérenger:** If I can move on to the Tromelin issue. I was a bit surprised to hear and I want to clarify that point because the previous Government had signed an Agreement with France for *cogestion* of Tromelin, but the previous Government withdrew and as the Prime Minister is aware, asked President Hollande to forget about that, now, we are going for sovereignty. Now, when I listened to the Rt. hon. Prime Minister, I have the impression that the issue of *cogestion* is again on. I think I heard the hon. Prime Minister say that he will insist that the procedures be done for the ratification of that Agreement which has already been ratified by Mauritius, but which is before the French Assembly. So, is that idea of *cogestion* still on in spite of the fact that the previous Government had turned a page on that?

**The Prime Minister:** Well, I have said when I answered the PNQ. Being given our friendly relations with France, we are trying by all means to have a friendly settlement of this matter. Since this question of *cogestion* has been ratified by Mauritius, it has to be ratified by the Assembly in France which they have not done and I have made it very clear that if they don't do it within a certain time, then we will consider that this *cogestion* is no longer on and we will take other steps that will be necessary.

**Mr Bérenger:** I am sure the Rt. hon. Prime Minister is aware that, in fact, the previous Government told the French side not to move ahead with ratification of that



Agreement by the National Assembly of France. Can I have confirmation that we have gone back on that, now we are canvassing again for *cogestion* although we gave notice to France that this is behind us?

**The Prime Minister:** Well, if that were so, when I talked to the French people they would have told us that: “Your Government does not want us to go forward.” But they did not tell me that. They have said that they had certain problems, that is why it had been delayed and they are trying to get it through. But, I have pointed out to them that we can’t wait indefinitely.

**Mr Bérenger:** The hon. Prime Minister will allow me to point out that it seems we have been misled because of the *Président* of the French Assembly, Mr Bartolomé, who called on the Prime Minister, as he informed us. But it seems he is not aware that the former Prime Minister of Mauritius informed President Hollande that we are no longer requesting for - it is on record and the hon. Prime Minister referred to that when he replied to my PNQ. This is on record and, therefore, why are we going back with the issue?

**The Prime Minister:** Well, I am not aware that the previous Government has taken such a step.

**Mr Bérenger:** In reference to the Prime Minister’s reply to my PNQ, we better double-check. If I can ask a last question, last but one as usual; when we discussed Tromelin here, on 26 February 2005, the Rt. hon. Prime Minister said that, yes, he will discuss that with the President of Madagascar, the issue of Mauritius claiming sovereignty over Tromelin and Madagascar claiming sovereignty over the four other so-called *îles Éparses*. Now, can I know from the Rt. hon. Prime Minister whether he has discussed that with the President of Madagascar, especially being given that he was in Mauritius the 12 March last year?

**The Prime Minister:** Well, no. I didn’t discuss that.

**Mr Mohamed:** Madam Speaker, may I ask the Rt. hon. Prime Minister, since we have heard that the Prime Minister of the United Kingdom is giving him the run-around and does not want to meet and since we have also clearly heard from all Prime Ministers in history that Mauritius clearly does not recognise the BIOT, why is it, therefore, that the Rt. hon. Prime Minister, in spite of Mauritius not recognising the BIOT, has decided to receive and meet with Dr. Peter Hayes, whom if I am not mistaken, is a Commissioner of the BIOT? Would this not, therefore, in itself implicitly recognise the BIOT by giving *audience* to the Commissioner of the BIOT?

**The Prime Minister:** I made it clear that we made it very clear, we don't recognise BIOT, we are not going to discuss with BIOT. This person is from the Foreign Office and he has come with a delegation of the British Government.

**Mr Ganoo:** Can I ask the Rt. hon. Prime Minister, with regard to the announcement that he has just made of the eventuality of going before the International Court of Justice, whether we have already sought advice from our lawyers and are they agreeable to this course?

**The Prime Minister:** Yes, definitely. We are all along consulting our lawyers here and one who is in UK.

**Mr Bérenger:** I am sure there have been consultations. The Rt. hon. Prime Minister is aware that if we do reach the International Court of Justice, we will have only an advisory ruling. I don't know if the Rt. hon. Prime Minister has looked at the number of advisory rulings that have piled up in the past, Palestine, Sahara, name it, to no effect. Therefore, can I ask the Rt. hon. Prime Minister whilst he will prepare for that action - it must be well prepared - will he agree with me that urgently he should write anew to both of them to explain what we are doing and also seek appointments with both the Prime Minister and the President on that issue?

**The Prime Minister:** Well, that is the only course that is opened to us. I would like to know from the hon. Leader of the Opposition what other course there is. I know that the advisory opinion of the International Court of Justice will not be binding. But, it will have a moral effect on UK and in the United Nations, other countries also will make use of that and we, in every other forum, wherever we will go, we will raise this matter and we will do British bashing on this. They pretend to be freedom lovers, fighters of democracy and justice, but to me it seems, their philosophy is: Might Is Right!

**Madam Speaker:** No other question, hon. Leader of the Opposition? Time is over! Questions addressed to the Rt. hon. Prime Minister! Hon. Members, the Table has been advised that Parliamentary Question No. B/409 with regard to the construction of the market of Central Flacq will now be replied by the hon. Minister of Public Infrastructure and Land Transport. Hon. Sesungkur!

## **MONTAGNE BLANCHE & GRSE - DRUGS PROLIFERATION**

(No. B/395) **Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to drugs, he will state if he has been made aware of an increase in the proliferation thereof in Constituency No. 10, Montagne Blanche and Grand River South East and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the -

- (a) additional measures that will be taken, if any, to curb the incidence thereof, and
- (b) number of arrests effected in connection therewith, over the past two years.

**The Prime Minister:** Madam Speaker, I am informed by the Commissioner of Police that the number of illegal drug cases detected by Police in Constituency No. 10, Montagne Blanche and Grand River South East over the past two years is as follows -

- (i) 87 cases in 2014;
- (ii) 87 cases in 2015, and
- (iii) 35 cases from January to 12 May 2016.

In regard to part (a) of the question, I am also informed that in line with the strategic objectives 2015-2018, the following additional measures are being implemented to fight the drug scourge -

- (a) launching of intelligence-led operations known as “Knock & Roar” aimed at keeping habitual criminals and those frequently engaged in unlawful drug activities under strict watch;
- (b) conducting periodical crack down operations at places where illegal drugs were previously seized;
- (c) posting of young motivated Police Officers in the ADSU with a view to better sensitising youngsters and also to infiltrate any nexus in that age group, and
- (d) the extensive use of Facebook for sensitisation of the population.

In regard to part (b) of the question, I am further informed by Police that over the past two years, 115 persons were arrested in 111 cases.

**Mr Sesungkur:** Madam Speaker, the nation is grateful to the Rt. hon. Prime Minister for the courageous battle he is waging against drugs. Can I ask the Rt. hon. Prime Minister to see to it that the ADSU multiplies its interventions in that region?

**Madam Speaker:** The ADSU multiplies its interventions in the region.

**The Prime Minister:** I have just said of the steps that have been taken. If there are other new ideas that may come up, we will try to put into practice.

**Madam Speaker:** Yes, hon. Mahomed!

**Mr Mahomed:** Thank you, Madam Speaker. The Rt. hon. Prime Minister mentioned that usual drugs traffickers are being tracked, but now the scenario has changed with the incoming of synthetic drug which is being home-made by people who have basic knowledge of chemistry, which is cheap and which is being, even in some places, marketed, let alone in Constituency No. 10, on a door to door basis...

**Madam Speaker:** Don't make a statement! Please, ask your question!

**Mr Mahomed:** What is being done in the light of these new developments in the sector?

**The Prime Minister:** Well, I entirely agree that synthetic drug is more threatening now and it has become very common even with youngsters, kids going to school; as the hon. Member mentioned it is being home-made. Now, can I have a Police officer in each house in this country to keep watch on all the youngsters?

**Mr Ganoo:** But, in fact, the Rt. hon. Prime Minister should have read one of today's papers where it has been mentioned that in a school, school kids have been found with drugs. Can I ask the Rt. hon. Prime Minister to see to it that the authorities target *la population estudiantine* so that we can organise sensitisation campaigns within school premises with regard to the scourge and the devastating effect of synthetic drug, as the Rt. hon. Prime Minister himself just mentioned?

**The Prime Minister:** Well, I will pass it on to the Commissioner of Police. But I must say that the authorities may take whatever steps, sensitisation as much as we can, but the responsibility of parents to me is first and foremost. Parents should know how to educate their children and sensitise them that drugs are something that will be killing in the long term and make the children conscious of the danger of using drugs.

**Madam Speaker:** Last question, hon. Fowdar!

**Mr Fowdar:** Thank you, Madam Speaker. In Goodlands, we have seen that many Police raids fail because the drug traffickers seem to have knowledge of the timing of the raid. Can I ask the Rt. hon. Prime Minister whether he will request the Commissioner of Police to do a sort of reshuffling within the ADSU team?

**The Prime Minister:** Well, I will ask the Commissioner of Police to see to it. I don't know whether the information goes from the side of the Police. But one thing that I have been told is in certain *Cités*, there are people who are being trained, they are called *martins*...

*(Interruptions)*

So, they are placed all along and any arrival of the Police is signalled, message is sent and Police raid is a complete failure. But this is also where society, where people should also be sensitised that they should not allow themselves to be used as *martins*.

#### **PRIVATE SECURITY SERVICES – REGISTERED FIRMS**

**(No. B/396) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the private security services, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of –

- (a) persons presently registered to perform the duties of security guard;
- (b) firms presently registered to offer security guard services, and
- (c) reported cases of breach of the Private Security Service Act, if any, over the past four years, indicating the actions taken in relation thereto.

**The Prime Minister:** Madam Speaker, in regard to parts (a) and (b) of the question, I am informed by the Commissioner of Police that as at to date, 6,433 persons are registered to perform duties of security guard as per section 7 of the Private Security Service Act 2004, and 35 firms are registered to offer private security services as per section 4(1) of the Private Security Service Act 2004.

As for part (c) of the question, I am informed that from 2012 to date, 119 persons and 11 firms have been booked for offences under the Private Security Act.

Action taken in the different cases is as follows -

- (i) in 21 cases, the accused were fined;
- (ii) in six cases, the accused obtained absolute discharge;
- (iii) one case has been dismissed by Court;
- (iv) one case has been struck out by Court;
- (v) three cases are awaiting Court action;
- (vi) 70 cases are still under enquiry;
- (vii) the DPP has advised no further action in 15 cases;
- (viii) in ten cases, caution has been administered upon DPP's advice, and
- (ix) in three cases, the accused have passed away.

Madam Speaker, I wish to inform the House that the Private Security Service Act is currently being reviewed with a view to introducing new provisions for, *inter alia*, better control over the licences of private security services, registration of security guards and setting up of training institutions for trainers. It is also envisaged to put an upper age limit for persons willing to perform duties of security guard. Consultations with stakeholders on the review of the Act are ongoing.

**Mr Baloomoody:** The Rt. hon. Prime Minister has just given a list of the accused. May we know how many companies the licence has been revoked in breach of the Act because all these accused are working for a company?

**The Prime Minister:** Well, I do not have the answer. Since they have already been fined by the Court, I do not think there has been revocation of any licence. I hope I am right in what I am saying.

#### **LOTTOTECH - REVENUE COLLECTED – CONSOLIDATED FUND**

**(No. B/397) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Lottotech, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, for each of the years 2012 to date, information as to the –

- (a) total amount of -
  - (i) betting intake, and

- (ii) revenue collected therefrom which have been credited to the Consolidated Fund, and
- (b) measures that are being taken to discourage betting and gambling.

**The Prime Minister:** Madam Speaker, I am tabling the information requested in parts (a) (i) as regards total amount of betting intake and (a) (ii), in respect of total amount of revenue collected, therefrom, which have been credited to the Consolidated Fund.

As regards part (c) of the question, I wish to remind the House that my Government has taken a series of measures, since 2015, for discouraging betting and gaming, namely –

- (i) there is a total ban on scratch cards: all scratch cards were removed from the market by 30 June 2015;
- (ii) advertising to promote gambling activities has been proscribed: only information regarding results can be communicated to the public;
- (iii) the gaming licence fees and betting taxes have been increased substantially, as stipulated in the 2015/2016 Budget, and
- (iv) the relocation of all gaming houses from city centres to approved designated areas, is in process.

In addition, I am informed that the Gambling Regulatory Authority has already prepared a Roadmap on responsible gambling and will shortly embark on a sensitisation programme for the general public and youth, in particular.

**Mr Uteem:** The Rt. hon. Prime Minister just mentioned about the advertisement which is banned. But wouldn't he agree that despite the ban on advertising, every radio, every week continues to incite people to play by saying that the *cagnotte a augmenté* and, therefore, would the Rt. hon. Prime Minister see to it that there is a complete blackout on all information relating to Lotto, so as not to incite people to gamble if there are no winners in one week?

**The Prime Minister:** Well, I also listen to the radio, and what I have been listening is that they give the result - the numbers - and then they say what is the amount at stake.

*(Interruptions)*

Well, world over, I understand it is like this.

**Mr Ameer Meea:** The Rt. hon. Prime Minister just stated that the relocation process is ongoing. May I ask the Rt. hon. Prime Minister whether sites have already been identified, where are they going to be and what is the time frame because it has been more than a year that this has been announced and, until now, nothing has been done?

**The Prime Minister:** I will ask the hon. Member to come with a specific question on that.

### **POLICE - COUNTER TERRORISM UNIT - OFFICERS**

**(No. B/398) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Counter Terrorism Unit, he will for the benefit of the House, obtain from the Commissioner of Police, information as to the -

- (a) number of officers presently attached thereto, indicating;
  - (i) in each case, the date of appointment and grade thereof, and
  - (ii) if any one thereof has benefitted from any scholarship and, if so, give details thereof, and
- (b) actions being taken for the upgrading thereof in terms of manpower and equipment.

**The Prime Minister:** Madam Speaker, as regards part (a) (i) of the question, the information cannot be disclosed in view of the sensitivity of the issue.

In regard to part (a) (ii) of the question, a training programme for the Counter Terrorism Unit is ongoing. So far, four officers of the Unit have attended training abroad.

As for part (b) of the question, the Government Programme 2015-2019 provides for a re-organisation of the Counter Terrorism Unit together with new mandates. In this respect, a Committee has been set up at the level of my Office to look into the upgrading thereof.

### **BETTING – LICENCE - ISSUE**

**(No. B/399) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to betting, he will, for the benefit of the House, obtain from the Gambling



Regulatory Authority, information as to the number of the new operators who have been issued with a licence therefor since January 2015 to date, in respect of –

- (a) horse racing;
- (b) football match, both overseas and local, and
- (c) other types thereof, indicating in each case the
  - (i) name and address of the licence holder thereof, and
  - (ii) terms and conditions thereof.

**The Prime Minister:** Madam Speaker, with your permission, I shall reply to Parliamentary Question B/399 and Parliamentary Question B/405 together. I am advised that except for Grand' Baie Casino Ltd which has been granted its operator's licence in January 2016 and a licence to operate 50 gaming machines in February 2016, no licences have been issued to any new operator. However, I wish to inform the House that licences have been issued by the Gambling Regulatory Authority to firstly correct injustices and establish a level playing field among existing licensees and secondly, to reinstate some licences following legal advice and after obtaining the necessary clearances.

A football licence to conduct fixed odds betting on foreign football matches, for one principal place of business plus 8 outlets, has been issued to SMS Pariaz Ltd on 14 December 2015. SMS Pariaz Ltd was the only major operator that had been deprived of a football licence, despite the fact that a thorough evaluation process on 9 companies had been carried out in January 2013, wherein the company topped the list and was found fully eligible for obtaining a football licence.

The present Board of the Gambling Regulatory Authority acted in the light of Government's decision dated 16 October 2015 whereby authorisation was given to issue licences to correct injustices and establish a level playing field among existing licensees.

Along the same line, licences for new outlets have been issued to other existing licensees, namely Bosco & Co Ltd, Silversports and Value Plus Ltd.

I also wish to inform that the licences of Empowering People Ltd, Ashley Singh Jankee and Louis Jocelyn Lee Shim have been reinstated. The details are as follows -

The licence of Empowering People Ltd was revoked, on 29 July 2011, on grounds of non-payment of unclaimed winnings to the National Solidarity Fund. The company had

settled its dues to the National Solidarity Fund on 08 April 2011, 46 days after notification by the Gambling Regulatory Authority.

Following the revocation of its licence, the company applied for leave for Judicial Review in front of the Supreme Court. On 25 September 2012, the Supreme Court granted leave to Empowering People Ltd to apply for a judicial review against the decision of the Gambling Regulatory Authority, on the basis as to whether this decision was based on the principle of reasonableness and proportionality.

Thereafter, the Counsel of the Gambling Regulatory Authority appearing in this case, Me Antoine Domingue, advised the present Board, on 07 December 2015, to reconsider the decision of the former Board.

His advice was based on the judgment, in the case on the application of *Daly v/s Secretary of State for Home Department* [2001] UKHL 26, as expounded by Lord Steyn. Me Domingue advised as follows -

“Applying the ‘Daly template’ to the facts of the present matter I am in no doubt that the right balance was not struck by the previous Gambling Regulatory Authority Board when it decided to revoke the applicant’s licence. I view such decision as arbitrary and excessive in the circumstances, as it falls foul of the rule that the means used to impair the right should be no more than is necessary to accomplish the objective. I find arbitrary and excessive in the circumstances to have inflicted the ultimate sanction upon the licensee and its employees and has to all intents and purposes imposed a ‘death penalty’ when a 50,000 rupee fine would have sufficed in the circumstances to accomplish the objective of ensuring that a peripheral condition of the licence should be complied which is incidental and peripheral to the regulation and control of the applicant’s gambling activity.”

Me Antoine Domingue, further, opined that the Board would be well advised to –

“(i) reconsider the earlier impugned decision of the previous Board to revoke the licence; (ii) consider the reinstatement of the applicant’s licence, in terms of the applicant’s letter dated 9 November 2015; and (iii) consider whether the imposition of a fine of Rs50,000 rupees under Section 99(9) of the Act would accomplish the policy and objectives of the Act.”

In view of the above, the Gambling Regulatory Authority sought advice from an independent Law Firm, namely Legis Consult, on the way forward and, on 13 April 2016, the advice of the latter was as follows -

“I am of the view that the Gambling Regulatory Authority may accept the payment of the penalty fee by Empowering People Ltd which payment would be in compliance with the decision of the Gambling Regulatory Authority as conveyed to the Court on 03 March 2016”.

Following that advice, the Gambling Regulatory Authority Board decided to reinstate the licence of Empowering People Ltd for one principal place of business and 5 outlets only and imposed the payment of a fine of 50,000 rupees under Section (99)9 of the Act.

The bookmakers licences of Messrs Ashley Singh Jankee and Louis Jocelyn Lee Shim were reinstated after the Mauritius Turf Club and the Mauritius Revenue Authority provided the necessary clearances. The decision of the Gambling Regulatory Authority regarding these bookmakers was in line with Government decision of 16 October 2015, whereby authorisation was given to consider the re-establishment of the licences of bookmakers, who could not renew their licences within the prescribed time frame for reasons beyond their control.

**Mr Bhagwan:** I listened carefully to the long reply of the Rt. hon. Prime Minister regarding the legal advice of lawyers. Can I know from the Rt. hon. Prime Minister whether his Senior Adviser at his office, Mr Beekarry, is the one who defended these files at the level of the GRA using the name of the Prime Minister and he was mandated by the Prime Minister to defend these cases at the level of the GRA Board?

**The Prime Minister:** Well, I am not aware that my Adviser was Defence Counsel.

*(Interruptions)*

**Mr Bhagwan:** Not only Defence Counsel...

*(Interruptions)*

...he is the Defence Counsel of the financier of the MSM. In the Budget Speech of 2015, at paragraph 187 – “*Nation Zougadère*”, Government clearly defines the policy as follows –

“(...) a total ban on issue of new gaming and betting licences except for casinos, for a period of five years.”

Can I know from the Rt. hon. Prime Minister how does he reconcile the fact that Government took a decision to ban the issue of new gaming licence concerning “*Nation Zougadère*” which they have campaigned during the election and now permits are given to one financier of the MSM, Mr Lee Shim, who is well-known, and also to the company of PPS Boygah after the saga of the Barachois?

**The Prime Minister:** Well, whatever may be our policy, we have to abide by legal advice and we can't go against legal advice because if we go against legal advice and if the party were to take us to Court, we would have had no stand to defend.

**Mr Ramful:** Can I ask the Rt. hon. Prime Minister to confirm that the decision of the Privy Council was to grant leave to Empowering People Limited to challenge the decision of the GRA on the merits and as a result of the GRA's decision to grant the licence straightaway, the matter did not go on merits before the Supreme Court?

**The Prime Minister:** Well, I have just said. The GRA has acted according to legal advice obtained.

**Mr Bhagwan:** We all know that the GRA is chaired by a former MSM candidate, Lawyer Raouf Gulbul. Will the Rt. hon. Prime Minister query whether when the case of Mr Lee Shim was discussed at the level of the GRA, Mr Gulbul declared his interest. I have in my hand - I'll circulate - a judgement of the Supreme Court where Mr Gulbul was the lawyer of ‘*SMS Pariaz*’. In that Board, did he declare his interest?

*(Interruptions)*

**The Prime Minister:** Well, I don't know whether Mr Gulbul was present, whether he took part, unless I get the necessary information.

*(Interruptions)*

Well, the answer is yes, he did not take part.

*(Interruptions)*

**Madam Speaker:** Order! Hon. Bhagwan, you stand up and ask your question!

**Mr Bhagwan:** I circulated a judgement of the Supreme Court and I ask the Rt. hon. Prime Minister to have a look at that judgement. I have one last question, Madam Speaker?

**Madam Speaker:** Yes, it is your question.

*(Interruptions)*

**Mr Bhagwan:** *Qui arrivé? To Avocat toi?*

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** *To ene zavocat toi!*

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, please address the Chair and ask your question!

*(Interruptions)*

Hon. Bhagwan address the Chair and ask your question!

*(Interruptions)*

Order please! Order!

**Mr Bhagwan:** Can the Rt. hon. Prime Minister at least inform the House what action he intends to take in the public interest against the two persons at the head of the GRA, one former MSM candidate, Lawyer Gulbul and his chief adviser who is dealing in the day-to-day process of the GRA, as if they are the owners of the GRA and they are the agents of the MSM instead of Government representatives?

**The Prime Minister:** I just answered. I must make it clear that when I said yes, that Gulbul didn't participate.

*(Interruptions)*

He didn't.

Now, about this last question, what shall I say?

*(Interruptions)*

Gulbul ...

*(Interruptions)*

**Madam Speaker:** Please! Hon. Bhagwan, please mind your language!

*(Interruptions)*

Hon. Bhagwan!

*(Interruptions)*

Hon. Bhagwan, I am talking to you! There should be no threat in this House!

*(Interruptions)*

No threat, please!

*(Interruptions)*

**The Prime Minister:** Well, I would like to point out that Mr Gulbul was a former member of the MMM.

*(Interruptions)*

**Madam Speaker:** Is it your question? It is not your question. It is the question of hon. Bhagwan and hon. Ramful! Okay. Hon. Ramful!

**Mr Ramful:** May I know from the Rt. hon. Prime Minister who were the Counsels appearing for Empowering People Ltd during the negotiations with the GRA?

**The Prime Minister:** Who were the Counsels, I don't know! Come with a specific question!

*(Interruptions)*

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

**Dr. Sorefan:** Thank you, Madam Speaker.

*(Interruptions)*

**Madam Speaker:** Hon. Ameer Meea! Please! You know, I have to decide on who asks the questions. There are two hon. Members who have asked the question, hon. Bhagwan and hon. Ramful. Priority is for them and if ever time permits, then you will be given the floor, otherwise you won't be given the floor.

**Dr. Sorefan:** Thank you, Madam Speaker. The Rt. hon. Prime Minister said as per section 191, total ban, very good, and he said there is no new licences. May I know from the Rt. hon. Prime Minister, we have been hearing empowerment, how come we have a betting company with the name of Empowering Betting Ltd?

**Madam Speaker:** Hon. Dr. Sorefan, please, the Rt. hon. Prime Minister will not be able to answer this question. I don't think this question is admissible.

*(Interruptions)*

**Dr. Sorefan:** The word!

**Madam Speaker:** Sorry, this question is not admissible. Yes, hon. Rutnah!

**Mr Rutnah:** Thank you, Madam Speaker. Can the Rt. hon. Prime Minister be kind enough to provide to the House a list...

*(Interruptions)*

**Madam Speaker:** No. The hon. Member can't question me because I am giving in turn. I know...

*(Interruptions)*

Yes, I know whose turn it is and nobody can decide in my place.

*(Interruptions)*

Did you say if that suits me? Did you say?

*(Interruptions)*

You have to withdraw this! Hon. Mohamed, withdraw this!

*(Interruptions)*

Did you withdraw?

**Mr Mohamed:** I said if you feel offended, I am withdrawing.

**Madam Speaker:** You have to withdraw!

**Mr Mohamed:** I am doing it.

**Madam Speaker:** Yes.

**Mr Mohamed:** Good.

*(Interruptions)*

**Madam Speaker:** Hon. Mohamed, I give each Member a chance to ask a question and each Member in turn. You cannot decide on this! I decide on this!

**Mr Rutnah:** Can the Rt. hon. Prime Minister table a list of licences that have been granted to all operators since 2000 to 2014 so that we can ascertain whether licences were granted on a political bias basis by the last Government?

**The Prime Minister:** I will certainly do that.

**Madam Speaker:** Time is over! The Table has been advised that PQ Nos. B/409 and B/410 have been withdrawn. The Table has also been advised that PQ No. B/431 in regard to

Les Salines Waterfront Development (Neotown) Project will now be replied by the hon. Deputy Prime Minister, Minister of Tourism and External Communications.

#### **FLACQ - MARKET - CONSTRUCTION**

(No. B/409) Mr R. Dayal (First Member for Flacq & Bon Accueil) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the construction of the market of Central Flacq by the National Development Unit, he will state the -

- (a) cost thereof;
- (b) procurement method used therefor;
- (c) name of the contractor therefor, and
- (d) variation costs, if any, indicating the reasons therefor.

*(Withdrawn)*

#### **LALLMATIE - MARKET - CONSTRUCTION**

(No. B/410) Mr R. Dayal (First Member for Flacq & Bon Accueil) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the construction of the market of Lallmatie by the National Development Unit, he will state if -

- (a) a prior planning exercise had been carried out in relation to the site inasmuch as vehicular access thereto is difficult, and
- (b) provision has been made for proper ventilation and lighting thereat and, if not, why not.

*(Withdrawn)*

#### **FLACQ DISTRICT COUNCIL**

##### **- BEL AIR MARKET FAIR & CAPITAL PROJECTS**

(No. B/411) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Local Government whether, in regard to the Flacq District Council, he



will, for the benefit of the House, obtain therefrom, information as to the total amount of funds allocated thereto for the financial year 2015/2016 for capital projects, indicating -

- (a) the number and value of the projects completed as at to date, and
- (b) where matters stand as regards the construction of the Bel Air Market Fair.

**Dr. Husnoo:** Madam Speaker, with your permission, I shall arrange for the information requested for at part (a) of the question to be placed in the Library of the National Assembly. The total amount allocated by the way is Rs12,500,000.

With regard to part (b) of the question, I am informed by the District Council of Flacq that the project for the construction of a market fair on a site near the Bel Air State Secondary School was at a design stage at the Ministry of Public Infrastructure and Land Transport. I am given to understand that the project has been kept in abeyance as there are diverging views between the Village Council of Bel Air, the *Force Vives* and the Members of the Constituency on the choice of the site.

I am informed that several site visits have been effected to identify an appropriate location but as at date none has been finalised.

**Madam Speaker:** Yes, hon. Sesungkur!

**Mr Sesungkur:** Thank you, Madam Speaker. I am sure the hon. Minister must be aware of the plight of the inhabitants of Bel Air and the surrounding areas that this problem has been there for quite a while, for a number of years. I would like to have from the hon. Minister a time frame as to when this project is expected to be completed.

**Dr. Husnoo:** Exactly. Madam Speaker, firstly, I did not want to impose a site on the villagers myself. I thought it was better for me to leave it to the local councillors, to the Member of Parliament in that particular area to decide. But, if eventually, they cannot agree on a site, I will have to decide on something but, I think it is better for me to give them the chance to decide because they know the local situation better than I do. Thank you.

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

#### **MRS S. A. - DEMISE - INQUIRY**

(No. B/412) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Quality of Life whether, in regard to Mrs S. A. who resided at Colonel Barkly, in Beau Bassin, he will state if consideration will be given for the

advisability of setting up an independent inquiry to be presided by a Senior Magistrate following her demise on 25 April 2016 after having attended hospital on several occasions for treatment.

**Mr Gayan:** Madam Speaker, it is not considered advisable to set up an independent enquiry presided by a Senior Magistrate.

I wish to inform the House that, further to the statement I made on 03 May 2016 on this issue, my Ministry carried out an in-depth independent enquiry to look into the case of late patient Mrs S. A.

The enquiry panel was mandated to -

- (a) determine whether there has been any act of medical negligence in the management of the case of late Mrs S. A.;
- (b) look into the processes involved at the level of the laboratory and records department to determine whether the results of the biopsy were delivered in a timely manner;
- (c) identify all shortcomings, make recommendations and propose disciplinary measures, if any, and
- (d) look into the issue of request for SAMU services.

The panel was composed of the following officers, namely -

- (i) Dr. I. Nawoor, acting Regional Health Director, SSRN Hospital;
- (ii) Dr. A. M. Keenoo, Consultant-In-Charge, General Surgery, SSRN Hospital;
- (iii) Dr. A. Mohith, Consultant Oncology, Victoria Hospital;
- (iv) Mr K. Puddoo, Assistant Permanent Secretary, Ministry of Health and Quality of Life, and
- (v) Mrs R. Rampat, Assistant Manager, Human Resources, SSRN hospital.

The Enquiry Committee met all the parties directly concerned with the case including the relatives of late patient Mrs S. A.

In its report, the Committee has concluded that -

- (i) there is no evidence of medical negligence in the management of the case;
- (ii) the processing of the specimens at the Central Health Laboratory, Candos, was within the normal time frame and internationally accepted time frame (2 to 3 weeks);

- (iii) both histopathological results were received by the treating doctors, that is, the surgeon and the oncologist in a timely manner (within 2 to 3 weeks), and
- (iv) the SAMU services responded appropriately as per established protocol.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, since I am sure the hon. Minister is aware of the public uproar concerning this case of the death of late Mrs S. A., would he ask the Medical Officers to enquire upon themselves as to what happened at the level of the Ministry of Health and Quality of Life? I think the population and the people of the region will not accept this. Can I ask the hon. Minister - if he has nothing to hide - if he is agreeable again to consider the request of asking a Senior Magistrate to look into all the issues since Mrs S. A. first attended hospital and the time she was not given an ambulance of the services of the SAMU?

**Mr Gayan:** Madam Speaker, it is important that I make it very clear that the Members of the Committee were not doctors of the hospital where she was being treated. They were all from another hospital. One is the Ag. Regional Head Director and there was also a consultant in charge, senior officers and I believe that they have done what was expected of them. But I must say also I am not aware of any uproar, but I do know that...

*(Interruptions)*

Well, if you listen to radio, you will think that this country has already gone to the dogs.

*(Interruptions)*

**Madam Speaker:** Order!

**Mr Gayan:** Well, anyway we are not protecting any doctor. Let me say, Madam Speaker, that this is a sad case because in November 2013, that particular lady attended the Dr. A. G. Jeetoo Hospital in the Accident and Emergency. She was given treatment in November 2013 and in January 2014, and then she was given an appointment to be reassessed within three months and she didn't attend the hospital. It was only on 29 January 2016, that is, more than 18 months after she had been expected at the hospital that she turned up. These are the records that I have in my file.

**Mr Bérenger:** I read very carefully the statement from the hon. Minister himself. It is shocking the way that cancer patient was treated. I don't find another word. Really shocking! When you read what the hon. Minister himself said, the sequence of events. Now,

Government is not prepared to have an independent enquiry into that case, so that this does not repeat itself. I am sure the hon. Minister is aware that cancer patients go through hell including in that case. Therefore, since Government refuses to have an independent enquiry from a Senior Magistrate or whoever it is; will the hon. Minister, at least - so that we can look at it, have expert advice and take action - lay a copy of the report from that panel on the Table of the National Assembly?

**Mr Gayan:** Well, I have no difficulty in doing that. I will certainly do it in the course of the day. But let me say also, Madam Speaker, that it is because I am fully aware of the plight of the cancer patients that I have, since assuming office, been fighting for a new Cancer Unit to be set up. We are in the process of finalising at least the first phase of the works and we are also rushing to expedite the second phase of work so that we have adequate facilities for all the people who suffer, unfortunately, from cancer. I believe that we are doing whatever we can, but we are in a system where the procurement procedures are lengthy and unfortunately, there is nothing I can do about it. I am doing the best I can in the circumstances, but I wish to give the assurance to the House that we are doing our very best to make sure that we have a state-of-the-art facility within the least possible delay.

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

**Dr. Sorefan:** Madam Speaker, three weeks ago, I mentioned a case here to be answered by the hon. Minister about Mrs R. B. who had undergone a gall bladder surgery and the hon. Minister referred that to the Medical Council. The hon. Minister should know that it is internationally unaccepted that the Ministry of Health and Quality of Life inquires on itself. This is a very pertinent issue. Will he really think about having a Medical Hub in Mauritius and that the Ministry of Health and Quality of Life set up an independent body outside the Ministry of Health and Quality of Life to look on all these cases? The hon. Minister said: "This case is a sad case". Any person who dies is a loved one of a family. They are all sad cases.

**Madam Speaker:** You have made your point, hon. Dr. Sorefan!

**Mr Gayan:** Madam Speaker, there is a procedure whenever there is an allegation of medical negligence. It starts with a departmental inquiry and then if there are grounds, it is escalated to the other body. I am just following what is already in the system, but I am open to any other suggestions. But let me also say, Madam Speaker, there was a survey recently

published in the United States and the third cause of death in the United States is medical errors. So, we are not alone in being concerned about issues of medical negligence.

*(Interruptions)*

I am just saying what was in the States.

**Madam Speaker:** Hon. Bhagwan!

**Mr Bhagwan:** We will expect the report to be laid on the Table of the National Assembly. Can I ask the hon. Minister whether he was made aware of the *calvaire de Mrs S. A.* since the first time she went to hospital in January when she was having other problems, knee problems? Is the hon. Minister satisfied with the way Mrs S. A. was treated, the reply given to her and her husband when they were asking for the medical results, the way the appointments were postponed, the way cancer treatments were given at the hospital and they were not given ambulance? So, is the hon. Minister telling the nation and the people of his own Constituency that he is happy the way things went on since January 2016 and that he is satisfied with the report given by the officers of his Ministry? I am not making politics. This is a serious case and the hon. Minister will have to reply.

**Mr Gayan:** Madam Speaker, I went to see the lady before she passed away on the Sunday. She was at the hospital and then I had news that she had passed away and I went to see the family. I spoke to the family and they told me whatever hon. Bhagwan is saying and I checked. But unfortunately, when somebody passes away, of course, there are lots of emotions. I have said in my Statement what is contained in my file factually. Of course, we can always improve and this is why I want this new Cancer Centre to be set up at the earliest and this is what we are working on.

**Madam Speaker:** Hon. Quirin!

**Mr Quirin:** Madame la présidente, peut-on savoir du ministre s'il compte revoir le protocole qui concerne les activités du SAMU, principalement dans les cas urgents car dans le cas de Madame S. A., elle a fait appel au SAMU qui finalement n'est jamais arrivé? Peut-on savoir s'il compte amender ce protocole?

**Mr Gayan:** Madam Speaker, there is an international norm for Emergency Services like SAMU. We are, in fact, trying to see if we can increase the number of ambulances for SAMU to provide a better service. But then, SAMU has its own protocol. If we change the nature of the protocol, then we may be changing the nature of SAMU. There were

ambulances available, but at the time that the request was made and arrangements were made for the ambulance to go, in between the arrangements being made, the lady had passed away. So, it happened within ten minutes. I said it is an unfortunate case, but the arrangements were made for an ambulance to go from Brown Sequard Hospital.

**Madam Speaker:** Yes, hon. Bhagwan!

**Mr Bhagwan:** Can I know from the hon. Minister - being given that the members of the family were asked to come to the Ministry to give additional information - whether they will be provided with a report of the enquiry panel so that they can assess by themselves and take further action if need be?

**Mr Gayan:** I will be tabling the report, Madam Speaker. So, it will be a public document.

*(Interruptions)*

I am sure the hon. Member....

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, not from a sitting position! If you have something to say, you wait for the hon. Minister to reply and then you stand up and say. Yes, hon. Leader of the Opposition!

**Mr Bérenger:** I have a last question. What has just been said is unfair. I read carefully the Statement from the hon. Minister. We are dealing with somebody who had gone through cancer treatment, who had spent days in hospital with cancer, being treated for cancer. When her family phones and says: "she is dying; we need a SAMU with a doctor". The family is informed that there is no SAMU; they will send an ordinary ambulance without a doctor. And according to his own Statement adding that ordinary ambulance is not available, without indicating how long it would take and the hon. Minister finds that acceptable?

**Mr Gayan:** Well, Madam Speaker, I hate doing politics with a case like this. But I hope also the Opposition does not play politics.

*(Interruptions)*

**Madam Speaker:** Excuse me...

*(Interruptions)*

**Mr Gayan:** What I said...

**Madam Speaker:** Hon. Members, please, be calm and don't get excited! Hon. Members, no Member can threaten another Member.

*(Interruptions)*

He is making his statement, but nobody, no hon. Member can threaten another hon. Member.

**Mr Gayan:** Madam Speaker, what I said was that when SAMU was contacted by the family, the family was explained about the protocol of SAMU. If the Opposition insists, I will table also, Madam Speaker, the transcript of SAMU, whatever took place there, so that everybody knows what took place and what happened, because it was the member of the family who called SAMU, agreed that this was the best thing to get the ambulance, but not SAMU. I will table that also.

**Mr Fowdar:** Madam Speaker, I would like to ask the hon. Minister whether he has carried out a study or survey to see whether the Medical Officers involved in medical negligence, come from a similar academic and professional background?

**Mr Gayan:** I don't have that information, but if you were to come with a substantive question, I will look into that.

**Madam Speaker:** The Table has been advised that PQ B/427 has been withdrawn.

I suspend the sitting for one and a half hours.

*At 1.05 p.m. the sitting was suspended.*

*On resuming at 2.40 p.m. with Madam Speaker in the Chair.*

**Madam Speaker:** Hon. Bhagwan!

#### **TERRE ROUGE/VERDUN LINK ROAD - REHABILITATION WORKS**

**(No. B/413) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Terre Rouge/Verdun Link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand as to rehabilitation works being carried out thereat, indicating the -

(a) cost thereof, indicating the amount thereof paid as at to date and names of the consultants therefor, indicating the fees –

(i) payable thereto, and

- (ii) paid as at to date
- (b) name of the contractor thereof, indicating the amount paid thereto as at to date, and
- (c) expected –
  - (i) completion date thereof, and
  - (ii) date of coming into operation thereof.

**Mr Bodha:** Madam Speaker, I presume that the hon. Member is referring to the works being currently carried out between Ripailles and Valton roundabouts, that is, the ‘Treatment of landslides and remaining roadworks along Southbound carriageway at Ripailles’ Project.

Madam Speaker, I am informed by the RDA that during the implementation of the project ‘Terre Rouge Verdun Link Road’ by COLAS (Mauritius)/COLAS (Madagascar) under the supervision of EGIS BCEOM, several landslides occurred during the period 2010 to 2013 in four specific zones of cuts, namely D4, D5, D6 and D7. Those landslides prevented the completion of the Terre Rouge Verdun Link Road project over a length of 2.7 km, along the Southbound Carriageway towards Ripailles.

During that period of three years, I am further informed that several attempts were made to re-profile the slopes at that time, but given the complexity of the terrain and the high water table, the works could not be completed successfully, hence the decision of the RDA to allocate a separate contract for the treatment of the landslides.

Following an international bidding exercise carried out by the Central Procurement Board, the contract was awarded to Sinohydro Corporation Limited for an amount of Rs762,262.031. The commencement date was 03 October 2014 and the contract period was 457 calendar days, that is, up to 02 January 2016.

I am also informed that, in October 2014, the RDA concurrently appointed a geotechnical expert firm, namely, GETS, as consultant for a consultancy fee of Rs4,523,525.

The assignment of GETS basically comprised the following -

- (i) review of the design worked out by EGIS BCEOM for the proposed treatment of landslides for the four zones, and
- (ii) supervision during construction works.



Madam Speaker, according to the observations of GETS, the tests after the design made by EGIS BCEOM were incomplete as piling details were missing; the specifications were inadequate; and insufficient land was available at zones D5, D6 and D7 for the implementation of the treatment of the landslide problems. A low factor of safety during temporary conditions on site was also observed by GETS. The contractor was thus unable to complete the re-profiling works as per the original scope of works defined by EGIS BCEOM. GETS was, therefore, requested to redesign the zones and carry out additional investigation. The fees were revised and the final consultancy fees amounted to Rs9.7 m.

Madam Speaker, in February 2015, following heavy rainfall, severe cracks were observed at the toe of the mountain slopes in zone D6 which caused a collapse of about two metres. These cracks propagated over a circumference of 80 metres and are located at about 100 metres from the carriageway.

In March 2015, the RDA appointed ARQ (Pty) Ltd to review the new design proposed by GETS and for additional investigations and tests for a consultancy fee was Rand 561,000.

Both consultants agreed to adopt a minimum factor of safety of 1.4 instead of around 1.1 which was adopted by EGIS BCEOM for the slope stability.

Madam Speaker, works were stopped for four months pending the new tests and the design.

As to the progress of works on site today, I am informed by the RDA that, in zone D4, that is, nearest to the Ripailles Roundabout, additional borehole drilling and laboratory tests have been carried out to determine the shear strength parameters. These were required to analyse the re-profiling of the slopes to achieve a higher recommended factor of safety. As at date, all works in zone D4 have been completed.

As regards zone D5, re-profiling has been completed except for road works and the installation of rock nets to prevent loose rocks from falling onto the carriageway. I am informed that the road works will be completed by end of this month. As for the rock nets, they will be completed in December and this section of the Link Road will be opened end of this month.

Concerning zone D6, both geotechnical drilling and geophysical investigations were done. Zone D6 is considered to be the most difficult and vulnerable zone due to the

observance of severe cracks. Land has also been compulsorily acquired to implement the re-profiling works.

Following the investigations carried out by GETS, it was concluded that the bedrock subsurface level caused the slip of soft materials. Additionally, the ground water table was measured regularly together with surface control points to determine the relative ground movements over a period of 12 months. GETS submitted its final design in March this year and re-profiling works have started and are expected to be completed in a few months.

As regards zone D7, that is, the last zone which is closer to Valton, re-profiling works in four sections out of five have been completed. These core holes were drilled in zone D7 to determine the soil strata and the geophysical investigations were extended to this zone. Land acquisition procedures are ongoing. Thereafter, the RDA will enter land and start works soon.

Madam Speaker, with regard to part (a) of the question, I am informed that the project cost is Rs762,262,031. As at date, the amount certified by the RDA is Rs496 m.

As regards part (b) of the question, the consultants are Geotechnical Services Ltd (GETS) and ARQ (Pty) Ltd.

- (i) The fees payable to GETS are Rs9.7 m. - as I have said - and those paid to ARQ (Pty) Ltd. to review the designs of GETS are Rand 561,000.
- (ii) As at date, the amount certified by RDA for payment to GETS is Rs7 m. However, no payment has yet been effected to ARQ (Pty) Ltd. as they have not yet submitted their final report.

As regards part (c) of the question, the contractor is Sinohydro Corporation Ltd and the total amount paid so far is, as I said, Rs496 m.

Concerning part (d) (i), the expected completion is end of 2016 and the expected date of coming into operation of this whole segment of the road will be by the end of the year.

**Mr Bhagwan:** Can I know from the hon. Minister whether he has an idea - because we are lost in so many figures - how much fees exactly will be paid in total to consultants?

**Mr Bodha:** Fees to consultants will be Rs9.7 m. to GETS and 561,000 Rands, so it is about Rs1.2 m. to ARQ.

**Mr Bhagwan:** What I understand from the hon. Minister is that the work has been given to Sinohydro. We have been here in the National Assembly, and he himself has witnessed what we have heard about the past records of Sinohydro Corporation. Can the hon.

Minister, at least, inform the House whether he has discussed with consultants - even for consultants we have doubts, there have been so many and their performance? Can the hon. Minister give the assurance to the nation, the taxpayers, that whatever the country is spending we won't have any problem following so many consultants, and also the topographical situation of the region? It is a very wet region. Won't we have any problem in the coming months?

**Mr Bodha:** I totally agree with the hon. Member. In fact, it is a very difficult and vulnerable terrain and the idea was to master the terrain, to understand the geophysical and geological aspects of the terrain. Now, the whole problem of that section, because what happened in fact, the first project, Madam Speaker, was Rs1.2 billion and when they reached the cuts, they stopped that project and they went on to build the lanes going up towards Ripailles and for two kilometres the cuts were left to themselves and that was the second project. Sinohydro was chosen after a bid by the Central Procurement Board.

I totally agree with the hon. Member as regards consultancy. The problem about this Terre Rouge/Verdun Road, Madam Speaker, I have always said it in this House, is that the consultancy at the very beginning when we started the tests cost 20,000 Euros - Rs800,000 - and it was done in a month and it was on those tests that the design was built. But when we came, we started all the geological tests and we have seen to it that the slopes have been stabilised over twelve months before we have accepted the final design.

The total cost of consultancy is about Rs10 m. for a project of Rs800 m. and I think that we have done the right tests and we have the right design now. Anybody going through this segment can see the works that are being done. We have seen to it that we have the GETS design, we have the ARQ and recently there was a very high level team of engineers who came from South Korea and we took them to that site and they have also said that we are doing the right thing.

**Mr Bhagwan:** Can I know from the hon. Minister, if he can give us some information, that the lane going down where there were cracks when the road was opened initially and then a bypass had been made...

**Mr Bodha:** The embankment failure?

**Mr Bhagwan:** Yes. Can the hon. Minister give us some information about the situation because when we go along this Terre Rouge/Verdun Road we have the impression that that part is left unattended?

**Mr Bodha:** When we had the embankment failure we had to understand why there was a failure and it took us some time. In fact, ARQ did a number of tests over months to see that the embankment stabilises so that it does not move anymore. This is where we have reached. ARQ did the tests and a design, and has proposed us a technical solution, that is, we should have stone columns for about 15 metres into the embankment and then we do the road on top. Then, when the South Korean team came, they proposed a second solution which is a horizontal solution, saying that we remove everything over 20 metres and we fill it horizontally.

In fact, we are going to go most probably on the second solution. The design is going to be ready in two weeks. We are going to call for tender and most probably we are going to have the road repaired by the end of the year. In fact, I am expecting that the whole road with the cuts and the remedial works at the embankment failure will end up by the end of this year.

**Mr Bérenger:** May I know from the hon. Minister how did that South Korean team come in? Was there any tendering procedures? How did they come in? On what basis did they work? How much are they being paid? Are they going to produce a report?

**Mr Bodha:** Well, when I went to Seoul on a conference I met the Minister of Infrastructure there and I told him about the road decongestion programme being carried out in Mauritius. I visited the Korea Expressway which is, in fact, the RDA of Korea and manages 4000 kilometres of motorway. I visited two sites: one was a motorway of 21 kilometres over the sea four-lane and a tunnel of 12 kilometres. Then I requested the Minister whether he could send a high level team of engineers to reassess our project. In fact, I asked them for an opinion about what we are doing and, in the meantime, we have signed a Memorandum of Understanding between the RDA and the Korea Express Corporation. That is where we are as regards the Korean experience.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Mahomed:** Notwithstanding the low fees being tendered by the consultant, namely, Egis BCEOM, would the hon. Minister inform the House whether he finds it normal that a consultant does incomplete works, missing important things like piling on a dangerous slope and whether it is being envisaged to claim damages from the consultant on the professional indemnity insurers because it is not normal that we pay for it?

**Mr Bodha:** Well, Egis BCEOM was chosen by the former regime. That's the first thing.

The second thing is that we have an inquiry today into who is responsible for the embankment failure. In the light of the inquiry, we are going to sue the consultant, the designer and the company which constructed the embankment and suing damages.

**Mr Bhagwan:** Madam Speaker, from what we have gathered - I think it has been widely advertised in the press - there is a close relative of the Chairperson of the RDA, Mr Wong So, who is associated with these Korean experts. Can the hon. Minister give assurance to the House that we will not have any repetition of what has happened on several projects where there has been connivance between people at the very top of the RDA and we know the consultant's reputation?

**Mr Bodha:** In fact, the daughter-in-law of the Chairperson of the RDA is a South Korean, but she has a snack in Grand' Baie, which has nothing to do with the project. But I can reassure the hon. Member and the House that if we go with the South Korean technology, it will have to be the best technology affordable and it will have to be the best in the best interest of Mauritius.

**Dr. Sorefan:** The hon. Minister mentioned Sinohydro during the landslide. May we know from the hon. Minister if there has been any variation cost filed with the RDA on top of the Rs769 m. contract value and what is the estimated cost of this project inclusive of what we paid to Colas by the end we finish with this project to be functional?

**Mr Bodha:** I thank the hon. Member for this question. In fact, we have to know that the Terre Rouge/Verdun Phase I, Madam Speaker, started with Rs1.2 billion and ended up at Rs2 billion. The Terre Rouge/Verdun Phase II was estimated at Rs800 m. and we are going to remain within that budget. What is also important is that we had stopped the works for four months because we did not want the works to continue whilst we were not satisfied that the tests were adequate and the design was the best. Now, we will see whether the Sinohydro will put up a claim for not working for four months – we have told them, but as regards the project *per se*, the budget is going to be the same.

**Madam Speaker:** Last question, hon. Bhagwan!

**Mr Bhagwan:** Madam Speaker, with all the recent accidents which have occurred, can the hon. Minister inform the House whether – on the same land where construction is going on - consideration has been given to the security aspect. We all know about this problem of lightings on the motorways. This Terre Rouge/Verdun road is a very dangerous road. Can the hon. Minister inform the House whether at the same time this question of

security of those driving along, especially at night, is being taken care of, not only lightings, but also road markings and other preventive measures?

**Mr Bodha:** I thank the hon. Member because he has raised some interesting points. As regards the lighting on the motorway, we are discussing with the Ministry of Public Utilities, to see to it that the motorways should be, henceforth, lit by the CEB. So, we are working on this issue.

As regards the road markings, I agree with the hon. Member. The alignment of the Terre Rouge/Verdun road is a very dangerous one. The alignment is such, but we cannot do much. We can correct what we can correct, which we are going to do. We will see to it that the lighting is adequate and that the road markings are done in such a manner that there is road safety along the whole of the link road.

#### **ANSE LA RAIE - YOUTH TRAINING CENTRE - UPGRADING**

**(No. B/414) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Youth and Sports whether, in regard to the Youth Training Centre at Anse La Raie, he will state the -

- (a) amount of money allocated in the current budget for the upgrading thereof, indicating the amount thereof already spent;
- (b) urgent measures being taken for the upgrading of the existing facilities provided thereat in view of the deteriorating state thereof, and
- (c) number of events organised thereat by his Ministry since January 2015 to date.

**Mr Sawmynaden:** Madam Speaker, I am informed that a sum of Rs4.5 m. is allocated in our current budget for the Anse La Raie Youth Training Centre. This sum was meant for the upgrading of dormitories thereat. However, this project has been kept in abeyance as we intend to go ahead with a new full-fledged Residential Youth Training Centre with some sports infrastructure there. My Ministry is presently working on the project requirements.

As regards part (b) of the question, I wish to inform the House that some minor works have been carried out during the course of this financial year to upgrade the basic facilities like kitchen, toilet and bathrooms to enable the use of the yard for youth camping and other youth related activities.

Concerning part (c) of the question, I am informed that a total of 27 activities in terms of adventurous journeys and expeditions have been organised for the period January 2015 to date. All these activities were organised in the context of the Duke of Edinburgh's International Award - Mauritius.

**Mr Rughoobur:** May I know from the hon. Minister - because we have mentioned in the Government Programme, as you rightly pointed out, that there will be a modern Residential Training Centre – what is the status? I would like to know whether the plans are ready and whether a consultant has been appointed. Do you have a time frame as to when works are going to start?

**Mr Sawmynaden:** Actually, there was an issue on the plot of land because a big portion of that land was excised for a hotel promoter who got the land at the back. Now that the Ministry of Housing and Lands has reclaimed all the lands back, my Ministry is working on the potential project that we are going to put there.

**Mr Rughoobur:** Looking at the condition of the site now there, may I ask the hon. Minister to enlighten the House whether he has got a maintenance team within the Ministry to look after the maintenance of the site or whether the Minister proposes to come with the appointment of a separate maintenance department to do the maintenance?

**Mr Sawmynaden:** Actually, we have an in-house maintenance department in the Ministry; they are the one doing the minor works. The Ministry of Environment and Sustainable Development is also giving us a hand since it is a beach front plot of land.

**Madam Speaker:** Last question!

**Mr Rughoobur:** I make a humble request to the hon. Minister to kindly look into these issues and try to ensure that in days and months to come, the site is in a condition so that the youth might be using it for activities in the coming weeks.

**Mr Sawmynaden:** I will definitely look into it.

#### **GRAND'BAIE & POUDRE D'OR - POVERTY ALLEVIATION**

**(No. B/415) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Social Integration and Economic Empowerment whether, in regard to the fight against poverty engaged since January 2015 to date, he will state if a survey has been carried out in Grand Gaube, Camp Carol, Grand Bay and Poudre d'Or Village to assess

the support that is required by the needy families living thereat and, if so, indicate in each case the –

- (a) type of support provided thereto, and
- (b) amount of money spent in connection therewith, excluding the expenditure incurred in respect of the supply of school materials.

**Mr Roopun:** Madam Speaker, I wish to refer to my reply made to Parliamentary Question B/367 of 03 May last wherein the House was informed of the island-wide survey of vulnerable households that was conducted from June to December 2015 with a view to determining their eligibility under the Social Register of Mauritius.

As stated, to date, some 13,174 households, living below the poverty threshold of Rs6,200, and eligible under the Social Register have been identified and the exercise is ongoing.

With this updated database, the Foundation is now in a position to determine the exact needs of these households and provide them with the necessary support in terms of its existing Programmes and services provided by other Governmental institutions.

Madam Speaker, I am informed by the Foundation that, pursuant to this exercise, 1,093 families living in these regions have been found eligible under the SRM.

The detailed profiling and needs assessment of these families is ongoing at the level of the Foundation. This will, no doubt, contribute towards the formulation and execution of targeted interventions, especially in the context of the implementation of the Marshall Plan against Poverty.

Out of the 1,093 families, the Foundation has, so far, received 15 requests for housing support of which 3 are for fully concrete housing units of up to 50 square metres and 12 for the upgrading of the housing units.

Madam Speaker, with respect to parts (a) and (b) of the question, I am informed that from January 2015 to date, the Foundation has provided the following support in these regions –

- (i) Three families living in Grand Gaube have received support for the upgrading of their housing units for a total amount of Rs106,650, and



- (ii) one family residing in Grand' Baie has benefited from a CIS housing unit, costing Rs68,000.

Over and above, I am also informed by the Ministry of Social Security, National Solidarity and Reform Institutions that for the period January 2015 to February 2016, a total amount of Rs772,395 has been paid to the children of the 1,093 families under the Child Allowance Scheme.

Madam Speaker, I wish to inform the House that, pending the completion of the needy assessments, other collaborative initiatives are being pursued by my Ministry and relate first to the implementation of *l'école des parents* for the benefit of NEF beneficiaries around the island including these regions, the modalities of which are being worked in consultation with the Ministry of Gender Equality, Child Development and Family Welfare. Second, the provision of social housing units to eligible landless beneficiaries under the SRM, consultation with the Ministry of Housing and Lands are ongoing on this issue.

**Mr Rughoobur:** Madam Speaker, may I ask the hon. Minister, these few weeks we have got representations from many people in these regions regarding a communication problem. Communication problems meaning that they don't know exactly where they have to go to report, to make application for support and assistance. May I know from the hon. Minister the fact that there were field officers in these regions earlier, it seems that these days even in CAB Offices they are no longer there. May I request the hon. Minister to please look into the matter to ensure that there are adequate field officers within these areas and that there is a proper communication so as they know where they have to go?

**Mr Roopun:** Madam Speaker, I must state that since I assumed office, I created a hotline at my Ministry, the 129 where any beneficiary or any other person wishing to give us information about where there is need for us to intervene can phone. In all CAB offices at least once a week officers of the NEF are present. It may not be on the very day MPs are present for their constituents but they are present in each and every CAB Office at least once every week. In addition to the question of having more field officers, I agree with the hon. Member that there are too little officers in the fields and too many in the offices. Whatever has to be done will be done for a complete revamping of the National Empowerment Foundation, there will be reorientation and also we will try to see how we can render it more effective. In any event our priority should be not just to recruit but to be more efficient.

**Mr Uteem:** I listened carefully to the answer of the hon. Minister and although the question relates to Grand Bay, it's of general application. The hon. Minister mentioned aid that is being given in terms of housing, in terms of financial assistance but I haven't heard anything about empowerment. The National Empowerment Foundation is not a substitution for the Ministry of Social Security. It was meant to empower these people. So, may I know what the National Empowerment Foundation has done since 2015 in the region of Grand Bay and elsewhere to empower these people to get out of poverty?

**Mr Roopun:** Madam Speaker, the question of empowerment is more challenging, it is a process. You don't just come and empower people. There should be education, sensitization and for somebody to be empowered he should, first of all, be willing to be empowered. There have been training courses given to those needy but, at times, you would be surprised, nobody turns up. This is the problem! Whatever employment is being offered in the private sector does not seem to interest the neediest, they are contenting themselves with whatever is being given through social allocation and the first question they ask: "If I take this employment I won't get my pension." The whole problem is to try to educate and empower by different means. That is why we are coming with *l'école des parents*. We are trying to encourage them to send their kids to school so that they can be empowered through education, then there is mobility. It is more complicated but I agree with the hon. Member this should be our main objectives not to assist but to empower.

**Mr Fowdar:** Can I ask the hon. Minister whether he is going to review the threshold for allocation of school materials, the salary in particular to allow more families to benefit from this grant?

**Mr Roopun:** Madam Speaker, this is not within my province. It has a lot of financial implications, but what we are doing actually is that we are trying to cater for the neediest among the needy. I know that this is something which will have to be taken up with the Ministry of Finance so that, if we have the means of course we will do it but it is a question of trying, first of all, to help those in dire need of our support.

**Madam Speaker:** Next question, hon. Rughoobur!

## **INFORMATION COMMUNICATIONS TECHNOLOGY SECTOR**

### **- GROWTH RATE**

**(No. B/416) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Technology, Communication and Innovation whether, in regard

to the Information Communications Technology sector, he will state the annual growth rate thereof over the past five years, indicating the expected growth rate thereof for the current year.

**Mr Sinatambou:** Madam Speaker, according to Statistics Mauritius, the annual growth rate in the Information and Communication Technology Sector, for the past five years, has been as follows -

Year 2011	9.4 %
Year 2012	9.1 %
Year 2013	7.0%
Year 2014	6.6%
Year 2015	7.1%

As regards the forecasted growth rate for the current year 2016, it will, according to Statistics Mauritius, be at 7.2%.

Madam Speaker, as the House may note, there has been a declining trend in the growth rate during the period 2011 to 2014. However, since the new Government came into power, we have seen the beginning of a reversal in the declining trend and the growth rate which was 6.6% in 2014 rose to 7.1% in 2015. It is expected that this trend is called upon to grow further with new measures being proposed such as the availability of ultra-high bandwidth Internet connectivity, the deployment of fibre to the Home Internet connectivity across the island, the forthcoming setting up of 350 Wi-Fi hotspots, the introduction of an open data policy, the launch of a national innovation framework and the setting up of the third fibre optic submarine cable.

**Mr Rughoobur:** Madam Speaker, the hon. Minister mentioned the growth rate for the last five years and we know that it is almost one digit. Can the hon. Minister enlighten the House as to the reason for which before 2010 the double digit growth fell down to one digit during the last five years and what are the measures that have been taken to remedy that?

**Mr Sinatambou:** Well, I don't think I can answer why a two figure growth has come down to one figure during the last five years. What, however, I would like perhaps to take the opportunity to enlighten the House about is that when I first became a Minister in 2005, the then Government wanted to make of ICT the fifth pillar of the economy, but in 2008 when I

was elected as Deputy Speaker of the House, not after being revoked but after resigning, it had already become the third pillar of the economy.

*(Interruptions)*

**Madam Speaker:** Order!

**Mr Sinatambou:** Therefore ...

*(Interruptions)*

**Madam Speaker:** Order!

**Mr Sinatambou:** What is good to know, however, is that it is still the third pillar of the economy.

**Mr Rughoobur:** On the important issue of training and empowerment, may I know from the hon. Minister...

*(Interruptions)*

On the issue of training and empowerment, may I know from the hon. Minister if he can update the House on the setting up of the training academy, the structure, whether it has been set up and whether a manager has been appointed?

*(Interruptions)*

**Madam Speaker:** No crosstalking please!

**Mr Sinatambou:** In fact, coming to this ICT Academy, Madam Speaker, I understand that it has not been a success to say the least, but since the new Government came into place it has set out to actually revamp it. As it is to date, we have tried to, shall I say, solve especially the mismatch between academic skills and the employability of those who have acquired these academic skills.

Therefore, the ICT Academy which is to be revamped will probably have a number of components such as an IBM MEA University course delivery facility. We have already obtained Cabinet's approval to set up an Oracle Centre of Excellence after discussing with Oracle and we already have in the country now a Centre of Excellence from the International Telecommunication Union.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Mahomed:** Thank you, Madam Speaker. Would the hon. Minister be able to tell the House whether he is comfortable at 7.2% growth rate we will be able to create 15,000 jobs that is being catered for in the Economic Mission Statement read by the Rt. hon. Prime Minister last year given that we are losing out on Foreign Direct Investment, only this morning it is said that on the Africa Attractiveness Index we are lagging behind other countries?

**Mr Sinatambou:** Well, although we can never forecast the future with precision, I am however quite comfortable. There are many reasons, but one of the most important is, if I take the BPO sector, the fact that the Business Process Outsourcing sector in 2014 generated a turnover in the world of US\$304 billion. We have been in that sector for many years now. If we can only attract 1% of that sector - we leave 99% of it to the rest of the world - just 1% of it would mean an additional \$3.3 billion to our GDP increasing it by 25%. We only need to get it right and I hope that we will be able to do that.

**Madam Speaker:** Hon. Sesungkur!

**Mr Sesungkur:** Thank you, Madam Speaker. I am sure the hon. Minister is aware that this is one of the key pillars of our economy which can be developed further with a huge potential for growth. But the main complaints that we heard from the operators is that there is a severe mismatch between competence and availability of labour. How the Minister is addressing this issue and what are the plans for the future to develop this sector?

**Mr Sinatambou:** Well, I just explained in an earlier reply that the Ministry and the country at large are aware of that mismatch. How do we address it? There have been three ways up to now. Oracle is a leading world-class professional course deliverer and not later than last week it has agreed to set up a Centre of Excellence in Mauritius. Similarly, when it comes to telecommunications, the International Telecommunication Union (ITU) has six Centres of Excellence in Africa and one of them is now in Mauritius. Last, but not least, for the time being, we are negotiating with IBM for IBM to actually agree to set up an MEA University course delivery facility here. So, I believe that this is what is right for addressing the mismatch.

**Madam Speaker:** Last question, hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. Could the hon. Minister tell us - since we are talking about this mismatch - how many jobs for Mauritians only has this sector created ever since January 2015 and how many job losses have there been ever since January

2015 since we are expecting, as he rightly says and I hope it is true, that we are going to go through better days?

**Mr Sinatambou:** Well, unfortunately the hon. Member will appreciate that I cannot have those facts in view of the question which was put. I will be very happy, however, to look into the matter if he comes up with a substantive question.

**Madam Speaker:** Next question, hon. Dr. Sorefan!

### **RELIGIOUS BODIES - SUBSIDIES**

**(No. B/417) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the religious bodies which have an institution for teaching cultural and religious matters, she will state the names thereof, indicating the procedure followed for the disbursement of subsidies thereto.

**Mrs Dookun-Luchoomun:** Madam Speaker, my Ministry does not provide direct grants or subsidies to religious bodies for cultural and religious activities.

However, fees are paid to persons teaching oriental languages in evening classes run by registered socio-cultural organisations, in a bid to preserve ancestral languages. These classes are held in the evening during weekdays or in some cases, on Saturdays and Sundays. The languages taught are Hindi, Urdu, Tamil, Telugu, Marathi, Mandarin and Arabic.

Payment is effected based on returns submitted by Managers of evening schools after a proper verification and certification carried out by visiting officers who are appointed by the Zonal Directorate in the respective zones.

Allowances are paid to teachers at approved rates and ranges from Rs1000 to Rs2000 per teacher per month on the basis of qualifications held by them. They should each cover at least 12 hours to be paid such an allowance, otherwise they are paid on a pro rata basis. Some Rs22 m. has already been paid this financial year in the form of allowances mainly to about 1,500 teachers.

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

**Dr. Sorefan:** Madam Speaker, the hon. Minister has mentioned they are paid per teacher. Is the hon. Minister aware that in some institutions they are paid, like she said, pro rata which I take it the number of hours? Will she inform the House whether for those who

teach Hinduism and other cultural activities, all payments go to only one person - I will not mention his name - and this person distributes it to the institutions?

**Mrs Dookun-Luchoomun:** No. This is not the case, Madam Speaker, and as I have just mentioned, Hinduism does not fall into this category. There are languages that are taught. I have just mentioned the list of languages taught and the payment is effected to the teachers after verification by the visiting officers of the Ministry, in these respective schools. No payment is effected to a single person as such.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. Hon. Dr. Sorefan has put a question about certain information that circulate in the public and it is clear that there are some *zones d'ombre* which we are happy the hon. Minister is clarifying. I looked at the question which is put by hon. Dr. Sorefan and basically what he is asking for are the names of those people who are receiving those funds. This is what exactly he asked. Now, could the hon. Minister consider the possibility of tabling a complete list since that is what the question asked for?

**Mrs Dookun-Luchoomun:** Madam Speaker, I do not have the list of the names and individuals teaching, but I do have the list of all the evening schools for the different subjects which I am ready to table in the National Assembly.

**Madam Speaker:** Hon. Fowdar!

**Mr Fowdar:** Thank you, Madam Speaker. Can I ask the hon. Minister -the fact that Government gives subsidies to these religious bodies - whether she has got her say to see the content of the courses that are being run so that it excludes extremism or politically motivated?

**Mrs Dookun-Luchoomun:** Madam Speaker, I have just mentioned that my Ministry does not give subsidies to these sociocultural institutions, but pays directly to the teachers running evening classes in languages. Now, the languages taught are according to the courses they normally go for. I do understand that for Hindi there are a number of examinations that are conducted by the Hindi Pracharini Sabha and other examinations leading to the SC and HSC levels. So, there is already a curriculum and they normally go by it and there are no risks of extremism and things of the sort because they are related to the teaching of languages only.

**Madam Speaker:** Last question, hon. Shakeel Mohamed!

**Mr Mohamed:** I thank the hon. Minister for her previous answer to my question that she would table the list, but my question is that - I am getting back to that again - would it be impossible for the hon. Minister to table the list of names because since there are names of people receiving money, and it is not Rs1 m. or Rs2 m., it is quite a lot of money? Now, could we consider, therefore, the list, the names, the details, how much was received for each subject?

**Mrs Dookun-Luchoomun:** Madam Speaker, as I have just mentioned, I am sure that if I get a specific question on the names of the individuals, I will certainly table it in the Assembly, but what I need to mention is that the payment is done to teachers. In fact, we are talking about Rs22 m., but it goes for over 1,504 teachers in more than 649 evening schools and the number of students benefiting from it ranges to 37,330 students. If there are any problems like someone receiving more fees than others, I will certainly look into the matter and we will come back to the Assembly.

**Madam Speaker:** Next question, hon. Dr. Sorefan!

#### **MEDICAL COUNCIL - STUDENTS IN MEDICINE - REGISTRATION**

**(No. B/418) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to the 2013 Examinations held by the Indian Authorities for the screening of Students in Medicine after their pre-registration, he will state-

- (a) the number thereof who sat therefor, indicating the number thereof who have-
  - (i) passed and been registered with the Medical Council and
  - (ii) failed, indicating the number thereof who have nevertheless been registered with the Medical Council and
- (b) why the said Students have been required to sit for the said Examinations after pre-registration as opposed to the practice that obtains in India which requires the Student in Medicine to sit therefor before preregistration.

**Mr Gayan:** Madam Speaker, I assume that the hon. Member is, in fact, referring to the National Board of Examinations of India when he made reference to the Indian Authorities.

I am informed by the Medical Council of Mauritius that at the Medical Registration Examination held on 14 October 2013, out of the seven candidates who took part in the examinations, two of them were successful and were registered as Medical Practitioners.



With regard to part (ii) of the question, I am informed that five candidates failed the examination namely, four Mauritians and one Non-Mauritian. Representations were made by Pre-Registration House Officers to the effect that they will not sit for the examination as no such mention was made in their letters of offer of enlistment of 05 May 2011. Legal advice was sought and subsequently, the four Mauritians who failed the examination were exempted from the examination in line with Regulations made under the Medical Council Exemption from Examinations Amendment No. 2 and they were registered with the Medical Council on 04 February 2014.

All Pre-Registration House Officers who were enlisted by my Ministry prior to 31 December 2013, were exempted from examination for the purpose of registration as general practitioners.

With regard to part (b) of the Question, I wish to inform the House that, in line with section 22 of the Medical Council Act, all those who wish to register as general practitioners by the Medical Council of Mauritius have to satisfy, *inter alia*, the following criteria -

- (i) the Pre-Registration House Officer has to complete to the satisfaction of the Council a pre-registration training of a maximum of 18 months, and
- (ii) he has to pass an examination which is presently being carried out by the National Board of Examiners of India.

However, Regulations No. 2 of 2014 provide exemptions to take such examination in respect of the following –

- (i) all those who establish to the satisfaction of the Medical Council that they are duly registered as general practitioners with the regulatory body of the country where they are practising in medicine immediately before they apply for registration in Mauritius and they have practised as general practitioners for a minimum period of three years in that country, or
- (ii) all those who are registered before 31 December 2013 as pre-registration trainees by any regulatory authority.

I am also informed by the National Board of Examiners that in India the candidates have, in the first instance, to pass the Medical Registration Examination before they are temporarily registered by the Medical Council of India. They have then to undergo a 12-months' training before they are permanently registered as general practitioners.

Madam Speaker, in view of the multiple complaints both from the medical profession and threats received from some Pre-Registration House Officers who do not pass their assessments, I am proposing to review the whole examination set up. In this context, the Medical Council Act will be reviewed to have examinations prior to pre-registration training as it is the case in India.

**Dr. Sorefan:** Madam Speaker, the hon. Minister has said that they do examinations in India before going for the internship and this is not the case in Mauritius. The MoU was in that direction and I don't know why this is not the case in Mauritius, but the hon. Minister said he is going to review. So much the better for the students! May we know from the hon. Minister how come a new MoU was signed with the NBEI when the Supreme Court of India qualified the Medical Council of India to be of deep-rooted corruption which is prevalent among the Council and its members and without forgetting the parliamentary committee of India stating that the Medical Council of India is largely responsible for corruption in health care? How come the hon. Minister signed a MoU with such a corruptive institution?

**Mr Gayan:** Well, the MoU that was signed and the further MoU that will be signed is not with the Medical Council of India. It is with the National Board of Examiners of India.

**Dr. Sorefan:** Yes, but the hon. Minister knows very well that the NBEI is as per the Medical Council Regulations to set up the examination. So, whether you sign it with the NBEI, it is the Medical Council of India!

**Mr Gayan:** No, this is not that case at all. They are two different institutions and we are only dealing with the National Board of Examiners.

### **MEDICAL LABORATORY – QUALITY ASSURANCE**

**(No. B/419) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to the medical laboratories, he will

–

- (a) state the number thereof operating in the private and public sectors respectively, indicating if they are subject to any -
  - (i) internal quality assurance and, if so, indicate under whose supervision the exercise is carried out, and

(ii) external independent quality assurance and, if so, indicate under whose supervision the exercise is carried out, and

(b) table the national health laboratory policy, if any.

**Mr Gayan:** Madam Speaker, as at date 14 medical laboratories, including one in Rodrigues, operate in the public sector and another 33 private medical laboratories are registered by my Ministry.

Regarding part (i) of the question, all medical laboratories, public or private, have to carry out internal quality control on a daily basis and keep records of the results for verification by the authorities. All the activities are supervised by the Officer-in-Charge of the laboratories.

As regards the private sector, the medical laboratories are licensed by the Ministry of Health and Quality of Life pursuant to the Private Health Institutions Act of 1989 and the Regulations made thereunder.

The licence is renewed on a yearly basis after inspection of a team from the Ministry of Health and Quality of Life and after ensuring that they meet all the technical requirements including evidence of internal quality control which is a mandatory requirement.

Regarding part (ii) of the question, both public and private medical laboratories are enrolled for external quality assessment (EQA) on an optional basis. So far six departments of the Central Health Laboratory of my Ministry are enrolled with various external assessment bodies and I am informed that the majority of the private medical laboratories participate in an External Quality Assessment Scheme, under the supervision of the respective Laboratory or Quality Manager.

As regards part (b) of the question, my Ministry obtained the assistance of the World Health Organisation in March 2012 for the purpose of developing a National Health Laboratory Policy and a subsequent National Health Laboratory Strategic Plan for the country. The consultant from the WHO submitted a draft National Health Laboratory Policy Document in April 2012. This document was revised by a Technical Committee at the level of my Ministry and was revisited last year taking into account further developments including the e-health project. A working group has been set up to review the pre-final document and a validation workshop will be held with all stakeholders by mid July 2016 and the final report is expected to be ready by the end of July 2016.

**Dr. Sorefan:** Madam Speaker, from what I heard from the hon. Minister as regards the external independent body, we do not have it, it is by the Central laboratory, if I heard the hon. Minister rightly. Will the hon. Minister really go as per the WHO which I asked if a copy of the policy could be tabled, whether the hon. Minister will go for this and really go for an independent quality assurance institution because Mauritians are getting figures. I am in that field and when people get from a private lab, it as if they copy the result from a book. That is very important to look into it, that is, to set up an independent institution, be it to look for the central lab, the public lab as well as the private lab.

**Madam Speaker:** You have made your point!

**Mr Gayan:** Madam Speaker, I have just mentioned that there is a document which is being finalised and I will certainly suggest this particular point to the committee that will look into that.

**Mr Jhugroo:** Can the hon. Minister inform the House whether each and every medical laboratory all over the island is under the responsibility of a professional Pathologist and, if not, why not, and whether one Pathologist can be responsible for several medical laboratories opened all over the island?

**Mr Gayan:** Well, I am afraid I don't have the answer, but if the hon. Member will come with a substantive question, I will provide the answer.

**Madam Speaker:** Next question, hon. Dr. Sorefan!

## **REPUBLIC OF MAURITIUS & REPUBLIC OF SOUTH KOREA - INFRASTRUCTURAL WORKS - AGREEMENT**

**(No. B/420) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Agreement signed by Government with a South Korean firm in April 2016 for the realisation of infrastructural works, he will state the –

- (a) name and status of the said firm;
- (b) projects earmarked for implementation thereunder, giving details thereof in each case, and
- (c) financial implications thereof.

**Mr Bodha:** Madam Speaker, I have to inform the House that no agreement has been signed between the Government of the Republic of Mauritius and that of the Republic of South Korea for the realisation of infrastructural works.

However, on 05 April 2016, a Memorandum of Understanding (MoU) was signed between the Road Development Authority (RDA) and the Korea Expressway Corporation (KEC). The main objectives of the MoU are to promote technical and institutional knowledge exchange in the field of road and transport, and to collaborate on the implementation of the Road Decongestion Programme (RDP) through close collaboration between the parties.

In fact, when I attended the World Road Congress in South Korea in November last, I asked for a meeting with my counterpart and representatives of the Korea Expressway Corporation, which operates along the same lines as the RDA and manages 4,000 kilometres of expressways, bridges and tunnels since 1968.

KEC has undertaken major projects worldwide in Singapore, Saudi United Arab Emirates, Turkey and some African countries. During my stay, I made a request to see *de visu* the roads, tunnels and bridges which have been constructed by the Korea Expressway Corporation and using the latest state-of-the-art technology.

Consequently, a team of the best engineers from well-established companies in Korea and worldwide came to Mauritius in November last and again in March this year. The final Mission Report which was submitted in April 2016 is being currently examined.

Madam Speaker, with regard to parts (b) and (c) of the question, I have to inform the House that no decision has been taken at this stage.

**Dr. Sorefan:** The hon. Minister has said no agreement has been signed by the Government. Which is the Government? RDA forms part of the Ministry of Public Infrastructure and Land Transport, the Ministry of Public Infrastructure and Land Transport forms part of the Government. It is the Government!

*(Interruptions)*

Well, not the Korean Government. The question is about a Korean firm; as you rightly said, the Korea Expressway Corporation. Will the hon. Minister inform the House whether this is a private company and its main expertise is in toll roads in South Korea and other parts of the world?

**Mr Bodha:** From what I understand, KEC is the regulator, the builder. They are, in fact, responsible for all the roads, tunnels and bridges in Korea since 1968.

**Mr Mahomed:** My question pertains to the Road Decongestion Programme and it is as follows. In the past, we were dealing with Singapore for such matters for two reasons. We are both small island developing States and we both use British standards in our design. So, why Korea? They don't use British standard and they are not small islands, as far as I know. Why South Korea for the Road Decongestion Programme?

*(Interruptions)*

**Madam Speaker:** Hon. Jhugroo!

**Mr Bodha:** The Road Decongestion Programme was not designed by Singapore. In fact, it was designed by South Africa and the consultants were Maynards and they imposed a budget of 34 billion, which we have brought back to 15 billion. That's a first thing. Second is that the Korean technology as regards tunnelling, bridges, bridge separators are among the best in the world today.

**Dr. Sorefan:** The hon. Minister has mentioned about this Korean firm doing the work on advising to remedy the situation at Verdun-Terre Rouge Road, taking action, telling what to do, what not to do. Will the hon. Minister tell us that this MoU was just for that or is it for the Road Decongestion Programme, and if he can table the MoU that has been signed?

**Mr Bodha:** Of course, Madam, we can table the MoU. In fact, what the MoU has done, in fact, is we are proceeding in stages. We have an MoU between the KEC and the RDA. If the Mission Report which has been submitted to us satisfies all the conditions that we want to implement as regards the Road Decongestion Programme, then we will move to a second stage which will be a G to G Agreement.

Madam Speaker, the problem of decongestion in the past, first of all, was by choosing the lowest bidder, we were restrained as regards the technology.

Second, by choosing the lowest bidder, we had the worst consultants. By going that way, we have seen what has happened to the ring road and to the Terre Rouge-Verdun. So, the most important thing for this Government today to be able to see to it that we have the best technology, we have to choose which technology to use as regards tunnelling, bridges, bridge separators. So, that's the question today: which technology are we going to use? We have a Mission Report which has analysed the technical and financial aspects of the Road

Decongestion Programme. They have come forward with a number of innovations, proposals. This is being considered. If we see that technically and financially that's the best option for Mauritius, then we will move to the second stage.

**Madam Speaker:** A last question on this, hon. Dr. Sorefan!

**Dr. Sorefan:** What I heard from the hon. Minister, it looks as if this company has already been in the list to get the tender, G to G, because you are going to study - if you are happy. Will the hon. Minister give an assurance to this House...

**Madam Speaker:** Hon. Dr. Sorefan, this is a matter of opinion. Right! Ask your question!

**Dr. Sorefan:** Will the hon. Minister inform the House that all procedures will be followed, even G to G, not going for a tender in South Korea, if need be?

**Mr Bodha:** All the procedures will be followed. This Government will do everything in all transparency and it will have to be done in the best interest of the country, Madam Speaker. What we have seen in the past: variations, delays in projects implementation, the worst technology, this is not going to happen with this Government, Madam Speaker. We are going to table in this Assembly what we can do and show what can be done as regards the best Road Decongestion Programme.

Madam Speaker, we will go on a G to G if really we feel that this is in the best interest. When the Road Decongestion Programme was decided by the former Government, it cost 34 billion, including the Dream Bridge. When we removed the Dream Bridge, we reviewed all of them. I am going to give one example, Madam Speaker. One tunnel with two lanes under the Signal Mountain was to cost 5 billion with the Maynards under the former Minister and the former Government. One tunnel with two lanes! We are going to construct tunnels with four lanes, not only one, two for less. And, we are going to come here...

*(Interruptions)*

**Madam Speaker:** Who asked for your comments, hon. Jhugroo?

**Mr Bodha:** Madam Speaker, we owe it to the nation that we give the best modern infrastructure at the best price and, if need be, for compliance to the best standards, because standards were mentioned. For compliance to the best standards, we also will come with project management, supervisors, to see that the Koreans or anybody else do what has to be done in the best interest of the country.

## LE BOUCHON VILLAGE – COMMUNITY CENTRE

(No. B/421) **Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Le Bouchon Village, in Constituency No. 12, Mahebourg and Plaine Magnien, he will state if consideration will be given for the setting up of either a Community Centre or a Social Welfare Centre thereat and, if so, indicate when and, if not, why not.

**Mrs Jeewa-Daureeawoo:** I am informed that Le Bouchon Village along with Carreau Acacia, Desplaces, Mon Désert and Camp Bosnie is being presently serviced by Camp Carol Social Welfare Centre. It is accommodated in a centre in the village hall of Camp Carol which operates under the aegis of the Grand Port District Council.

There is also a community centre which is situated at Carreau Esnouf some 4 kilometres from Le Bouchon Village.

The population of Camp Carol, Le Bouchon, Carreau Acacia and Camp Bosnie is around 3,000 inhabitants. As regards Le Bouchon, it has a population of about 800 inhabitants and it is adjacent to Camp Carol. The Village of Le Bouchon is within the catchment area of Camp Carol Village Council.

It is worth noting that I have requested the Social Welfare Division of my Ministry and the Sugar Industry Labour Welfare Fund to carry out a study and to advise on the need of having either a Social Welfare Centre or a Community Centre in the region of Le Bouchon.

**Madam Speaker:** Next question, hon. Uteem!

## MINISTRY OF HOUSING AND LANDS - MR R. A. - RECRUITMENT

(No. B/422) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to Mr R. A. employed at his Ministry, he will state the -

- (a) post occupied, indicating the -
  - (i) qualifications requirements for the post, and
  - (ii) qualifications held by Mr R. A.
- (b) salary and allowances drawn, and



(c) procedure followed for the recruitment thereof.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Madam Speaker, as the House is aware, my Ministry deals with many legal issues including the administration of various legal documents on a daily basis.

Since February 2015, Mr L. A., also known as R. A., Barrister at Law, is employed on contract as Adviser on Legal Issues at my Ministry. Mr L. A. has contributed in the retrieving of more than 400 hectares of undeveloped State land from promoters and in forfeiting deposits and recouping arrears of more than Rs400 m. In all the cases no compensation whatsoever was paid to the promoters. For instance, in the case of a company whereby the lease had been cancelled years back, we are now dealing with the case through mediation and negotiation. No compensation whatsoever will have to be paid to the company.

However, in the past the Government has had to pay damages to the tune of Rs170 m. to a company for erroneous cancellation of the Letter of Intent issued to the company. Furthermore, there were many suspected cases of malpractices whereby State lands were granted to promoters for speculation purposes.

Madam Speaker, Mr L. A. has helped in the implementation of the new policy framework for State land allocation and for the redrafting of all legal documents - this is the job of Mr L. A. - such as leases of State land, Letter of Intent and Letter of Reservation wherein strict time frame is given to lessees for compliance and submission of relevant documents.

Mr L. A. has also conducted a legal audit on suspected cases of malpractices and many cases have been referred to the Police for inquiry. In reply to part (a)...

*(Interruptions)*

**Madam Speaker:** Please don't disturb, hon. Baloomoody! Allow the hon. Vice-Prime Minister to reply and then you will ask your question!

**Mr Soodhun:** I think he is a lawyer, he should know how.

*(Interruptions)*

What *politique*? This is the reply. This is politics? This is the answer to that.

**Madam Speaker:** Hon. Vice-Prime Minister, reply to your question!

**Mr Soodhun:** Okay! I will continue but he should not provoke!

*(Interruptions)*

**Madam Speaker:** You don't have to reply to somebody from a sitting position!

*(Interruptions)*

**Mr Soodhun:** When hon. Jhugroo...

*(Interruptions)*

You have to put order in this sometimes!

**Madam Speaker:** You don't have to reply to a hon. Member from a sitting position!  
Reply!

*(Interruptions)*

**Mr Soodhun:** In reply to part (a) (i) of the question, I wish to inform the House that there is no prescribed scheme of service for Adviser on Legal issues in the Public Service but logically an Adviser on Legal Issues needs to have a legal background and to be a Barrister at Law, entitled to practise law in Mauritius.

With regard to part (a) (ii) of the question, Mr L. A. holds an LLB (Honours) from the University of London and also a Master Degree in Business Administration from the University of Mauritius. He has been called to the Bar in England and Wales and also in Mauritius.

*(Interruptions)*

Mr L. A. is on the Roll as Barrister and is a Member of the Mauritian Bar Association and is qualified to practise law in Mauritius under the Law Practitioners Act 1984.

As regards part (b) of the question, Madam Speaker, Mr L. A. is presently drawing an all-inclusive salary allowance of Rs95,000...

*(Interruptions)*

**Madam Speaker:** Order, please!

**Mr Soodhun:** ...and a monthly travelling allowance of Rs10,200. This all-inclusive allowance includes gratuity...

*(Interruptions)*

**Madam Speaker:** Hon. Baloomoody, please don't provoke!

**Mr Soodhun:** This all-inclusive allowance includes gratuity...

*(Interruptions)*

*Exactement!* Cashable leave, passage benefits and end of year bonus is included in the Rs95,000.

*(Interruptions)*

With respect to part (c) of the question, I wish to inform the House that as the case for almost all advisers, current and past, his appointment was made pursuant to section 89 (3) (h) of the Constitution and sections 13.4(ii) and 13.6 of the PRB. Recommendation for the appointment of Mr L. A. was made to the Prime Minister through the Secretary to Cabinet and the Head of the Civil Service.

Madam Speaker, the Adviser on legal issues is contributing significantly to the "*bon déroulement*" of my Ministry within legal parameters and believe me "*c'est terminé la braderie de terrain de L'État*" since 2015.

*(Interruptions)*

**Madam Speaker:** Hon. Uteem!

**Mr Uteem:** Thank you, Madam Speaker. May I know from the hon. Vice- Prime Minister whether the main reason why this gentleman, who has less than four years call at the Bar, has been retained at a salary of Rs95,000 and, I quote, it is reported because he was -

*"un des Campaign Managers de l'Alliance Lepep dans la Circonscription*

*Numéro 1 » ?*

*(Interruptions)*

**Mr Soodhun:** So, what is wrong? He is an LLB! He is all that...

**Madam Speaker:** Don't get excited, please calm down!

**Mr Soodhun:** I agree...

*(Interruptions)*

...but he should know, he is also a Barrister. So, the Barrister has no rights, even his agents? How many in 2000...

*(Interruptions)*

Let me tell you, Madam Speaker, in 2000 I was Minister and do you know how many of our agents in the MMM/MSM were appointed?

*(Interruptions)*

Today it is a miracle?

*(Interruptions)*

**Madam Speaker:** Okay. Yes hon. Uteem!

*(Interruptions)*

Order, please! Order!

*(Interruptions)*

**Mr Uteem:** Thank you, Madam Speaker.

*(Interruptions)*

I heard the...

*(Interruptions)*

I heard the hon. Vice-Prime Minister's answer as to the scheme of duty and what this hon. gentleman does. May I know from the hon. Vice-Prime Minister whether it is part of the scheme of duty of Mr L. A. to accompany the Vice-Prime Minister to a Police station to give a declaration of a personal nature or was the Vice-Prime Minister only getting a free ride at the expense of taxpayers' money?

**Mr Soodhun:** *Pe servi Raffick Goolfee pour proxy!* Let me give the answer. So far, Mr L. A. has not represented any client at the level of Police inquiry. It is the responsibility of Mr L. A. to abide by the code of ethics of the Barristers with regard to employment as a Barrister and he can go and check at the Central CID whether he has been attending any for me or any other person. I can challenge...

*(Interruptions)*

**Madam Speaker:** Hon. Osman Mahomed!

*(Interruptions)*

**Mr Soodhun:** I can challenge!

*(Interruptions)*

**Mr Mahomed:** Thank you...

*(Interruptions)*

Thank you, Madam Speaker. My question pertains to what the hon. Vice-Prime Minister just mentioned, reclaiming of 400 hectares of land that were leased to developers and the question is as follows: how many Court cases are we being faced firstly and, secondly, has the legal advice that has been tendered by Mr R. A. been approved by Government Legal Adviser, I mean the State Law Office, because the last thing we would want to have at our hands is a hefty bill for Government to compensate those land owners?

**Mr Soodhun:** I will ask the hon. Member to be patient, he is going to see because a lot of cases have been referred to the Central CID and also to the ICAC and the results will come in very soon; it depends on the DPP to decide. If the hon. Member comes with a substantive question, I am going to give him all the details. In the first part of my answer, I have given details on how many works have been carried out by Mr R. A. as Legal Adviser.

**Mr Ameer Meea:** In his reply, the hon. Vice-Prime Minister stated that, under Mr R. A., his Ministry has recouped more than 400 *hectares* of land from promoters who had not developed their land. Is he ready to table a list of these 400 *hectares* of land, where these lands are and what extent are these lands?

**Mr Soodhun:** I will ask the hon. Member to contact our website and he will get all the information. I have no objection for that.

**Mr Rutnah:** Can the hon. Vice-Prime Minister state to the House whether he can provide or table a list of all the Advisers who were attached to the Ministry since the year 2000 and whether since the year 2000 to now any other Advisers have, in the past, recovered 400 acres of land and whether post the appointment of Mr L. A. damages to the tune of Rs170 m. have been paid?

**Madam Speaker:** Hon. Rutnah, the first part of your question is not admissible because it does not relate to the main question. Now, if the hon. Vice-Prime Minister wants to reply to the other question, he can do so.

**Mr Soodhun:** In fact, I will say that it has never happened that such a wonderful job had been done at the Ministry. It is not a secret, we have it every day; one can read on the

newspapers. Let me give the details not for the year 2000, but, at least, for the previous five years. They were –

- Mr Marie Jean-Claude Fleury, Special Adviser to the Minister;
- Mr Ziyad Issack, Special Adviser on information matters;
- Mrs Goolam Maria Sookeechan, Adviser on matters relating to housing states;
- Mr Abdul Rashid Odally, Adviser on housing matters, and
- Mrs Rouksanee Moosun, Adviser in Public Relations Unit.

*(Interruptions)*

Madam Speaker, they did not need a legal adviser because they have a *braderie*, a *festival de la terre*, but today we have stopped all these.

*(Interruptions)*

**Madam Speaker:** Hon. Bhagwan, do not provoke anybody, please!

#### **SUPER CASH BACK GOLD SCHEME & BRAMER ASSET MANAGEMENT - GOVERNMENT-OWNED ENTITIES - REFUND**

(No. B/423) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the policy holders of the Super Cash Back Gold Scheme and of Bramer Asset Management, he will, for the benefit of the House, obtain from the National Property Fund Ltd., a list of the Government-owned entities and related pensions funds which are not eligible to receive any refund or debenture therefrom, indicating in each case the -

- (a) name thereof;
- (b) reasons therefor, and
- (c) amount invested therein.

*(Withdrawn)*

#### **ÉCOLES DE FOOT - FUNDS**

(No. B/424) **Mr R. Uteem (First Member for Port Louis South & Port Louis Central)** asked the Minister of Youth and Sports whether, in regard to the Écoles de Foot, he

will state, for each of the years 2013, 2014, 2015 and 2016, the number thereof region-wise, indicating in each case, the -

- (a) number of children trained thereat, and
- (b) aggregate amount of funds disbursed thereto.

**Mr Sawmynaden:** Madam Speaker, I am circulating the information regarding the *Écoles de Foot* for the years 2013, 2014, 2015 and 2016 together with the number of trainees thereat as well as the amount of funds disbursed thereto.

**Mr Uteem:** In regard to Port Louis, there were ten *Écoles de Foot* and a few weeks ago, the Ministry has taken the decision to reduce those ten *Écoles de Foot* to only two *Écoles de Foot*. So, may I know from the hon. Minister the reason for the reduction in the number of *Écoles de Foot* in Port Louis?

**Mr Sawmynaden:** It was not a few weeks ago, but it was last year when actually there was a problem between who was running the *Écoles de Foot*: the MFA, the Ministry or the Local Government. I was made aware of the problem and an officer of my Ministry had a meeting with all the trainers and then they agreed - since there were not funds budgeted for them - that they will run the *Écoles de Foot* provided that we give them their equipment and the equipment were being given to them. We have taken the decision that, as from 01 July 2016, all the *Écoles de Foot* over the island will be re-opened as per the numbers and even increased accordingly.

**Mr Uteem:** I am extremely surprised by the answer of the hon. Minister because I have a copy of several petitions that have been sent to his Ministry, the latest one being on 02 May signed by coaches of each *École de Foot* in Port Louis, asking the Minister precisely to reconsider his decision because they do not agree with the closing down of the *École de Foot*. Each *École de Foot* has between 50 to 60 students. So, may I know the hon. Minister why have they been closed and how are two schools now going to look after 600 children?

**Mr Sawmynaden:** I have just answered to that, Madam Speaker. I said that it was closed and, as from 01 July 2016, all of them will be re-opened and increased accordingly because it will be in the budget. So, they will be paid accordingly.

**Mr Quirin:** Dois-je rappeler à l'honorable ministre que le 19 août 2015, son ministère avait émis un communiqué informant le public que toutes les *Écoles de foot*, les Centres

Techniques Régionaux et le Centre Technique National François-Blaquart étaient opérationnels. De ce fait, je ne comprends pas. On ouvre les *Écoles de foot*, on relance...

**Madam Speaker:** Hon. Member, please ask your question!

**Mr Quirin:** Peut-on savoir qu'est-ce qui explique qu'aujourd'hui un très grand nombre d'écoles de foot, il n'y a que deux écoles qui fonctionnent dans chaque région. L'honorable Uteem, avant moi, a mentionné Port Louis et moi je parle de toutes les régions de l'île - deux *Écoles de foot* alors qu'il y avait au moins une douzaine dans chaque région. Peut-on savoir qu'est-ce qui explique ce changement dans la politique du ministère?

**Mr Sawmynaden:** I have just answered to that. I will repeat myself again. All the *Écoles de foot* fell under my Ministry, the MFA and the Local Government. Some of them were being run by the Local Government and some by the MFA. The MFA wanted to run all the *Écoles de foot*. Since football falls under their purview, we agreed to that. Unfortunately, they could not open so that is why we re-open again, but we cannot re-open full-fledged. Now the Ministry, after having met all the parties concerned, has decided that, as from 01 July, we are going to take all the *Écoles de foot* under my Ministry, so that we won't have any problem in the future.

**Mr Quirin:** Madame la présidente, permettez-moi de dire que d'après les informations qui circulent, les raisons que vient donner l'honorable ministre, ce ne sont pas les raisons que les animateurs, les moniteurs de *l'École de foot* ont reçu à travers les officiers du ministère...

**Madam Speaker:** Yes, what is your question?

**Mr Quirin:** Je vais encore une fois mentionner ce communiqué du 19 août où mention est faite des structures qui sont des cellules éducatives et sociales alors qu'il y a un gros problème de prolifération de drogues dans le pays, Madame la présidente. Doit-on comprendre...

*(Interruptions)*

**Madam Speaker:** The hon. Member is referring to which communiqué.

*(Interruptions)*

Hon. Quirin, please sit down! You are referring to which communiqué? Refer to the communiqué, is it by the Ministry of Youth and Sports and then you ask your question. Don't make a statement!



**Mr Quirin:** Le communiqué que j'ai mentionné dans ma question précédente datant du 19 août 2015. Doit-on comprendre que les raisons que l'honorable ministre vient de nous donner sont les vraies raisons ou bien c'est une question de budget comme les informations que moi j'ai reçues, on parle d'une question de budget c'est pour cela qu'on a fermé un très grand nombre d'écoles de foot?

**Mr Sawmynaden:** Madam Speaker, I just mentioned that everything fell under the MFA and they said that they were going to open, but they never open. I took the initiative to open, but we could not open everywhere because of budget constraint. As from 01 July, all of them will be open and the number will be increased as well.

### **LIGHT RAIL TRANSIT SYSTEM PROJECT - COST BENEFIT ANALYSIS**

**(No. B/425) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Light Rail Transit System Project, he will state if the decision of Government not to proceed with the implementation thereof for economic reasons was based on a long term cost benefit analysis and, if so, indicate when same was carried out and by whom.

**Mr Bodha:** Madam Speaker, in the year 2015, the Government reviewed the whole project of Light Rail Transit System and we decided to proceed with the implementation of a new road decongestion programme as a priority. The Road Decongestion Programme which was initially estimated to cost Rs34 billion was revised to Rs15 billion as I mentioned earlier.

However, following recent negotiations between the Government of India and Mauritius, the Government of India has offered a new package of financial facilities to implement major infrastructural projects and in this respect, Government may reconsider the Light Rail Transit System Project, as one of the options to be retained.

**Mr Mahomed:** I need not ask any more questions because it is being reconsidered. So, I go straightaway to PQ No. B/426.

**Madam Speaker:** The Table has been advised that the following PQs have been withdrawn. PQ Nos B/438, B/439, B/443 and B/444. Yes, hon. Mahomed!

**Mr Mahomed:** I thank the hon. Minister for his answer because that was a concern of ours.

**LIGHT RAIL TRANSIT SYSTEM PROJECT – COMPULSORY  
ACQUISITION**

**(No. B/426) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Light Rail Transit System Project, he will state if a Committee has been set up to look into the aspect of the land earmarked therefor and, if so, indicate -

- (a) when the said Committee was set up;
- (b) the name of the Chairperson thereof, and
- (c) the terms of reference thereof.

**Mr Bodha:** Madam Speaker, in my reply to PQ No. B/85 at the sitting of the National Assembly on 24 February 2015, I informed the House that 92 plots of land had been earmarked for acquisition along the corridor between Curepipe and Port Louis. Out of the 92 plots, 88 plots have already been acquired to the extent of around 47A, 33P, while the owners have challenged the legality of the compulsory acquisition in respect of the remaining four plots.

With regard to part (b) of the question, a Technical Committee was, in fact, set up in 2015 under the chair of Dr. Reesaul, former Chief Executive Officer of the Mauritius Land Transport Authority. The other members were representatives of the Ministry of Housing and Lands, Ministry of Finance and Economic Development, MLTA and the Ministry of Public Infrastructure and Land Transport.

As regards part (c) of the question, the terms of reference of the committee was to look into the financial and legal implications of retaining the land which has been earmarked for the MLRT project for the Road Decongestion Programme.

However, the committee never met in the light of the decision to dissolve because we took the decision to dissolve the Mauritius Land Transport Authority. To date, Government has decided to retain the land for any future alternative mode of transport.

**Mr Mahomed:** When I set this question, it was with the objective that we are not going ahead with the LRT, but now we are going ahead with the LRT. My question was geared at knowing from the hon. Minister whether applications are being received to release the land that was before reserved for the LRT, but I believe this is not the case. Is that right?

**Mr Bodha:** The hon. Member is right.

**Mr Uteem:** Has any study been carried out to find out what would be the increase in cost of this LRT Project if the Government goes ahead with it?

**Mr Bodha:** No. In fact, the whole concept is being reviewed, the alignment, the number of stations and the technology. So, we are at the stage of reassessing the project. There has been an informal meeting under the chairmanship of the Rt. hon. Prime Minister and representatives of the different Ministries, Ministry of Finance and Economic development and MPI. What is being considered is to see all the works that have been done with the Singaporean consultants, to go through all the documents which are there and to see whether we can make them reconsider in the light of a number of new issues like alignment, number of stations and whether we are going to use this technology. So, that is where we are today.

**Dr. Sorefan:** Madam Speaker, the hon. Minister has mentioned that certain plots of land have already been acquired. That was as per the old design of the previous Government and they have been acquired and the hon. Minister is mentioning that there will be new design, new rethinking. Does that mean if he is going with a new design, those lands that have already been acquired and are not being used will be returned to the owner?

**Mr Bodha:** We are not yet there, we have to see the alignment. I said we have to see the new stations. In fact, the whole issue is how do we complement the Road Decongestion Programme and the LRT? So, what we are thinking, in fact, is to have three stages, that is, the infrastructure today, the second stage is the Road Decongestion Programme and the third stage will be the LRT which will complement the whole mass transit system in Mauritius.

#### **BRITISH AMERICAN INVESTMENTS – ALLEGED PONZI SCHEME**

**(No. B/427) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the British American Investments which were presented by Government on Friday 3 April 2015 as being a vast Ponzi scheme, he will, for the benefit of the House, obtain information as to if any complaint has ever been filed by policy holders thereof prior thereto for non-payment/non-reimbursement and, if so, indicate the number thereof.

*(Withdrawn)*

## SCRAP METALS - EXPORT

(No. B/428) **Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the metal recycling market, he will state the expected impact thereon of the recent decision of Government to ban the export of scrap metals.

**Mr Gungah:** Madam Speaker, as you may be aware, in January this year, Government decided, among others, to ban the export of scrap metal, including copper, with a view to better controlling and regulating scrap metal activities.

This decision has been prompted mainly by the fact that there have been substantial number of thefts of scrap metal in the country, especially in institutions like the Mauritius Telecom and the Central Electricity Board whereby the telecommunications and electricity networks were disturbed and street lighting cut off. Even religious organisations have not been spared.

In 2007, 622 thefts of scrap metal had been reported to the Police, 504 in 2008, 257 in 2009, 312 in 2010 and 357 in 2011. Taking into consideration the number of thefts of scrap metal, it was decided in August 2012 to ban the exportation of scrap copper.

However, though the number of thefts went down, they still occurred and in 2014 for instance, 124 cases were reported to the Police. Moreover, there are companies which are illegally exporting copper by hiding it within masses of scrap metals. This has been confirmed by the Mauritius Revenue Authority after examination of containers with heavy scrap metal and aluminium scrap meant for export and following tests effected by the Mauritius Standards Bureau on samples of scrap taken from these containers.

Consequently, in January 2016, it was decided to ban the exportation of scrap metal altogether.

As a result of the ban on exportation of scrap metals, scrap metal dealers and exporters have to sell their scrap metals to foundries and steel manufacturing plants in Mauritius.

Samlo Koyenco Steel Co. Ltd, being the sole foundry in operation presently, has given the commitment, by way of a proposed agreement, to purchase all scrap metals, ferrous and non-ferrous in an unlimited quantity from the dealers and exporters. The company has

also agreed to pay the exporters the international market rate, that is, the International Scrap Metal Price Index – Asian less cost of freight and port charges.

As such, companies in the metal recycling market and scrap metal operators may enter into agreement with Samlo Koyenco Steel Co. Ltd to sell their scrap metal.

I wish to inform the House that from information obtained, another company has proposed to set up a foundry for the melting of copper, brass and aluminium metals. Once this foundry is operational, operators may sell their scrap metal to that foundry as well. I have also been informed that there are two more companies that have shown their interest in setting up foundries.

However, it is noted that there are companies which, though not operating in the scrap metal sector, generate scrap metal like ‘tin free steel’ from their production process. Such companies have approached Samlo Koyenco Steel Co. Ltd to take over their scrap metals.

Recently, it has been brought to my attention that Samlo Koyenco Steel Co. Ltd has informed that cans are mainly composed of carbon and that the composition of these cans are not the same as scrap metals normally melt in their furnace; Samlo Koyenco Steel Co. Ltd cannot, therefore, collect such items from these companies.

I am, therefore, examining this particular request of these particular factories to find a solution to the satisfaction of all parties concerned.

**Madam Speaker:** Hon. Osman Mahomed!

**Mr Mahomed:** Thank you, Madam Speaker. I understood from the reply of the hon. Minister that theft was the main concern. Now, before the decision, my question is as follows: would the hon. Minister shed light on the following: before there were a lot of small families earning their living out of metal recycling, be it to send to foundries or to export and now there is only one player in the market until such time that others come into play, what impact will this have on those small recyclers who are living out of this?

**Mr Gungah:** Madam Speaker, according to information that I have, the number of those holding valid permit as at date: scrap metal exporter licence: 11, scrap metal dealer licence: 14, scrap metal carrier permit: 59, and scrap metal collector permit: 62. There are others working informally in the sector and at the same time working elsewhere. My Ministry is acting as an *intermédiaire* between all these operators and, for the time being, as there is only one foundry, Samlo, we must find solutions with all parties concerned.

**Madam Speaker:** Hon. Shakeel Mohamed!

**Mr Mohamed:** Thank you, Madam Speaker. Could the hon. Minister tell us whether he is aware that true it is that there are regulations that have been made banning the export of metals including copper, but at the same time his Ministry has delivered an export permit to one particular individual of Indian origin, coming from India, to operate a foundry to melt copper and export the melted copper under a different HS code and, in so doing, circumventing the whole ban as provided for in the regulation?

**Mr Gungah:** Madam Speaker, I am not aware of that. In any case, if that would have been the case, I am sure I would have known because particular files like that come to me directly. I am sure it is not like that.

*(Interruptions)*

**Mr Bhagwan:** Can I know, Madam Speaker, from the hon. Minister whether he has received, on several occasions, the operators in this recycling business and whether they made proposals to the hon. Minister who promised them to come with new regulations to allow them to go to other than Samlo?

**Mr Gungah:** Madam Speaker, I have met the Association of Scrap Metal Workers and there have been regular meetings with officers of my Ministry. My Ministry informed the Association to meet Samlo-Koyenco Steel Company Ltd to sort out everything that is written in the agreement in case there are changes to be made. But unfortunately, that meeting could not be held and my Ministry took the initiative to invite both parties for a meeting, but unfortunately again, the scrap metal association did not turn up.

**Mr Jhugroo:** After having listened to the concern of hon. Osman Mahomed and that of the hon. Minister, can he give a guarantee that the only foundry Samlo-Koyenco that we have got is giving a guaranteed price to the dealers of metal scraps as they were getting before? This was their concern.

*(Interruptions)*

No, because the information that I think he has got and what I have got is not the same price guaranteed by Samlo-Koyenco. So, I think that the hon. Minister should look after the price being paid to all these dealers with scrap metals?

**Mr Gungah:** Madam Speaker, I have got a copy of the sale of scrap metals agreement and it is clearly written - it has not yet been signed - that is why we want them to negotiate in case there is anything they want to change...

*(Interruptions)*

**Madam Speaker:** Hon. Mohamed, please!

**Mr Gungah:** ...in the clause of payment it is clearly written that the price of the scrap metals - ferrous and nonferrous - will be international market rate. That is, as I mentioned in my reply, the international scrap metal price index Asian, less the costs of ocean freight and port charges.

### **EBENE - CULTURE HOUSE - CONSTRUCTION**

**(No. B/429) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Arts and Culture whether, in regard to the proposed construction of a Culture House in the region of Ebene, he will state where matters stand.

**Mr Baboo:** Madam Speaker, as you may already be aware, the project to construct a Culture House dates as far back as the 1990s.

I wish to refer the hon. Member to the reply I made to PQ No. B/629 at the National Assembly on 06 October 2015. Since then, the progress achieved to date is as follows -

- (a) With regard to the site for the proposed construction of the Culture House, necessary procedures have been initiated for the swapping of the lands between the Hindi and Urdu Speaking Unions and my Ministry as recommended by the Chinese experts.
- (b) Concerning the funding of the Culture House Project, I am informed that it will be co-financed by the Government of Mauritius and the Chinese authorities. In this regard, a request for funding has been made to the Ministry of Finance and Economic Development in the forthcoming budget. The project, which is a priority of my Ministry, will be undertaken in two phases and will be kick-started during the Financial Year 2016/2017.

Madam Speaker, the House may wish to note that the Culture House will accommodate the National Archives Department and the National Library for the time being. The extension of the building to accommodate the departments and the parastatal bodies

operating under the aegis of my Ministry, will be envisaged later as Multi Carrier Mauritius Ltd has imposed a limit of five floors only for the construction.

**Mr Ramano:** Madame la présidente, dans une interview du journal l'Express en date du 29 avril 2016, le *Chairman* de la Bibliothèque Nationale est en train de tirer la sonnette d'alarme concernant une véritable urgence de la situation. Il ajoute même que d'ici cinq ans à dix ans on peut se demander combien de documents valables et historiques on va perdre. Est-ce que d'ici la construction de ce centre, y a-t-il des mesures urgentes que le ministère envisage de prendre?

**Mr Baboo:** As an urgent measure, my Ministry is considering to relocate the National Archives Department and the National Library to a new rented building. Funds for the purpose have been requested from the Ministry of Finance and Economic Development.

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

**Mr Bérenger:** For clarification, I think I heard we are talking about a new Culture House that will host the archives and so on, and now the hon. Minister says another building. Can he be more explicit?

**Mr Baboo:** No, as hon. Ramano just asked as to whether measures have been taken, we are relocating a new building in the meantime that we set up the new building at the Triangle of Ebene. So, we will put an Expression of Interest in order to rent a building.

**Mr Bérenger:** We have been following that for decades now. We are committing a crime against our archives and the worst thing that you can do with archives is move them about. Everybody knows that. The worst thing is that every time you move archives from one building to another, you lose, I don't know what part thereof and now we are being told that, in the meantime, this will be done. There would not be any archives left in Mauritius if we carry on like that!

**Mr Baboo:** I do agree, but the necessary precaution will be taken.

*(Interruptions)*

**Madam Speaker:** Hon. Rutnah! You want to?

*(Interruptions)*

You have got a reply to the hon. Leader of the Opposition!

Hon. Rutnah!



**Mr Rutnah:** Can the hon. Minister state whether pre-construction surveys have already been carried out and when construction works will actually kick off in relation to this Culture House?

**Mr Baboo:** The kick-off will be after the Budget and let me tell the hon. Member, even today, the Ministry of Finance and Economic Development and the Chinese Authorities just had a meeting regarding that matter.

**Madam Speaker:** Time is over!

## 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.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

## PUBLIC BILL

*Second Reading*

### THE NATIONAL WAGE CONSULTATIVE COUNCIL BILL

(No. VI of 2016)

*Order for Second Reading read.*

**The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn):** Madam Speaker, I move that the National Wage Consultative Council Bill (No. VI of 2016) be read a second time.

The object of the Bill is to provide for the establishment of a National Wage Consultative Council to make recommendations to the Government regarding the introduction of a national minimum wage in both the public and private sector with a view to establishing through a transparent and participative democratic process a dividing line which no worker in the Republic of Mauritius should ever fall below.

Madam Speaker, the House will recall that in the Government Programme 2015-2019, it was announced that a minimum wage Bill would be introduced for the workers at the lower end of the ladder. I take pride in introducing the National Wage Consultative Council Bill for

its second reading today which will provide for the introduction of the long awaited National Minimum Wage.

The National Minimum Wage will apply to all workers employed in the private as well as public sectors. This means that the lowest paid workers covered by the NRB, the PRB, and also those who are neither governed by the PRB nor the NRB, will soon be entitled to a decent floor wage.

Madam Speaker, we are today, under the leadership of Sir Anerood Jugnauth, making history by establishing a Council to introduce a National Minimum Wage in the context of the reconstruction of our economy after years of social and economic setbacks. A national minimum wage is a major policy decision aimed at addressing the issue of poverty and income inequality with a view to improving the welfare of workers, thus improving the welfare of the entire nation. It is also a major step in the furtherance of our economic transformation goal to make Mauritius a high-income country. The setting up of the National Wage Consultative Council is the historical stepping stone towards achieving this goal.

I am confident that we shall once again succeed in our endeavour as in the 80's and 90's, when under the able leadership and vision of Sir Anerood Jugnauth, his Government transformed the country into a prosperous economy and an inclusive society based on full employment, social mobility and the emergence of an important middle class. What we are aiming today, Madam Speaker, is to alleviate the suffering of all those workers who are toiling hard but still find themselves earning wages below the poverty line.

Madam Speaker, with time, the issue of Minimum wage has taken an international dimension in a world of growing poverty and wage inequality and this situation has impelled the International Labour Organisation and the European Commission to promote, in line with the Decent Work Agenda, a decent and sustainable wage policy amongst their member States to prevent growing poverty, ensure decent job quality and better protect vulnerable workers.

Before going into the details of the Bill, I should like to elaborate on some pertinent socio-economic and labour market factors which have influenced policy makers to consider introducing a national minimum wage in different regions of the world.

It is encouraging to note that minimum wage is gaining ground in both developed and developing countries. Some 150 countries have already adopted some form of minimum wage policy. 60 % of these countries have implemented a national minimum wage and 40%, a minimum wage based on sectors or occupations.

An ILO/World Bank survey revealed that, when measured in purchasing power parity, the average monthly wage in developed countries is more than three times that of emerging and developing economies. As a matter of fact, out of 209 million wage earners who worked in 32 developing countries and 20 million were earning below the extreme poverty line of 1.2 US Dollar per day and 64 million earning below 2 US Dollar which is well below the relative poverty line between 1997 and 2006.

There is at present no single wage system in Mauritius and there exists no common minimum wage for various occupational jobs across industries or sectors of the economy. The current system is based principally on Government's intervention through the National Remuneration Board which is responsible for setting minimum wages on an industry basis for different occupational groups in the private sector.

Additionally, the Pay Research Bureau establishes wages in the public sector whilst the Annual Tripartite Committee determines the cost of living allowance for both the private and public sector workers annually. The system is rather uncoordinated and hence there is no working relationship between the existing wage fixing mechanisms. This fragmented approach is responsible for the existing disparities within the private sector and also between the private and public sectors with respect to unduly low paid jobs.

As regards the mode of wage fixing, we have a long established tradition of minimum wage on an industry based system and consultation of wage fixing since 1934. The minimum wage was first introduced in the private sector in 1939 and was applied only to the agricultural workers in the district of Moka following the recommendations of the Minimum Wages Advisory Board which was set up under the Minimum Wages Ordinance of 1934. It was extended to the labourers of the whole island in 1941. The minimum Wage Advisory Board, however, used its power sparingly and covered a limited number of sectors and occupations, namely the Baking Industry, the Printing Industry, labourers employed on a monthly basis in the sugar industry, shop assistants and clerks. The Minimum Wages Ordinance of 1934 was replaced by the Minimum Wage Ordinance of 1950, which itself was replaced by the Regulation of Workers Ordinance of Wages and Conditions of Employment of 1961. With these changes more workers were covered, namely the female factory workers, workers in the shopping sector, messengers and workers in the construction and tea Industries. However, as from 1965, the number of Wages Council Orders started to decrease dramatically and in 1973, the Industrial Relations Act repealed the 1961 Ordinance and introduced the National Remuneration Board (NRB).

Although the NRB has undoubtedly served its purpose, but undeniably failed to provide the universal safety net that this Bill is going to provide.

On the other hand, the PRB covers workers in the public sector and its recommendations are generally covered to be a maximum wage which is generally above the poverty line and is not subject to collective bargaining.

However, the PRB structure does not cater for the setting up of a minimum wage. Furthermore, collective bargaining coverage has remained significantly low in the private sector in view of the low union density which stands at around 12%.

Hence, it will be practically impossible for the lowest paid workers in the private sector to get out of the poverty trap if we continue to rely solely on collective bargaining and the present wage system.

Madam Speaker, although by international comparison, we cut a good social picture in respect of the Sustainable Development Goals, the progression and extent of poverty and social inequality in our country is becoming a major source of concern. In its report "*Mauritius: Inclusiveness of Growth and Shared Poverty*" released in 2015, the World Bank has highlighted the relative poverty and the poverty gap as well as social inequality have increased during the period of 2007 to 2012.

### **Inclusiveness of Growth and Shared Prosperity**

According to the report on "*Inclusiveness of Growth and Shared Prosperity*" of the World Bank, increasing economic vulnerability is a worrisome trend in Mauritius. The share of the population considered economically vulnerable increased from 10.2 percent in 2007 to 12.7 percent in 2012. According to Statistics Mauritius, 33,600 households comprising of 122,700 persons were living in relative poverty in 2012. The proportion of the middle class population has also declined. Poverty is especially high among the unemployed. Rising income inequality and lagging shared prosperity had adverse impact on relative poverty and inequality in Mauritius.

It is to be noted that absolute poverty fell from 8.5 percent to 6.9 percent between 2007 and 2012 whilst relative poverty rose from 8.5 to 9.8 percent.

Income inequality, measured by the Gini-coefficient, also increased from 0.36 to 0.39.

Madam Speaker, the National Economic and Social Council (NESC) in its report on "*Income equality in Mauritius*" published in December 2014 has highlighted the following -

- (i) in 2012, the highest 20% income earners in Mauritius were earning almost half (that is, 47%) of the total income in the country compared to 44% in 2001;
- (ii) for the same period, the share of total income earned by the lowest 20% had fallen, reaching 5.4% from 6.4 in 2001;
- (iii) finally, the ratio of the highest 20% to the lowest 20% of income share has increased over the last past decade from 6.9 to 8.8 %.

The analysis of the NESC, among others, portrays that those in the bottom group have a dwindling share of total income.

This also means, Madam Speaker, that the previous Government has lamentably failed to address effectively the issue of poverty and income inequality. In fact, its policies, over the last decade had negative effect on increasing income inequality. We have noted with concern that the poor has become poorer, and the rich richer, while the middle class has shrunk. Resources and energy have been wasted, if not channelled for the benefits of just a few and of their close ones. Hundreds of millions of rupees have just gone down the drain on useless projects. Millions of rupees that could have been, otherwise, utilised for the benefits of the poor have also landed in private coffers.

Madam Speaker, combating poverty and inequality remains high on this Government's agenda. We have, with this perspective, taken the challenge to come up with the relevant legislation for the introduction of the National Minimum Wage in line with our Government Programme. We have not shirked from our responsibilities in spite of the difficult economic situation which we have unfortunately inherited.

The introduction of the National Minimum Wage should be seen as an additional tool to effectively address the problem of poverty and income inequality. This Government holds a humanist view of the development. We believe in an inclusive society and have placed our people at the heart of the economic reconstruction of the country. With the introduction of the National Minimum Wage, we are making a paradigm shift and setting the foundation of a new welfare model. Our focus is on giving our people the opportunities they need to support themselves, principally through work. It is only by reconciling social justice to economic development strategies that we will be able to tackle the problem of social exclusion and structural unemployment in a sustainable manner. With this aim in mind, reduction of poverty and promotion of shared prosperity will be the pillars of our socio-economic agenda.

Madam Speaker, in the formulation of the National Minimum Wage Policy, I am inspired by the values contained in the message of Franklin D. Roosevelt, former President of the United States, to the congress in 1937 on the occasion of the establishment of the minimum wage. I quote –

“As we move resolutely to extend the frontiers of social progress, we must be guided by the practical reason and not by barren formulae. We must never bear in mind that our objective is to improve and not to impair the standard of living of those who are now undernourished, poorly clad and ill-housed (...).”

### **Consultation with social partners**

Madam Speaker, some trade unionists have expressed their reservations regarding the setting up of the National Wage Consultative Council. They have proposed that it is for the Government to determine the National Minimum Wage.

I would like to lay emphasis on the fact that this Government is firmly attached to the principles of social dialogue and tripartism. We are also bound, under the ILO Convention No. 26 on the Minimum Wage-Fixing Machinery, which Mauritius has ratified, to set up a tripartite institution for the determination of wages.

Government, therefore, before deciding to set up a Council for the introduction of a national minimum wage, has had extensive consultations with all social partners. Trade unions and Employers do not, for obvious reasons, share the same views on the proposed wage fixing mechanism and the mode of determining the National Minimum Wage. It is, indeed, not easy and practically impossible to get a consensus on an issue as sensitive and complex as the National Minimum Wage.

Hence, in deciding the way forward for the introduction of the national minimum wage, we have taken into consideration the recommendation contained in the report of Mr Francois Eyraud, who is an ILO Consultant. I must commend the report which proposes the mechanism for the determination of a national minimum wage. At this stage, Madam Speaker, I will fail in my duty as a responsible Minister on the subject of labour if I do not express my appreciation for this laudable initiative of my predecessor who commissioned this report in 2012.

We have also drawn from the experiences of the countries such as Hong Kong, Singapore, South Korea, Australia and more particularly the UK, Malaysia and Germany.

The House may wish to know that our decision to proceed by way of a National Wage Consultative Council has also been inspired by the effectiveness of the dialogue process in UK, Malaysia and Germany. These countries, like Mauritius, have a tradition of social dialogue and tripartism on labour market issues. UK set up a Low Pay Commission in 1997. Malaysia proceeded with the establishment of a National Wage Consultative Council in 2012 and Germany with a National Wage Commission in 2015.

We have, therefore, in line with our democratic tradition, opted to involve all stakeholders in the decision making process instead of deciding unilaterally on the National Minimum Wage. We believe that the Council will provide the appropriate platform and mechanism to facilitate interactions and constructive discussions among stakeholders.

Madam Speaker, I understand that questions are being raised on the impact of a National Minimum Wage on Employment, particularly on SMEs and competitiveness in general, on the role of the NRB, on the mode of determining the national minimum wage and on the issue of productivity.

A number of studies were carried out, commissioned by the Low Pay Commission in the United Kingdom to explore the impact of National Minimum Wage on Small and Medium sized business in 1999 and 2000. There were heated debates in U.K, Germany and many other countries around the effects of National Minimum Wage on employment. Standard economic theories had predicted a decline in employment and hours of work, amongst others, and also in the substitution of labour by machinery and equipment.

However, these apprehensions did not turn out to be true. On the contrary, it was observed that small enterprises managed to contain adverse labour cost effects by increasing training to raise labour productivity. Additionally, they have cut costs and increased efficiency through innovative work process, modern technologies and by adopting product market strategies to increase revenue.

It has long been recognised that SMEs represent a powerful tool for economic growth and employment creation. When we look at the global positive effect that the National Minimum Wage has had on other countries like U.K, Germany and Malaysia, I am convinced that the introduction of the National Minimum Wage will represent an opportunity rather than a risk for our country.

The efficiency and sustainability of the National Minimum Wage in our country will depend on the capacity of enterprises to change and adapt their business model to the objectives set by this Government in its Vision 2030.

Madam Speaker, cheap labour is no longer compatible with the new business model. Our competitive edge and economic success hinge more on the capacity of our enterprises to create value through innovation and technological revolution. This is the new gateway to economic success. Our enlightened entrepreneurs have already embarked on this process.

We have drawn various key lessons from these international experiences -

- (i) Following the introduction of a National Minimum Wage in UK in 1999, more than 1.2 million workers were paid higher wages thus, contributing to alleviate poverty for the poor segment of the working population.
- (ii) Aggregate employment grew up and in fact, the number of jobs increased by 4.4 % after the introduction of the National Minimum Wage in the UK in 1999. The figures of unemployment were at its lowest point in Germany in 1990, one year after the introduction of the National Minimum Wage in 2015. In Malaysia, Madam Speaker, in 2013, Government set the National Minimum wage at 49.9 % of the median wage while the World Bank recommended that it should be set in the range of 20% to 30% of the median wage. There has been no significant negative impact on employment there. Only three years after the introduction of the National Minimum Wage in Malaysia, the Malaysian Minister of Human Resource has announced his intention to review and increase the minimum wage. This clearly shows that the introduction of the National Minimum Wage has not impacted negatively on employment and on the contrary, it has benefitted both employees and businesses.

Madam Speaker, questions are being raised as to the role of the National Remuneration Board (NRB) in this new set up. Let me inform the House that the NRB will, in the first instance, continue to co-exist with the Council. The Council will be a first step in the restructuring of our wage fixing mechanisms. You may wish to note that Government has already taken 3 important decisions to make our wage system operate in a more efficient manner. First, as regards, the employees of the private sector, all the core conditions of employment would be harmonised and consolidated in the Employment Rights Act. The Remuneration Regulations, however, will continue to exist and will provide only for



minimum wages and conditions specific to a sector of employment. Second, the Remuneration Regulations will be revised every five years and lastly there will be synchronisation of the salary review in both the public sector and the private sector which will take place at the same interval.

I am also considering in the context of the reform of the NRB to review completely the approach of wage fixing.

Government has considered it more appropriate to introduce a National Minimum Wage instead of a living wage. As we know the National Minimum Wage is for the individual worker, whereas the living wage is for the household. For that reason, it is difficult to put in place a living wage, which is also related to continuous increase in cost of living and in view of the fact that the lower segment of the working class often benefits social aids which are difficult to quantify and value for each specific worker.

The national minimum wage will be calculated on a proportion of domestic median wage. This method is adopted by all countries which have a national minimum wage as the median wage is commonly used to calculate the poverty line.

The National Minimum Wage is generally calculated at a level which varies between 30% and 60% of the median wage depending on the level of economic development. For example in 2014, the National Minimum Wage as a percentage of the median wage was 61% in France, 49.9% in Malaysia, 48% in U.K and 46 % in Germany.

Madam Speaker, We are conscious that the introduction of a National Minimum Wage will cause an inevitable disruption in wage relativity. The Council has thus been entrusted the responsibility to address this issue and recommends a master conversion table to adjust wages as appropriate in the private sector and besides provisions have also been made for the adjustment of wages in the public sector by the PRB.

Madam Speaker, there is actually a great confusion among our friends, the trade unionists, concerning the calculation of the National Minimum Wage on an hourly rate. I would like to assure the workers of our Motherland that this Government does not intend to liberalise the hours of work and to replace the actual working period by the zero hour or a split hour system. The actual working hour system, be it 40/45 hours a week or 90 hours a fortnight will not be changed with the introduction of the National Minimum Wage, calculated on an hourly rate. The calculation on an hourly rate was meant to facilitate the computation for the part time workers. In order to dispel any doubt, I am proposing to bring

an amendment at committee stage so that the National Minimum Wage would be calculated on an hourly rate for part time workers and a monthly rate for full time workers.

I also wish to add that the National Minimum Wage will be enforced by way of Regulations, which will provide for the payment of the National Minimum Wage for both full time and part time workers.

Madam Speaker, the promotion of sustainable productivity growth, competitiveness and job creation is a key priority for realizing decent work and reducing poverty.

Many countries have made considerable progress towards achieving this goal. Increased labour productivity in Asia has played a leading role in the region's tremendous growth performance and has helped to increase competitiveness and reduce poverty.

Accelerating productivity growth will be more urgent in the coming 10 to 20 years. In order to compensate for labour force trends, we will need faster labour productivity growth to maintain our GDP growth rate.

A key requirement for accelerating productivity growth is an environment that allows enterprises to improve productivity and remain competitive. Policies, institutions and regulations that provide such an environment for enterprises can make a substantial contribution to employment creation.

Another key factor for productivity growth is the availability of skilled workers and the reform of national training policies and systems. Progressive workplace practices based on good working conditions, continuous workplace learning, good labour-management relations and respect for workers' rights, are equally important for raising productivity and promoting decent work.

It is important to recognise that business sector productivity is primarily the responsibility of the private sector and not Government. Government creates a favourable framework for businesses to improve productivity. But it is for the private sector, through its own actions, to determine sectoral productivity growth.

As a nation, we need to facilitate the movement of our workforce from low to high productivity activities. Our institutions, both public and private, have to be revisited to increase productivity.

With the introduction of the National Minimum Wage and with the review of the labour legislations to better protect workers' rights Government is creating conditions to

address the issue of productivity under new auspices. We all know that it is only when the fundamental rights of workers are safeguarded that they can be motivated and become more productive. Productivity should be a win-win policy, where workers work smarter and benefit from the productivity gains and where employers benefit from more value added.

Madam Speaker, I had extensive consultation with the social partners and I have taken note of their concerns. I have, in a spirit of constructive social dialogue, attempted to take on board as far as possible the issues raised by the trade unions. In deciding on the amendments, I had to strike a right balance between the workers' rights and the imperatives of the economy. I shall at committee stage, propose the following amendments -

- (i) In clause 2, I am amending the definition of "trade union" and replacing it by "workers' organisation" and "workers' organisation" has been redefined as "a registered trade union, federation or confederation of workers, having no double representation", this is with a view not to restrict the representativeness of workers to only one type of trade union organisation.

A new definition of "young worker" has been given to mean "a person who is over the age of 16 but not under the age of 18."

- (ii) With a view to broadening the scope of the impact study and thereby better reflecting the evolution of the labour market following the introduction of the national minimum wage, the following concepts, that is, "wealth and income distribution, wage ratio, gender discrimination and employment of foreign workers" have been included in the list of the issues to be covered in the evaluation study to be carried out by the Council in clause 5 (a).
- (iii) To avoid confusion and misinterpretation, a provision has been made in clause 5 (b) (i) and (ii) for the determination of the national minimum wage calculated on an hourly rate for part-time workers and a monthly rate for full-time workers, with a view to ensuring that the actual working hours regime and the mode of calculation of wages and salary of a worker would not be altered.
- (iv) Additionally with a view to eliminating any possible notion of discrimination on the ground of age and to make a difference between a trainee, a full-fledged and qualified worker, the definition of young worker has been removed and replaced by a new sub paragraph in respect of a lower rate for a trainee.

- (v) The determination of additional remuneration will not fall under the ambit and purview of the Council which will have the sole responsibility to make recommendation on the national minimum wage.
- (vi) In order to ensure that the trade union representatives of both the private and public sector organisations are adequately represented on the Board, a new provision whereby the workers of the private sector, who constitute the majority of the labour force be represented by four members and those in the public sector by three members have been inserted.
- (vii) In order to preserve the autonomy and independence of the Council, I have provided that the Chairperson should not be actively engaged in politics.
- (viii) To safeguard the smooth functioning of the Board, I have added, in clause 11, a new subparagraph to give power to the Board to remove from office any member who absents himself for three consecutive meetings without the leave of the Board. Any vacancy arising therein will be filled in by the appointment of a person for the remaining term of office.
- (ix) In order not to impede the freedom of expression of the members of the Council, the Confidentiality clause has been removed.

Madam Speaker, we are proud on this side of the House to stand with the workers who continue to fight for an economy that works for everyone. Their inspirational courage speaks out for themselves, their families and for the growing share of the Mauritian workforce whose pay is too low has captured our attention.

My earnest appeal to Members of the House is to support the Bill and help build consensus so that the right message is sent to the social partners.

Madam Speaker, I must say that I am imbued with the fundamental values expressed in the UN Universal Declaration of Human Rights, particularly as regards those outlined in the following articles, among others, namely -

Article 23 – that everyone has the right to work, to just conditions of work, to protection against unemployment, to sufficient pay to ensure a dignified existence for oneself and one’s family.

Article 25 – that everyone has the right to a decent standard of living adequate for health and wellbeing, including enough food, clothing, housing, medical care and necessary social services.

Madam Speaker, today, I am convinced that the Government as a whole, stands inspired by the UN Universal Declaration of Human Rights, and by the noble ideals and principles of the relevant ILO Conventions. Accordingly, we have taken a pledge for our people, a pledge to help shape a future where there is equality, justice and liberty for everyone; liberty to live a life without hardships, without sufferings and without adversity and insecurity. The pledge is, therefore, to do everything in our power to realise these ultimate objectives with a view to improving the quality of life of the working class of this country. We have promised it. We cannot stand still.

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

**The Prime Minister rose and seconded.**

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

*At 5.03 p.m. the sitting was suspended.*

*On resuming at 5.41 p.m. with the Deputy Speaker in the Chair.*

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Deputy Speaker, Sir, let me start the same way as the hon. Minister starts his speech by looking at the Explanatory Note of the Bill, which reads –

“The object of this Bill is to provide for the establishment of the National Wage Consultative Council which shall, in the discharge of its functions, be mainly responsible to make recommendations to Government regarding –

(a) the introduction of a national minimum wage in the private and public sectors; and (...)”

The second one, of course, has been deleted by the amendment which has just been circulated.

So, what are we voting today? We are not voting a National Minimum Wage Act as there is in the UK. We are not coming to tell the people that for certain we are going to have a minimum wage in this country. What we are saying is that we are having - I will come to that Consultative Council later - a Council which compose of so many people - which I will come in details later - to make recommendation to the Minister and the Minister can do three things thereafter, whether to accept, to amend or to leave it in the drawer, the recommendation of this Council. So, we are not voting today, let us be clear, a National Minimum Wage Act. We are waiting for a Council which will recommend at a certain time

probably the introduction of a minimum wage and it will be at the discretion of the Minister to see whether he accepts or disregards like we have in the case of the NRP award which I will come later.

This question of National Minimum Wage has been on the agenda for quite a long time. We, on this side of the House, are for a national minimum wage. It was in our manifesto of 2005, it was in the manifesto of 2010 and it was in our last manifesto for a national minimum wage. But the difference between our manifesto and the manifesto of *L'alliance Lepep* - if we can still call it *L'alliance Lepep* - is that we never promised the people that we will come with a minimum wage within three months! It was one of their priority – “*les douzes priorités des trois premiers mois au gouvernement*”. The second one is – «*Introduction de salaire minimum* ». So, they have got the people to believe that within three months there will be a ‘*salaire minimum*’ and today, 16 months later, we are coming with a Bill which does not ensure a ‘*salaire minimum*’ and which is controversial with regard to the stakeholders. One thing this Minister has managed to do is to get all the stakeholders against him; those working in the private sector, those working in the public sector and after his amendment yesterday, now the private sector. He has managed to gather everyone in this sector against him and this is why I say whether we can call this Government ‘*L'alliance Lepep*’.

They want us to believe that whatever the Government is doing is in accordance with the report of the ILO which was commended in September 2014. That was by the previous Government, report of the ILO. In fact, what does the report say? The report said there should be prior consultation with all the parties concerned before we introduce a minimum national wage and, on this side of the House, we have been in consultation with most of the trade unions during the last week. It has come out that there has been monthly consultation on all the issues regarding industrial relation, but at no time they were informed that there is going to be a Council and who will be on the Council. So, when the Bill was circulated for First Reading, they were surprised to learn about this Council which this Act is going to set up the National Wage Consultative Council. It is only after the First Reading and the truth is that it is supported by the facts that after the First Reading, the Minister decided to meet the union to discuss about the Bill now. Today, at the last minute, whilst we are discussing about this Bill, most of the stakeholders, the Trade Unions outside are not aware of the amendment we have brought.

When we are talking about such a thing which is fundamental to our social fabric, it is important to get all the stakeholders involved. It is a Bill which should come with consensus, but unfortunately, the procedure used by the hon. Minister reminds me of the previous Government when they decided to institute the National Wage Council *unilatéralement*, that is, the Labour Party and the PMSD Government. Unilaterally, they decided to do away with the Tripartite and introduced the National Pay Council. Now, the purpose of bringing the Bill urgently First Reading without consultation with the Unions, the Government felt that it would get some political mileage out of it for the supposed meeting on the first of May. It was on the news on Friday afternoon “oh! minimum wages is coming ...

*(Interruptions)*

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

**Mr Baloomoody:** ... but now we have all the people, all the workers against you with regard to the rush you have got about and the Minister is running four corners every day meeting here and there – ‘*teigne difé*’ *partout* because there is problem with that law. One would expect a Minister who likes to *dialogue* when the ILO asked for consultation, but he had no time. The nation had to know about the Bill. One would have expected him, at least, to come on radio and have a *débat* with the stakeholders. You know what he did yesterday Mr Deputy Speaker, Sir! He chose to go on one radio *en solo* and on the other radio he declined an invitation because there were two members of the Trade Unions on the panel. That is not the way to have consultations, especially on social issues. We should get all the stakeholders involved and get everybody on board so that, as I say, this is a Bill that needs consensus.

Now, let me come to the Bill itself. The main purpose of this Bill is to establish a Council, not to have a national minimum wage. Section 4, the establishment of the Council –

“(1) There is established for the purpose of this Act the National Wage Consultative Council.

(2) The Council shall be a body corporate.”

Section 5, deals with its “Objects of Council”.

This object again of the Bill, the Trade Unions learnt about it after the First Reading. There was no consultation with regard to the Unions, the stakeholders, the objects of the Bill

and today we have seen some amendments after consultation, after the Bill has been circulated. Now, when we look at section 6 (f) of the Bill which reads as follows –

“within 12 months of the date of its constitution, recommend a national minimum wage that may be introduced for the lowest paid workers in relation to the median wage”.

This is imposed again by Government without consultation with the Union. And it is good to know that the report of the ILO identified several ways of establishing that minimum national wage. But he did not come to a conclusion. Let us look at it. It is good to read as it is important and we get the impression that the hon. Minister wants us to believe that what we are doing is in accordance with what the ILO states and I will come with the Convention of the ILO. After reviewing all types of calculating the national minimum wage, we come to that conclusion. I read page 31 of the report -

“The objective of this report was not to present a ready-made minimum wage fixing machinery. To be sustainable, such a system should be the result of a large debate and social dialogue. Instead, the objective was to present the main dimension to take into account for such a debate basically the fundamental characteristic of the current minimum wage machinery and to the wage structure. All these facts and data should be used to start an examination of the best option to reform the current system of minimum wage”.

So, the ILO gives us an example and tells us to go and discuss it with the stakeholders and then to come to a consensus. Here, what we have done, we create a Council, we tie its hands and Government decides like some Ministers use to do. Some are nice Ministers, but some are very arrogant who come and say: we have been elected to govern, we govern, we decide! This is exactly the approach they have taken in this particular case. Why tie the hands of the Council? Why don't we leave it to the Council to discuss the formula to be used for the minimum wage? Or, if we want to put it in the law, why did we not discuss it prior to the drafting of this Bill. Why Government has decided upon itself? So, this is one of the main queries. Now, when we look at the other Section 8 of the Bill, this is the most important one. This is why I say that this Bill does not guarantee a national minimum wage. Determination of national minimum wage, forget about additional remuneration that has been evoked. It is said –

“(1) Where the Minister receives a recommendation under this Act, he may -



- (a) make regulations for implementing the recommendation;
- (b) reject the recommendation and make no regulations.”

So, there is no guarantee and we have seen it in the NRB. The hon. Minister knows, there are around 14 Remuneration Orders which have been revised, still in his drawer, because Government or a Minister has decided not to render it public. So, where is the guarantee that the national minimum wage will be implemented after 12 months of work? And, he may reject the recommendation! So, we have a Council which works for 12 months – later on we will come to the Board of this Council – and, at the end of the day, we are at the mercy of the Ministry, like many low-paid workers today are under the NRB. The work has been done; recommendations have been awarded but, unfortunately, no implementation of the recommendations. So, we are back again to the same situation as the NRB today.

The issue of hourly rate has been dealt with, I must say, by the amendments, but still there are some questions. In Ireland, although they have all these safeguards, recent statistics suggest that there has been an increase in the number of workers working per hour. It might be a backdoor way of introducing hourly rate, especially in certain sectors like the *hôtellerie*, in *restaurants*, where people can be employed from 11.00 to 12.00 or 11.00 to 2.00, and then they are told to come back for another two hours, or like we have now at the Ministry of Education and Human Resources, Tertiary Education and Scientific Research.

*(Interruptions)*

You still have 300 workers who are being paid Rs1,500 because they are employed by contractors! Those who were employed by the Government have been regulated, they are getting Rs8,000. Fair enough! But those who are working with the contractors, they are working on an hourly rate. They come early in the morning, clean all the toilets for one or two hours and go back and come in the afternoon after school for one hour. I hope that the hon. Minister will address these specific issues and make sure that there is no increase in the number of people employed on an hourly rate. In fact, in Ireland they are considering seriously of banning, making it illegal completely to employ persons on an hourly rate.

Now, the most important part is the Board. Section 10 - the Board shall be administered by a President through a Chairperson appointed by the Minister. Another job for the boy! And we have learned this morning how - there is an amendment, he shall not do politics, but this amendment makes as if we are giving instruction that now you can do politics. I don't know why you come with that amendment because we know all these

political appointees; we know how they are involved directly in politics behind the scene. So, we will have a Chairman appointed; this is the first Ministerial interference with that Committee.

The hon. Minister mentioned about UK. It is good. In UK, they have respected the tripartite consultation when it comes to that institution which they call the Low Pay Commission. In the Low Pay Commission, there are only nine members; three chaired by one person, three of the Commissioners have an Employee Trade Union background, three have an employer background and three are independent Academic Labour Relations Specialists, respecting Convention 144 with regard to Tripartite Consultation which says that, in each and every committee which deals with wages and salaries there should be equal footing when it comes to representation, and even the hon. Minister referred to it. But there, you have nine Members, equal footing. Here, what do we have? The Board will consist of eleven representatives from Government, chosen by the Minister. Eleven representatives of Government! Seven representatives of employers chosen by the Minister; seven representatives of trade union workers appointed by the Minister and seven others, which include two academics and two members of consumer protection. Again appointed by the Minister! Why this ministerial *mainmise* on that Council? Why not let the trade unions choose their seven representatives as we have in the Trade Union Trust Fund? Why should the Minister choose the seven representatives for the workers? Already we will have eleven Government officials. So, out of 32 members appointed, 18 are appointed by the Minister and 11 are representatives of the Government. They will be the voice of the Ministry, so they will be the voice of the Minister, the voice of Government. So, only 7 Trade Unionists and why use that definition of trade unionists even in the amendment? Why don't we use the same definition as we use in the Trust Fund, the eight largest confederations, and let them choose their representatives? This is why I say we are going back to the National Wage Council, which the ILO, following a dispute which the GWF entered, recommended that it be done away with. I will come to that later.

What is more dangerous is with regard to the quorum; 12 members only make the quorum with the President having a casting vote. So, tomorrow you can take whatever action you want without any representatives of the Trade Unions in the Council. This is again against the principle of Convention 144 which says that, in every subcommittee or committee there should be equal footing, equal representation of workers and employers, and here, only

twelve members can take whatever decision they wish. This is again something which is contrary to the ILO Convention.

Now, with regard to the National Pay Council which was introduced in 2007 following the Budget, we know what happened in that National Pay Council. The Government of the day decided to do away with the Tripartite Committee and they choose at the end of the day their own representatives from the unions when the unions refused to sit, because they were not happy with this composition. So, the Government of the day decided to go and name political agents as entities of the trade unions.

And in May 2000, there was a complaint entered by the GWF, complaining that it was in breach of violation of Convention 87 of 98 of the ILO and in June 2007, the committee asked the Government of the day to review. So, we are back again to the same situation here, because the hon. Minister can choose. If tomorrow there is a dispute and the trade unionists refuse to sit on that committee, the hon. Minister can choose anybody. As it happened in the past, political agents were chosen and they sat on the Board. But is that again abiding to the Convention of the ILO?

Now, in fact, by the way Government has handled this case, I think most of the private sector unions have said they are not going to sit up to now. I don't know if they have seen the amendment, but, up to now, at the last appointment, they have said in public. Even yesterday on radio, one of the trade unionists said they are not going to sit. So, what will Government do? Are we having an academic debate today because there is no consensus? This Council will not be able to operate or the Government will have to come with more amendments next week when we meet so as to get a consensus which is important in this particular case?

Now, there is the issue of the funding of the Council. This Council is supposed to be an independent institution. It should be funded by the Government. Why should they be allowed to raise fund? And we know who gives fund. Not the workers! It is the private sector. And will this not have an influence on the independence of that Council if it is financed partly by the private sector? Is that proper? We believe that this Council - if accepted, if there is a consensus and if the composition is revised, where the tripartite principle is adhered to - should be funded by the public. It should not be allowed to raise fund on the public market. We don't want them to go and speculate in gold to raise fund. They have got an independent job to do. They are here to advise Government and let them be financed by the budget.

When the hon. Minister talked about UK or if that Government sincerely had in mind to come with a national minimum wage, there are two questions: why don't we come with an Act like we have in UK, a National Minimum Wage Act with the specific objective of fixing the minimum wage? If Government is sincere about having a national minimum wage, why don't we sign Convention 131, the Minimum Wage Fixing Convention 1970? Many countries have signed. There is a list of countries here who have signed, but Mauritius is not on the list. If Government sincerely wants to introduce a national minimum wage, I think we should start by signing the ILO Convention 131 which deals with Minimum Wage Fixing Convention. This Convention clearly states the procedure to be adopted in calculating the minimum wage; the body, the Council how it should be composed, and the consultation with the stakeholders. This is what we should do. Start proper negotiations with the unions, come forward with a National Minimum Wage Act - in England, now, they want to call it the Minimum Standard of Living Act - and get to the Convention.

Mr Deputy Speaker, Sir, like I said, we agree with the principle of having a national minimum wage, but we don't agree with the procedure adopted by the Government. We don't agree with the composition. It is too biased towards Government side. It is against the tripartite Convention. There is no equal footing. There is too much power again given to the Minister. It should be an independent one like the one we have in UK, the Low Pay Commission which has independent people working independently from any State. And they report, you know to whom? Not to the Minister! They report to the Prime Minister, to the Deputy Prime Minister and the Secretary of State for employment. So, it is a Cabinet decision. It is a strong body, independent which makes recommendations.

So, being given that all the stakeholders have not been consulted properly, I would advise the hon. Minister to have further consultation, try to get a consensus and make sure that we have a Council which is accepted by each and every one, not like we had with the National Pay Council which was imposed on the workers, which did much harm, created much havoc in the industrial relations in this country and which has created much disappointment with the workers, especially those *au bas de l'échelle*.

So, this is our stand on this Bill, Mr Deputy Speaker, Sir, and I have done. Thank you.

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

(6.09 p.m.)

**Mr E. Boissézon (Third Member for La Caverne & Phoenix):** Thank you, Mr Deputy Speaker, Sir, for allowing me to intervene during the debates on the National Wage Consultative Council Bill.

It is with pleasure that I have heard that the hon. Member who spoke before me said that he was, in principle, agreeable to a national minimum wage. But, unfortunately, *il n'a fait que des reproches mais il n'a pas fait des propositions concrètes et je comprends maintenant pourquoi ce projet de loi que nous présentons aujourd'hui n'a jamais vu le jour dans le passé. Ce qui me chagrine c'est qu'au cours de son intervention, il n'a fait que des reproches et des reproches et nous n'avons pas vu l'ombre des travailleurs au bas de l'échelle. Reproche! Reproche! Bla-bla-bla! Mais rien pour les travailleurs. Et à l'écouter, si nous n'avancons pas, les travailleurs attendront encore très longtemps.*

Mr Deputy Speaker, Sir, the hon. Minister of Labour, Industrial Relations, Employment and Training has already said that this project was one of the pillars of our electoral manifesto and its presentation is a major achievement in our quest for social justice in Mauritius. I shall congratulate the hon. Minister for the presentation of this Bill.

Today is a great day for more than 150,000 employees. Since 1894 when New Zealand introduced and passed the world's first National Minimum Wage Law, employees in Mauritius have been waiting for a minimum wage law.

Employees of the public sector have the Pay Research Bureau Award, employees of some industries are covered by the National Remuneration Board which fixes minimum wages. There was a need for a global minimum wage since more than of 150,000 employees, who are not covered by neither institutions, are still waiting and their aspirations will turn into reality in less than one year since section 6(f) of the Bill stipulates –

“(f) within 12 months of the date of its constitution, recommend a national minimum wage that may be introduced for the lowest paid workers in relation to the median wage;”

And, I can say instead of ‘may’, ‘will be introduced for the lowest paid workers in relation to the median wage’. It is a great victory for employees and the Government. ‘Minimum wage’ was written, as I said before, in many electoral manifestos but never implemented.

Mr Deputy Speaker, Sir, on 23 April 2013, the then Minister of Labour, Industrial Relations and Employment was asked a question regarding the introduction of an across-the-board national minimum wage. He replied among others: that has been a call from workers for many, many years. Now, if we do come ahead, if we are advised to do it, what form will it take? We want to listen from experts as to whether it can live or stand side by side with the National Remuneration Board or maybe we have to do away with it and come up with a new system altogether in the interests of the workers. We all have ears and we are ready to listen to experts. So, Mr Deputy Speaker, the Minister and the Government of that time could not pronounce themselves as they were in a listening mood. They were still in the listening mood in December 2014.

L'introduction d'un salaire minimum suscite beaucoup d'appréhension autant qu'il suscite la joie des employés. Le secteur privé a déjà exprimé ses craintes quant à l'introduction du *National Wages Consultative Council* pour établir le salaire minimum arguant que Maurice a déjà des organismes pour fixer les salaires. Il se pose la question: si c'est nécessaire d'avoir une instance pour fixer un salaire minimum tous les cinq ans alors que dans le pays il y a une instance pour compenser la perte du pouvoir d'achat annuellement, cela pourrait avoir un impact sur les entreprises. Malgré cette appréhension tout à son honneur, le secteur privé se dit partant pour un salaire minimum. Nous pouvons partager avec le secteur privé qu'il a été prouvé, de par le monde, que les pays qui ont introduit le salaire minimum ont vu une augmentation de la consommation et de la demande globale suite à une augmentation du pouvoir d'achat.

Il a été aussi constaté que l'introduction d'un salaire minimum a encouragé des entrepreneurs à plus d'efficacité, de dispenser une formation adéquate d'où un meilleur rendement. Les entrepreneurs devront parier sur la qualité et l'innovation plutôt qu'une politique de bas salaire.

M. le président, les représentants des employés appréhendent que le salaire minimum soit un moyen déguisé de réintroduire le *National Pay Council* et plus tard faire disparaître les *Remuneration Orders*. Aujourd'hui, le ministre a donné la garantie du *statu quo* concernant la revalorisation des salaires annuels pour la perte du pouvoir d'achat.

Concernant les *Remuneration Orders*, deux points nous démontrent que le gouvernement n'est pas prêt à se défaire du *National Remuneration Order*. Une étude de la composition du *Board* du *National Wage Council* nous indique à la section 10 (1)

“(i) the Chairperson of the National Remuneration Board or a Remuneration Analyst designated by him;”

D'autre part, quand nous parcourons les objets du conseil, la section 5(b)(iv) stipule -

“(iv) be responsible for making recommendation to the minister on the approach to be adopted to address the issue of wage relativity in the private sector that may arise from the introduction of the national minimum wage in Remuneration Regulations made under the Employment Relations Act;”

M. le président, quant au *National Pay Council*, en 2007, l'opposition s'était opposée à sa formation et ce n'est pas le gouvernement Lepep qui revitalisera ce conseil. Nous avons en mémoire comment des membres totalement acquis à la cause du Parti Travailleiste, ne représentant qu'eux-mêmes, étaient membres du Conseil, ce qui avait fait le *Leader* de l'opposition d'alors, l'honorable Ministre Bodha, dire lors d'un échange suite à une PNQ le 15 mai 2007, adressée au ministre du Travail. M. le président, le ministre est en train de noyer le poisson dans l'eau de l'ILO, *as he was quoting* the ILO –

“Mr Speaker, Sir, may I ask him whether the way he has chosen the representatives of the Trade Unions for the Council, he has flouted the Convention 87 which preserves the Right and the Freedom of Association, and the Convention 98 which preserves the Principle of the Right of the Worker to organise and to bargain collectively in a Fair Forum”

Ceci dit, les représentants des travailleurs devraient mettre de côté leurs appréhensions et participer activement à la fixation des salaires minima dans la lutte contre la pauvreté, satisfaire les besoins de tous les travailleurs et de leurs familles. L'entreprise sera une expérience enrichissante qui vaudra la peine d'être vécue.

Les objectifs et les fonctions de la *National Wage Council* sont en ligne contrairement à ce qu'a dit l'orateur précédent avec l'article 3 de la Convention 131 de l'*ILO Minimum Wage Fixing Convention* de 1970, c'est-à-dire, qu'il faut prendre en considération pour fixer un salaire minimum les facteurs d'ordre économique, y compris les exigences du développement économique, la productivité et l'intérêt qu'il y a à atteindre et maintenir un haut niveau d'emploi; le niveau général des salaires dans le pays, les coûts de la vie et ses fluctuations; les besoins des travailleurs et de leurs familles. Enfin de faire des recommandations comme il est suggéré au *Low Pay Commission*, instance britannique pour

la fixation d'un salaire minimum: *to make recommendations for national minimum wages on what it believes the economy can bear without a significant adverse impact on employment.*

M. le président, un autre sujet qui fait débat est la méthode utilisée pour calculer le salaire minimum. Dans le rapport *Minimum Wage Fixing Challenge in Mauritius* dont a fait état l'orateur précédent, les experts font état de deux façons de calculer le salaire minimum.

Premièrement, il préconise l'utilisation de l'indice des prix à la consommation. Il fait état du panier qui était de R23,930 en 2012 pour un ménage de quatre personnes et c'est pourquoi aujourd'hui les syndicats demandent un salaire minimum de R12,000 parce qu'ils considèrent que deux personnes travaillent dans un ménage. Malheureusement, le rapport précise qu'utiliser cette méthode n'est exempt de difficultés. D'abord, la mesure utilisée est basée sur le revenu d'un ménage et non sur celui d'un revenu salarial. D'autre part, pour calculer le pouvoir des ménages atteints de minimum de subsistance, il faut aussi prendre d'autres variantes comme le nombre des salariés dans le ménage, des aides sociales perçues; et à Maurice, nous savons que Maurice est un *Welfare State*, presque tous les ménages aux revenus minimums touchent des prestations sociales.

Deuxièmement, il propose le système de médian. Cette méthode a l'avantage de ne pas être influencée par les salaires aux extrémités. Le salaire minimum est déterminé par un pourcentage entre 35% et 60% du salaire médian. Cette méthode, comme l'a dit le ministre précédemment, est adoptée dans la plupart des pays qui ont adopté le *minimum wages*.

Le rapport fait mention qu'à Maurice nous avons deux mécanismes de support au salaire minimum : les *Remuneration Orders* et le système compensatoire annuel. Faut-il un autre mécanisme ? Faisant état du rapport global des salaires de l'ILO 2008-2009 qui favorise des mécanismes simples, facile à comprendre et expliquer aux employés, les experts suggèrent une réforme totale et l'apport d'un mécanisme nouveau, cohérent et efficient. Cela prendra beaucoup de temps et aujourd'hui les travailleurs ne peuvent pas attendre encore. Aussi je recommande le point suggéré par le ministre qui propose dans les objectifs du conseil à la section 5 (b) qui a été amendée –

*“The Council shall be responsible for the computation of the national minimum wage calculated on an hourly rate for part-time (...)”*

Pas pour les *full-time employees*.

*“(...) and a monthly rate for full-time workers without altering the actual working hours regime and the mode of calculation of wages or salary of any worker.”*



M. le président, je terminerai en remerciant les travailleurs mauriciens pour leur dévouement et j'aurai un mot spécial pour les employeurs. Il faudrait utiliser le salaire minimum non comme un salaire maximum mais vraiment quand il n'y a pas d'autres moyens de le faire. *Payment of the minimum wages should be the worst scenario solution.*

Merci, M. le président.

*(Interruptions)*

**The Deputy Speaker:** Hon. Mrs Jeewa-Daureeawoo!

(6.24 p.m.)

**The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo):** Thank you, Mr Deputy Speaker, Sir. It is indeed a great pleasure for me to address the House today on this long awaited Bill. It was high time that a National Wage Consultative Council be established in order to provide timely and productive recommendations to the Government on the national minimum wage in both the private and public sectors. The implementation of the minimum wage policy will, undoubtedly, lead to an improvement in the living conditions of workers in both the public and private sectors.

Mauritius has always been ambitious in setting the example for the protection of the rights of workers in the African region. By adopting this Bill, Mauritius will be allying itself to more than 90% of countries around the world which already have in place minimum wage policy. The minimum wage policy is expected to boost the Mauritian economy. By improving the living conditions of workers such a policy will promote a surge in the productivity level of workers. This, in turn, is expected to lead to an increase in national income. This Bill cannot but improve the Mauritian economy and, therefore, should be welcomed.

It is worth highlighting that the International Labour Organisation has always encouraged its member States to implement minimum wage with a view to reducing poverty and providing protection to vulnerable employees. At its International Labour Conference, 103<sup>rd</sup> session in 2014, the general survey of the reports on the Minimum Wage Fixing Convention and the Minimum Wage Fixing Recommendation 1970 confirmed that the question of a national minimum wage was among the priority issues.

In the general survey 2014 of the International Labour Organisation it was reported that different minimum wage rates for men and women still exist in Mauritius in the

Remuneration Orders published in 2012 for the tea industry, the salt industry and the sugar industry where minimum wages for women are around 20 per cent lower than men. It was also reported that this disparity was no more present in other sectors such as those concerned with livestock workers. It was suggested that this issue could be resolved if the Government decided to introduce a national minimum wage.

Now, when the National Wage Consultative Council Bill will be passed, this will, in fact, assist the Government in the introduction of a national minimum wage. I will here cite clause 6 (e) (ii) of this Bill which makes specific provisions for the National Wage Consultative Council to submit a report to the Minister of Labour, Industrial Relations, Employment and Training on the evolution of wage distribution in respect of occupations, workers' status, gender and sectors every year by taking into consideration collective bargaining. This Bill will ensure that we, in fact, implement the recommendation of the International Labour Organisation on the gender aspect of wage rates for workers.

I would also draw the attention of this House to another aspect of this Bill. One of the objects of the National Wage Consultative Council under clause 5 of the Bill is that it would be responsible for making recommendations to the Minister of Labour, Industrial Relations, Employment and Training on a lower rate of national minimum wage for young persons. It is important to note that it was highlighted in the general survey 2014 of the International Labour Organisation that in Mauritius workers were entitled to the full minimum wage from the age of majority only, that is, from the age of 18. This Bill, indeed, goes a step further and provides for the recommendations to be made by the National Wage Consultative Council of a lower rate of national minimum wage for young persons. The initiative behind this Bill, Mr Deputy Speaker, Sir, is laudable.

The National Wage Consultative Council will *inter alia* make recommendations to the Minister of Labour, Industrial Relations, Employment and Training on a lower rate of national minimum wage for trainees on accredited training, having no corresponding jobs experience, skills and competencies. It is true to say that the Minister of Labour, Industrial Relations, Employment and Training has the final say when it comes to the implementation of the national wage system. It seems that in general the National Wage Consultative Council will only collect information, conduct research and make recommendations to the Minister on the national minimum wage.

Let me now come to clause 8 of the Bill. When the Minister will receive recommendations from the National Wage Consultative Council, he will be endowed with the power to either make regulations for the implementation of the recommendations or reject the recommendations and make no regulations. He may also choose to reject the recommendations and decide to make such other recommendations as he thinks fit. In such an event, one will obviously ask oneself the rationale behind the setting up of a National Wage Consultative Council when, in the end, the Minister can choose to ignore the recommendations of the Council. I verily believe that clause 8 (2) has rightly been enacted to ensure fairness. When the Minister will reject a recommendation of the Council, he will then be duty bound to lay a report in the National Assembly containing a statement of the reasons for his decision.

Last but not least, is the composition of the Board of the National Wage Consultative Council. Mr Deputy Speaker, Sir, the Board of this Council will be made up of 29 members with a Chairperson having a wide experience in the field of economics, labour and industrial relations. It will also consist of representatives from various relevant Ministries. It will also pull together important members from various existing bodies; the Chairperson of the National Remuneration Board, the Director of the Pay Research Bureau, the Financial Secretary and a representative of Statistics Mauritius. Seven members will be from organisations of employers and seven additional members will be from trade unions of workers. There will also be two academics and two members from consumer organisation.

I am personally reassured that the National Wage Consultative Council will be a dynamic statutory body empowered with all the necessary resources to attain its objectives with the highest level of success. I wish to point out that in this respect; we are following the National Wage Consultative Council of Malaysia, established in 2011 having a maximum of 29 members.

To sum up, let me say that it was indeed high time that a new legislative framework be adopted for the implementation of minimum wage in Mauritius. I commend and thank the hon. Minister of Labour, Industrial Relations, Employment and Training for bringing forward this Bill to improve, in fact, the living conditions of our local workers. I am looking forward to the passing of the Bill and to the implementation of its provisions in the interest of every worker of our country.

Thank you, Mr Deputy Speaker, Sir.

(6.33 p.m.)

**Mr G. Oree (Second Member for Port Louis North & Montagne Longue):** I really feel honoured to participate in a Bill for the first time and I sincerely thank my hon. friends on both sides of the House.

Let me start my telling that I disagree with the hon. Member from the other side stating that this Government has done nothing. Cleaners were getting only Rs1,800 or Rs2,000 and this Government fixed the minimum wage to Rs8,500 last year before passing any Bill. Mr Deputy Speaker, Sir, national wealth is created by the economically active section of our society and this Government fully values this contribution. Trade unions have always fought for ensuring that the purchasing power of workers is maintained and that work is adequately remunerated. In addition, to further secure those workers at the lower rung of the social ladder, unions have made minimum wage their main concern for a long time. With the presentation of this Bill, this Government demonstrates its commitment to the cause of workers and its sense of responsibility regarding the creation of conducive conditions for motivation, productivity, sustainable development, and job creation for young Mauritians joining the labour market.

Mr Deputy Speaker, Sir, the criticisms made against this Bill are the fruits of pure demagoguery while the Government moves on to accomplish its programme and takes up challenges which the previous Government simply ignored. There have been statements as to Government having a hidden agenda behind the Bill. But, if ever this were the case then, Government would have allowed things to stay where they were and opt for status quo. Mr Deputy Speaker, Sir, this Government means business and is action-oriented.

Reserves have been expressed about hourly rate. But this is not new practice and we are adopting an approach which is already being used in so many countries. The hourly rate as a unit of remuneration will ensure that there is no abuse on people who are working on a part-time basis and who are given peanuts for the work they do. And then, whether wages are computed hourly or daily, it is the minimum fixed which should be the focus and this should be viewed as a momentous achievement of this Government.

Mr Deputy Speaker, Sir, we have been used to tripartite negotiations for deciding on the wage compensation based on cost of living and such negotiations are one off and contextual. We are used to salary reports and remuneration orders which are periodical exercises. The establishment of this Bill provides a permanent platform where all relevant

stakeholders can discuss on all issues pertaining to work and relative pay, safe work environments, training, motivation, sustainable development and job creation. This is a step further for a Mauritian society, Mr Deputy Speaker, Sir.

Some say that the hon. Minister may ignore a recommendation made by the Council and, therefore, he will have an upper hand and the Council will act as a rubber stamp. It is clearly stated in the Bill that if ever the Minister will take any action which is contrary to those recommended by the Council; he will have to justify the same. The House will have the opportunity to question such decision and ultimately the population will judge. The composition of the Council is representative of stakeholders, we adhere to strong democratic principles and reserves expressed are grossly out of place.

Mr Deputy Speaker, Sir, our democracy is vibrant and this is democratically elected Government which values open-mindedness, consensus and constructive suggestions. This august Assembly has the huge responsibility for making history and ensuring that the Bill is passed. The National Wage Consultative Council sees the dawn of the day, because, ultimately what matters is that the Mauritian society benefits, grows and marches forward.

Thank you, Mr Deputy Speaker, Sir.

(6.37 p.m.)

**Mr T. Benydin (First Member for La Caverne & Phoenix):** Mr Deputy Speaker, Sir, as a former trade unionist who have been on the forefront of many struggles in the defence and promotion of workers' rights and welfare, I feel honoured to take the floor today at this august Assembly to speak on the subject which is of fundamental importance to workers.

The establishment of a National Minimum Wage figures as one of the main priorities of '*l'Alliance Lepep*' and through the introduction of the National Wage and Consultative Council, Government is fulfilling its promises and this constitutes a major breakthrough and an unprecedented action as no Government before has dared to embark on such a project geared at providing workers with a decent living and meeting basic social needs for themselves and their families.

Mr Deputy Speaker, Sir, the minimum wage is a means of protecting vulnerable workers and also a way of redistributing income from capital to labour. The minimum wage strengthens social cohesion and contributes towards ensuring social peace and a feeling of

security to workers. The minimum wage reflects also Government's willingness to pursue a coherent policy with regard to the Decent Work Agenda.

*(Interruptions)*

**The Deputy Speaker:** No interruptions, please!

*(Interruptions)*

Hon. Rutnah! No interruptions, please!

**Mr Benydin:** Mr Deputy Speaker, Sir, the introduction of a National Minimum Wage in both the private and public sectors through the setting up of a National Wage and Consultative Council is in consonance with ILO Convention No. 131 on "Minimum Wage Fixing" which was adopted in 1970. Furthermore, the "Global Jobs Pact" adopted at the ILO in June 2009 - I think hon. Mohamed will remember - stressed on the importance of minimum wages in the context of global economic crisis and the recovery. The pact not only considers that minimum wages "can reduce poverty and inequity", but also emphasises that they may "increase demand and contribute to economic stability".

The National Wage and Consultative Council is an instrument which will encourage the social partners to promote and strengthen a culture of social dialogue and collective bargaining aimed at leading to compromise and consensus. Mr François Eyraud, ILO Consultant who conducted a study on "Minimum Wage Fixing Challenge in Mauritius" in September 2014 stated outright in his report and I quote –

“There is no ideal minimum wage system. The best system is the one elaborated through social dialogue leading to compromise”.

Mr Deputy Speaker, Sir, in the wake of the setting up of the Council, different organisations, particularly trade unions, are airing the view that it is the responsibility of Government alone to determine a National Minimum Wage. Yet it has to be underlined that ILO Convention No. 131 on Minimum Wage emphasises that wherever it is appropriate to the nature of the minimum wage fixing machinery, there should be provisions for the direct participation of -

- (a) representatives of employers and workers on the basis of equality, and
- (b) persons having the general interests of the country are being chosen after full consultation with representatives of employers and workers.

The necessity of reaching a compromise among the social partners may ensure that the minimum wage is the “right minimum wage”. Social dialogue is, therefore, a prerequisite.

Mr Deputy Speaker, Sir, the amendment brought to remove the payment of additional remuneration from the scope and purview of the council is, indeed, a good decision as this issue will continue to be discussed at the level of the National Tripartite Committee, which has a long history and recognition among social partners in Mauritius.

Mr Deputy Speaker, Sir, international norms and standards highlight that the main indicators to take into consideration to determine a minimum wage are -

- (a) the needs of workers and their families;
- (b) the general level of wages in the country;
- (c) the cost of living;
- (d) the social benefits, and
- (e) the relative living standards of other social group.

Mr Deputy Speaker, Sir, minimum wages are a nearly universal policy instrument implemented by most countries in the world. Around 70 countries in Africa implement relatively simple national minimum wages that are economy-wide wage floors which apply to all workers. Some French-speaking countries in Africa apply a national SMIG. A few others implement more complex systems by industry or occupations. South Africa, for example, has recourse to “sectorial determinations” with different rates for different occupations within a limited number of non-unionised industries.

Mr Deputy Speaker, Sir, it is also worth mentioning, with reference to EU Member States that there is a national legal minimum wage in nine Member States, namely Belgium, France, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. In these countries, one of the main arguments used by those opposing a minimum wage is that it would have a negative impact on employment if set to a certain level. Some employers have even put forward the idea of anticipated job losses. However, in these European countries, no studies have proved that the minimum wage has had a negative impact on employment. For example, in the UK - I think this one has been mentioned by the hon. Minister of Labour - when the minimum wage was reintroduced by Tony Blair’s Government in 1999, the introduction of a national minimum wage has had a positive and

favourable impact on more than one million workers and lifted them out of poverty without causing any rise in unemployment.

Mr Deputy Speaker, Sir, I would like also to refer to the 1944 Declaration of Philadelphia concerning the aims and purposes of the International Labour Organisation, which reaffirmed that “Poverty anywhere constitutes a danger to prosperity everywhere” and that “Labour is not a commodity”. Since its creation, the ILO stressed on the need for States to achieve “policies in regard to wages and earnings, hours and conditions of work calculated to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection”.

Mr Deputy Speaker, Sir, in an article written by Catherine Saget from the ILO Employment Strategy Department on “How to get the maximum out of the minimum wage”, the author highlighted that –

“Establishing a minimum wage may positively affect employment and industrial peace and is a means of fighting poverty. States have a major role to play in this and certain conditions have to be met. One of them is social dialogue”.

ILO official Catherine Saget further underlined that the potential benefits of the minimum wage for the economy and society are undeniable. The State has a major role to ensure that bargaining on minimum wage is successful. To meet this end, social partners have to be provided with updated information to allow bargaining on the basis of accurate information and socio-economic data.

Mr Deputy Speaker, Sir, unlike the National Tripartite Forum, which was instituted administratively at the end of year 2010, the National Wage and Consultative Council has the advantage of functioning within a legal framework. Its functioning is guaranteed as it will be headed by an Executive Director in terms of human resources, assisted by a number of public officers as may be necessary to assist the functioning of the council.

Voting rights at the level of the council are granted only to tripartite constituents, namely the Government and the social partners; I mean, the workers’ organisations and also the employers. The voting rights are in accordance with the spirit and principles of norms of the ILO. It would, maybe, be more appropriate if resource persons from related public bodies like PRB, NRB and Mauritius Statistics, academia and the civil societies could be co-opted to sit only on Technical Committees rather than on the Council, in order not to disturb and



create imbalance in the numerical strength of social partners. This will reflect also the intrinsic values and a sense of tripartism.

Before I resume my seat, I would like to say a few words with regard to what hon. Baloomoody said. He raised the issue of representation. For example, on the Trade Union Trust Fund, it is also mentioned, I think, the eight representatives of workers' organisations. These most representative worker organisations submit their names to the Minister and, as far as I know, since that fund has been instituted, no Minister of Finance has rejected the names that are proposed by the respective worker organisations. So, I don't think that in case here also - because the worker organisations will have to submit their names - that the hon. Minister will reject the names that are being proposed by these organisations.

With regard to the raising of public funds, I don't know, maybe in the mind of the Minister and in many organisations - even I have been a member of the National Economic and Social Council for long - we have the right to raise funds, but I think from recognised institutions. This being a subject like minimum wage, I think we will have technical assistance, maybe financial resources, from the International Labour Organisations.

*(Interruptions)*

So, what is wrong if we can raise fund from organisations of the UN system? I think there is nothing wrong in that and this is an issue that, I think, the hon. Minister has already taken care.

Hon. Baloomoody, at the very outset, stated that we are going to make recommendations with regard to the objects of the Council, but we will make recommendations. All organisations have to make recommendations, but Government has to take the decision. I have been working for international organisations, I have attended a lot of ILO conferences and I know that whenever you sit in any commission, in any technical committee, the recommendations are sent to the governing body for a decision; this is the essence of tripartism. So, the decision will have to be taken by Government and this Government means business, and when we have said that we are going to introduce a National Minimum Wage, I trust this Government, and I know also under the able leadership of our Prime Minister and with all the collaborators with Government, there is no doubt that we will implement the National Minimum Wage and set a good example even in the African Continent.

I would like on this note to say thank you.

(6.51 p.m.)

**Mr S. Abbas-Mamode (Fourth Member for Port Louis Maritime & Port Louis East):** Thank you, Mr Deputy Speaker, Sir, for giving me way. If I may start with a simple example to give a better insight of what I wish to portray, a friend in my Constituency works in a shop and is paid Rs25 per hour and he has to be on his feet for 8 or 12 hours a day.

I know someone else working in a similar shop who earns three times more. My question, Mr Deputy Speaker, Sir, is: is this fair? Is this equal? Is this right? But we can make this fair, we can make this right, we can make this equal. Today, this Government, the Government of l'Alliance Lepep has the possibility to turn things around, especially for those who, right now, have been suffering for decades of indecent salary. With this National Wage Council, we want to act with due care and there might be hiccups along the way. Hence the reason we will set up the Council as a measure of due diligence to make sure the best decision is taken for the welfare of the State.

Mr Deputy Speaker, Sir, we are talking about caring for the less fortunate that can yield in big changes for the welfare of the latter. We all know through various management theories that people want to secure their basic needs. That is their main aim; that is their main objective. The objective of this Bill is to create a conducive situation for these people to allow them to better cater for themselves and their respective families. What we want is to give to wage earners a human interest in life and work and place them on a moral equality with every other class in this country. These lower income groups, especially in urban areas, are facing hard times, Mr Deputy Speaker, Sir, to make their ends meet due to ever increasing cost of living, particularly on the back of price hike in daily expenses and necessities.

The minimum wage increase will motivate workers to be more productive and will benefit local industries in the long run. The wage increase will attract more local workers and reduce the reliance on foreign labour in various sectors. Although Mauritius does not expressly provide for social, economic and cultural rights, it is my humble opinion that it will follow the spirit of these rights that go hand in glove with the title of Mauritius as a Welfare State.

I firmly believe, Mr Deputy Speaker, Sir, that the correct approach to this is a progressive realisation. As initiated before, it is not something to be done without paying attention to the social economic damage we might cause and the Council will certainly find the most effective and efficient manner to tackle this issue. In so doing, we will increase

confidence in the private sector. It is important for this Government to embark on something like this that has never been done before.

*On peut avoir les meilleures intentions du monde mais quand on a l'opportunité, quand on est au gouvernement et on ne fait rien, on doit féliciter le présent ministre de ce gouvernement qui a eu le courage qu'au moins we are at the start, Mr Deputy Speaker, Sir.*

So, it is important for this Government to embark on something like this that has never been seen before. We want to reduce poverty and improve our quality of life. We are keeping our promise because during our electoral campaign, we did say that we will introduce minimum wage. That is an important aspect of this Government's mandate. Certainly, we want to eliminate income inequality *et de donner à la classe de travailleur, qui est au bas de l'échelle*, a chance to breathe.

Mr Deputy Speaker, Sir, I will conclude by saying that the goal of the National Wage Consultative Council Bill is not to raise or lower unemployment nor should it be because evidence suggests that it really can't. Its purpose is social; it is meant, like many other laws, to protect those who might not have the power or resources to be able to protect themselves. And there is little doubt, Mr Deputy Speaker, Sir, who are those in need of protection in this context.

Thank you, Mr Deputy Speaker, Sir.

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

(6.58 p.m.)

**Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien):** Mr Deputy Speaker, Sir, I will not try to beat around the bush; I will be frank to the hon. Minister; I think he deserves some credit; he deserves some credit for, at least, coming today with this Bill before the House. We have seen him for those past few days struggling hard with the unions and the private sector, trying to find a consensus around this very important Bill.

*(Interruptions)*

As you wish.

However, I must say I have heard a few hon. Members, especially hon. Eddy Boissézon who says that hon. Baloomoody has been criticising without making any propositions and he takes the pleasure to criticise the Labour Government as if the Labour Government has been against minimum wage and has done nothing. But he fails to say that

the man behind the ILO Report in September 2014 by François Eyraud is the former Minister of Labour. All started with the past Government, with hon. Shakeel Mohamed, requesting a report from ILO and the hon. Minister rightly said that this has been helpful in the drafting of this piece of legislation. So, the records have to be set out straight. But then,...

*(Interruptions)*

As I have said, the hon. Minister deserves my congratulations for coming up with this Bill. Although, there have been consultations with the different stakeholders, yet there has been an appeal recently, I think, yesterday by the Trade Unions to be given some more time for them to have a look at the amendments that the hon. Minister is going to present during Committee Stage for them to make further representations. I think their request for more time is justified because they have been fighting on this issue for a very long time and, in my humble opinion, they deserve to be given some more time for them to make representations.

However, when I saw the amendments that are being proposed, I am glad to see at least that the hon. Minister has taken a lot of those propositions into consideration. It is also a good sign when we see that the private sector and the Trade Unions are all on the same line of thought, they are agreeable on the principle of having a minimum wage.

Although they might differ as regards the process, the procedure to be put in place, but they all agree that, at least, we should have a minimum wage so that we can bring up those families who are below the poverty line to bring them above the poverty line so that they can have a decent living.

However, there have been concerns from the employers in the private sector about the capacity of certain small businesses, certain small employers/entrepreneurs, to pay the minimum wage. Requests have been made from the employers to take into consideration the guidance that has been provided by Mr François Eyraud in his report, and also there have been requests from the employers to take into consideration the study that is currently being carried out by the World Bank as regards the Impact Assessment Study on the introduction of the minimum salary which is being currently conducted.

Now, there are also some concerns about the overlapping roles of the different bodies that are, in one way or the other, involved in the determination of the minimum wage. I am talking here, Mr Deputy Speaker, Sir, of the existence of different instruments such as the Remuneration Orders, the Additional Remuneration Act, the Tripartite Forum, the Pay Research Bureau and the National Remuneration Board. It would be interesting to know from

the hon. Minister for sure - I know the hon. Minister has, in his speech, touched upon those instruments, upon those bodies; what would be their future roles - and the trade unions want to know what is going to happen to those institutions. Are they going to be phased out? Are they going to be merged? It would be interesting to know what will happen to these institutions.

The unions, as I have said, have made several propositions and it is good to see that the hon. Minister has brought these amendments. Firstly, there was this issue about the definition of 'trade union'. As initially proposed 'trade union' was defined as "to encompass both recognised and unrecognised unions". It is good to see that the hon. Minister will come up with amendments. Now, the hon. Minister is coming with workers' organisations which would be restricted to registered trade unions.

There is also the issue about the determination of the payment of Additional Remuneration that would be left to the hon. Minister of Finance and Economic Development. The idea of creating a second category of young worker has been abandoned. It is good. Lastly, there was this issue about the confidentiality clause. Again, there is also this issue about the hourly rate which has been taken on board by the amendments that are being proposed by the hon. Minister.

Again, I must place on record that these are positive gestures from the hon. Minister by accepting these amendments because clearly determination of additional remuneration is a completely different matter from determining minimum wage and they are based on different criteria, and therefore they should be kept separate. The creation of the second category of young workers has resulted in frustration and job losses. The issue of confidentiality is not, in my humble opinion, acceptable in a democratic society where freedom of expression should prevail.

However, despite these amendments, there are some pertinent issues which have been proposed by the unions and, which I believe, in all fairness to them, should have been considered by the hon. Minister. Hon. Baloomoody has raised some of those issues. I am principally concerned with the independence of the Council. The idea of the hon. Minister choosing the members of the Board, controlling its agenda, that is, by having already set out the parameters which should be taken into consideration by the Council and then keeping the discretion to himself to make the final decision on minimum wage, gives a very bad

impression that as if Government will have complete control over the Council. And this is bad! This is bad because you won't...

*(Interruptions)*

get the trust of the unions. If you don't get the trust of the unions, if you don't get the unions on board, then the whole thing will collapse. It will not work. So, when I am talking about the Minister controlling the Board through the appointment of its members, I am here making specific reference to the fact that, given the wide representation of the representatives of Government as well as the employers on the Board and since as per section 11, only 12 members can constitute a quorum, it may happen that for one reason or another the unions decide not to participate. Then, the Board may still carry on its business, but this goes contrary to the whole idea of having a tripartite quorum.

*(Interruptions)*

So, it may happen! It may happen! There is the possibility of this happening.

*(Interruptions)*

I don't know how the hon. Minister will secure, at least, the union being represented on the Board; whether he should review the number of members to constitute the quorum or he should decrease the number of Government representatives on the Board. I don't know, something must be done!

*(Interruptions)*

When I am talking about the Minister controlling the agenda of the Council, I am making reference here to the object of the Council as set out, I think, at section 5 of the Bill. From the amendments that have been circulated, I see that the object of the Council has been now widened to take into consideration, for example, the wage ratio. It would appear that the agenda has already been dictated to the Council as regard what criteria they should take into consideration in determining the national minimum wage.

In all fairness to the unions, I think we have decided to come up with a framework. Let's leave it to the Council to decide what are the criteria they think would be fit, would be relevant for them to take into consideration when coming to this minimum wage. Why should we dictate? Why should the hon. Minister tell them what criteria they should look at? It defeats again the purpose of having the unions, the employers and the private sector. When I talk about the Minister retaining the final word about the quantum of the minimum salary, I

am making reference to section 8 where the Minister can decide not to follow the recommendation of the Council and come up with such other regulations as he may think fit. I am also here talking about the appointments. Even the Chairperson is appointed by the Minister, not even with consultation with the private sector or the trade unions. The Executive Director and even the staff of the Council are designated by the Secretary to Cabinet. The Council has no say on the appointment of its own staff.

All these issues, unfortunately, give the perception as if the Council would be under the complete control of Government. As it is, this leads to the inevitable impression as if the quantum of the national minimum wage would, in effect, be a choice of the Minister, not that of the Council. So, these would be my intervention.

Thank you.

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

(7.13 p.m.)

**The Minister of Health and Quality of Life (Mr A. Gayan):** Mr Deputy Speaker, Sir, please allow me, first of all, to congratulate the hon. Minister of Labour, Industrial Relations, Employment and Training for bringing this very important piece of legislation to the House.

I think this is a landmark piece of legislation which is going to set the tone for industrial relations in the future. But, let me also say, especially, after the intervention of hon. Ramful that it must be a matter of regret for hon. Mohamed not to have been the one to present this Bill to the House when he was in Government.

*(Interruptions)*

But, on this side of the House, we have a very high respect for history and the hon. Minister by introducing this Bill, he did say and he did pay tribute to what had been done by hon. Mohamed and I think that this is how a House should be.

*(Interruptions)*

**The Deputy Speaker:** Order, please!

*(Interruptions)*

**Mr Gayan:** Mr Deputy Speaker, Sir, in fact, this piece of legislation is part of electoral promise that we made during the last campaign. A lot has been said by hon.

Baloomoody and others that we said we were going to bring it within three months. We could have had it not been for the mess in which we found the Government to be. But, we did bring it within less than two years. And now, what is hon. Baloomoody saying? He is saying: ‘Go and get consensus! Go and talk to the trade unions! Go and talk to all the stakeholders!’ And then that will take five years and then he will say: ‘Look, another broken promise!’

I agree with hon. Benydin who has been a leader of the trade union movement, who is supporting this Bill. I think that tells a lot about the merits of this Bill. A Bill on a national minimum wage is a very important tool for poverty alleviation and for ensuring that low paid workers get a decent living. This is the most important aspect of a national minimum wage. We are talking of a national minimum wage so that anybody, anywhere in the Republic of Mauritius could be entitled to that national minimum wage. It is very important because we hear that there are pockets of poverty and people living below the poverty line. So, it is important that we, as a country; we, as a Government and we, as Mauritians, are concerned about the plight of all those who are living in very terrible conditions. So, this is why I believe that this is a piece of legislation which goes a long way towards assuring that social justice really happens in this country.

Let me also say that this minimum wage debate is a debate about what we are, where we are and where we want to go. We want this country to be a country where no one lives in poverty, we want no one to go to bed hungry and we want everybody to be able to live a decent life. This is what this Bill is going to do.

Mr Deputy Speaker, Sir, a Bill of this nature, I have said that we are not inventing the wheel. This is something which is present in most countries of the world. In fact, I’ll like to quote President Franklin Roosevelt who was the first President to introduce a minimum wage in the United States in 1938 and that country is the heart of capitalism and even then the President said: “We need to have a minimum wage because we want all Americans to live a decent life.” This is what he said. At the time when he said it in 1938 he set the minimum wage at 25 cents. Adjusted to present purposes, it is 4.07 dollars. He said -

“(...) nobody is going to starve in this country. It seems to me to be equally plain that no business which depends for its existence on paying less than the living wages to its workers has any right to continue in this country.”

He was not there to foment discord, but he wanted fairness to apply.



When we are asking for a minimum wage, we are also asking for businesses to be sustainable, because without businesses being sustainable there won't be any minimum wage. So, there has to be a balance that needs to be struck between what we can do as a Government regarding minimum wage and what can enterprises do in paying that minimum wage. We do not want to destroy jobs. In fact, we want to create jobs and this minimum wage is, in fact, going to do precisely that.

When a Bill of this nature comes to the House, Mr Deputy Speaker, Sir, there are a few things that we need to take on board and I certainly do not want to engage in any demagogy or anything. But we need to know exactly what is being said in this House with regard to what was said by hon. Baloomoody and this was also said by hon. Ramful, that, in fact, the Minister responsible for labour is taking complete control over the machinery for the setting of the minimum wage.

There are various formulas around the world for the setting of minimum wage. The first system that applies in the world is the minimum wage which is fixed by the public authorities without consultation with the social partners.

*(Interruptions)*

No, it happens in Bolivia and Brazil. I have all the information here.

The second system is the minimum wages which are fixed by the public authorities after consultation with the social partners. Here, we have lots of countries Kenya, Tanzania, Swaziland, Vietnam, Malta, Japan and other countries.

We also have a third group of countries where minimum wages are fixed on a tripartite basis.

The fourth system is minimum wages fixed by collective bargaining.

So, there are various systems around the world and the machinery that is being established in this particular Bill is a machinery which takes on board the consultations with all the stakeholders and this is consonant with not only the ILO conventions mentioned by the hon. Minister when he was making his Second Reading, but it is also important to bear in mind that there are other international conventions that deal with a decent wage. I am referring to those apart from the ILO conventions which have been mentioned also by hon. Baloomoody. There are several international instruments which recognise the right to a decent wage.

For example, Article 23, paragraph 3 of the Universal Declaration of Human Rights provides and I quote –

“Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.”

Article 7 of the International Covenant on Economic, Social and Cultural Rights -

“recognises the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular -

- (a) Remuneration which provides all workers, as a minimum, with -
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind (...);
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant”

All regional bodies like the African Union, the Asian Group and all the countries around the world and all the regional groups have adopted the principle that every worker must be paid adequate remuneration. We are convinced that a national minimum wage is the only way to proceed with regard to achieving social justice.

There are some other things which also go in a Bill of this nature. There are always fears and we are not alone in the world where a Bill dealing with trade unions and the rights of workers creates a lot of emotions. Today, in France, there are problems because a law has been passed as the result of a drastic parliamentary procedure with regard to a new code, *le Code du travail*. People are demonstrating, trade unions are on the streets. Why? Because no one wants to change! Every change is considered to be a threat to their livelihood.

It is significant that in France and I am reading from the Economist of 5th March 2016 –

“The country’s ponderous labour code, currently longer than the Bible, should limit itself to basic protection of workers, and leave bosses and unions within firms to hammer out finer details. This is based on the belief that French employees - only 8% of whom belong to a union - are more pragmatic and flexible than the national union leaders in Paris who supposedly negotiate on their behalf. At a car factory making Smart vehicles in eastern France, for instance, a recent deal to work 39 hours a week

was approved by most employees, yet blocked by the firm's unions. Under the new law, if no deal can be reached with a company's unions, employees may vote in a binding internal referendum.”

I am saying this because, in France, the 35-hour week is said to be sacred and workers are saying: “no, we are going to work longer than 35-hour week because it is in our interest. We don't want to lose jobs.” And it is only 8 percent of the workforce that is unionised in France.

We also have other things in other parts of the world where young people do not find jobs because of the closed market because in France they need to have permanent jobs and, in order to create a permanent job, the social burden for pensions and everything is so high that no employer wants to create new jobs. So, there has to be derogation. Young people must join the labour market and unless we are imaginative, we run the risk of not being able to make sure that youngsters find work for less than the statutory minimum and they need to get onto the job market. So, all these things are happening and in France especially, in the *banlieues* there are lots of young people seeking jobs. They are not in a position to get onto the job market and there is a movement that has started in France which says: « *Nos Quartiers ont des Talents* ».

So, we have to look at the problems on the ground and we have to look at what really is happening on the labour market. But, with regard to this Bill and I am happy that hon. Ramful mentioned that this is something which had been triggered and initiated by the former Minister of Labour. But, I still wonder why it took so long for the hon. Minister to come up with something concrete! In April 2013, there was a question asked in the House about the national minimum wage and the Minister then answered and he said that -

“We have made a request to the ILO with the experts to come(...)”

And so on and he goes on to say -

“Now, if we do come ahead, if we are advised to do it, what form will it take? We want to listen from the experts as to whether it can live or stand side by side with the National Remuneration Board, or maybe we have to do away with it (...)”

That is *en passant*, but what is more exciting, Mr Deputy Speaker, Sir, is what comes later. Hon. Miss Deerpalsing asked a question –

“Mr Speaker, Sir, talking about minimum wage and the NRB (...)”

*(Interruptions)*

You will remember that!

*(Interruptions)*

You will remember!

*(Interruptions)*

**The Deputy Speaker:** No crosstalking, please!

**Mr Gayan:** “(...) can the hon. Minister inform the House whether he is aware that in schools we have women cleaning schools at a salary of, I think, Rs2,000 per month (...)”

As far back as 2013!

“(...) cleaning of whole school just by themselves - and whether these kinds of workers would be taken into...”

And then there are interruptions and she says –

“Can I please ask my question in peace?”

Mr Speaker says: Put your question!

And do you know what she says?

“Shut up! Shut up!”

Because there are interruptions again! I believe that it was a matter of shame for the previous Government to learn in the House that there were people earning Rs2,000 a month for cleaning schools. And, who has sorted out that problem?

*(Interruptions)*

We did!

*(Interruptions)*

We did last year!

*(Interruptions)*

We sorted out the problem and if we have the minimum wage, this is going to sort itself out!

*(Interruptions)*

No, it is good that we do not pretend to be holier-than-thou in this.

*(Interruptions)*

**The Deputy Speaker:** No crosstalking, please!

*(Interruptions)*

**Mr Gayan:** One of the other objectives of this Bill, Mr Deputy Speaker, Sir, is to reduce the income disparities that exist, unfortunately, in the labour sector. And, it is a matter of justice that we should do that because inequalities breed a lot of resentment, it creates a lot of tension and we need to ensure also that while having the minimum wage, we also do not allow that minimum wage to be eroded by all sorts of other things.

I also believe that all workers must share in the benefits of their economic activities. They must have a share in the profits and this is why it is important that together with the minimum wage, we must look at productivity. We must have increased productivity and I also believe that this Bill goes a long way...

*(Interruptions)*

Let me end by saying, Mr Deputy Speaker, Sir, in the States recently the Federal Minimum Wage was raised to 15 dollars an hour.

Let me end by saying, Mr Deputy Speaker, Sir, in the States recently the Federal Minimum Wage was raised to USD15 an hour and some employers went to the Supreme Court to challenge that. The Supreme Court of the United States rejected their challenge to the law, because they said: "We are not going to agree to the big business lobby". I think this Bill is a matter of justice and this is why I fully support this Bill.

Thank you.

(7.32 p.m.)

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** Mr Deputy Speaker, Sir, as a small business owner just the thought of a higher minimum wage could send me into a panic. After all, that money has to come from somewhere. On the other hand, you value employees and you know that they work hard to earn their keep. It's a fact that a higher minimum wage has its advantages and disadvantages, depending on who you ask.

Here are some few pros and cons that may have not been considered. The cost of raising minimum wage has a larger potential talent pool as wages increase jobs, tend to become more attractive to seekers. You may find a higher minimum wage attracts better qualified and more experienced workers. If so, your staff could provide more skill and more reliable resulting improved performance which will positively impact on your bottom line.

Moreover, Mr Deputy Speaker, Sir, the increased talent level of your staff could also mean you require fewer workers. Lower employee turnover and higher wages can improve employee morale and a happy employee is less likely to look for other employment opportunities than an unhappy one.

According to research, higher wages dramatically reduce employee turnover. Though you may pay slightly higher hourly wage, reducing turnover reduces your equipment and training costs, increase productivity and customer satisfaction with better qualified employees who are happier with their jobs, small businesses also benefit from increased productivity and customer satisfaction. Again, these benefits translate in a positive impact to your bottom line.

Mr Deputy Speaker, Sir, economic stimulus minimum wage workers will have more money to spend with a higher minimum wage and the money is likely to be spent. This in turn could lead to increased sales, but the cons of raising the minimum wage are wide. There are advantages to paint a rosy picture, but there are a few potential disadvantages, including the following –

- (i) other wages may have to be increased if the minimum wage increases substantially, workers who previously earn above minimum wage may demand a higher rate;
- (ii) fewer financial resources for payroll with an increase in the minimum wage;
- (iii) you may not be able to afford to promote an employee at a higher rate or be able to hire additional employees.
- (iv) you may also need to scale back on benefits account to your higher payroll cost;
- (v) increase competition for minimum wage jobs with a higher minimum wage competition will likely intensify with over qualified applicants competing with teenagers, younger and experienced applicants;
- (vi) while your small business can certainly benefit from the shift, younger workers could miss out the opportunity to acquire long life skill in a job.

Mr Deputy Speaker, Sir, business owners may have to take on more work and a minimum wage increase will cost your business money before some of the less tangible benefits such as improved productivity and reduced turnover ultimately kicking. In the meantime, you may need to take on more works to offset the initial payroll cost. While

pitching in the front line of enable pitch, it takes you away from more important and strategic tasks designed to grow your business. In addition, taking on more work potential to the expenses of business, long-term growth, you may also need to reduce your financial investment in the business.

Mr Deputy Speaker, Sir, if your business pay minimum wage, an increase will immediately impact on your business, but the impact could either be negative or positive depending on your approach and the employees you manage to hire or retain. While you do not have much of a say whether or not the minimum wage increases now in good time to reevaluate your long-term human resource strategy, a raise of minimum wage would particularly hurt minorities who make up more than 40% minimum wage earners according to 'ThinkProgress'.

Women would also benefit to close the gap in wages inequality. The mark-up about 50% of low-wage workers report by the Economic Policy Institute, raising minimum wages will reserve trend and strengthen the policies of employers and undercut the ability of low and middle wage workers to have good jobs and economic security.

M. le président, les effets positifs d'une augmentation substantielle de salaire minimum dépassent l'amélioration des conditions de vie, de travail et des travailleurs au salaire minimum. Elle améliore la condition des personnes qui gagnent un salaire légèrement moins élevé que le salaire minimum mais qui sont tout de même pauvres ou tout près de basculer dans la pauvreté. Par conséquent, une hausse du salaire minimum à un niveau où il permet minimalement l'atteinte du seuil de faible revenu s'inscrit parfaitement dans l'esprit de la loi visant à lutter contre la pauvreté et l'exclusion sociale.

Rappelons que les personnes rémunérées au salaire minimum n'ont pas de réel rapport de force face à l'employeur et dépendent essentiellement du gouvernement pour l'amélioration de leur situation. Augmenter le salaire minimum reflèterait donc, à mon avis, l'importance accordée par notre société au travail et à la dignité de l'ensemble des travailleurs.

Je vous remercie, M. le président.

**The Deputy Speaker:** Hon. Members, Madam Speaker, will now resume her seat.

*At this stage, Madam Speaker took the Chair.*

(7.40 p.m.)

**The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong):** Madam Speaker, it is an honour for me to add my voice to the debates of the National Wage Consultative Council Bill.

In its electoral manifesto, this Government has announced its intention to introduce the minimum salary during its mandate. Today, with the presentation and debates of the National Wage Consultative Council Bill, we are walking the talk. It was just a mere announcement that Government has embarked on a new ambitious path to face the challenges ahead.

This Bill, in itself, aims at making Mauritius a high income country and it is in this context that the Government is considering establishing a National Minimum Wage.

It is worth saying that Mauritius rapid economic progress over the last decades has reduced the incidence of poverty and has contributed to reducing income inequality among members of society. Since independence, Mauritius has been very active in economic and social reforms and has been successful in upgrading the country from a low to upper middle income country. Based on strong economic growth, the country has developed a sound social welfare system. The foundation of Mauritius economic success has been a provision of a stable internationally competitive regulatory environment favouring labour intensive activities in selected sectors such as sugar, textile manufacturing and tourism.

Madam Speaker, however, on the other hand, we cannot ignore some realities. Different reports from the World Bank have shown that from 2007 to 2012, more than 120,000 people were living in a state of poverty. Moreover, Mr François Eyraud, from the International Labour Organisation (ILO) has stated that 16% of employees faced the harsh reality of poverty.

Let me here stress on the fact that 30% of employees of the private sector are not benefiting from the salary and working conditions fixed by the National Remuneration Board. How can we also overlook the difficult situation in which many of our compatriots find themselves? We all here must have heard about these employees of hotels, restaurants or the construction sector who do not appear on any register though they are working hard. What about those people who work for Rs18 per hour and who are not able to work for more than two or three hours a day? In addition, we come across so many cases where people are



drawing a meagre salary and do not even have a pay slip. And we all know that without a payslip, these people are penalised. It means that –

- (i) they are not registered as employees;
- (ii) they are not contributing to the economy, and
- (iii) they cannot apply for any loan and make request for a house.

These are some examples only. Every Wednesday, as Members of Parliament, we receive our constituents in Citizens' Advice Bureaux. When the people come and seek our help regarding various problems and difficulties they face, upon asking many of them what do they do in life, the majority will simply reply that they are unemployed. So, when we ask them: "what do you do for a living?" Most of the time, they will reply that they regularly stamp their unemployment card and that they *bat bater* until they get a fixed employment in Government or parastatal body. It is, therefore, obvious that the national minimum wage is an important tool in the fight against poverty and the promotion of a decent work and salary.

First, minimum wage is the minimum amount of compensation an employee must receive for performing labour. Minimum wages are typically established by contract or legislation by the Government.

Second, the minimum wage attempts to protect employees from exploitation allowing them to afford the basic necessities of life.

Third, the objective of minimum wage is to address the gap between those who are highly remunerated and those in low-income group.

The minimum wage machinery is rather complex. There is no single national minimum wage in Mauritius, but different complementary minimum wage support system, that is, the Annual Salary Compensation, the Remuneration Order or the Pay Research Bureau.

It is also to be mentioned that the National Remuneration Board will continue to exist in parallel with the National Wage Consultative Council. These two entities do not have the same mission. The now NRB's role is to review the salary and condition of work and the National Wage Consultative Council mission is to recommend the national minimum wage and salary compensation. So, there won't be any overlapping. At some point in time, different minimum wage rate for men and women existed marginally in Mauritius. However, the Employment Rights Act stipulates that –

“Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value”.

Madam Speaker, according to ILO Global Wage Report 2008/2009 –

- (i) throughout the world an estimate of 90% of all countries have some kind of minimum wage setting procedure, and
- (ii) some countries, for example, UK implements relatively straightforward national minimum wage which applies to all workers.

There are also a number of developing countries, including Brazil and China which rely relatively on simple systems.

The ILO Global Wage Report 2008/2009 considered that it was preferable to keep the institutional design of minimum wage fixing as simple as possible so that it is easier to communicate and raise awareness thereof at the general public.

Madam Speaker, it is with intrinsic satisfaction to foresee that the minimum wage will be a reality in Mauritius in the near future. More so, we are all pleased together that provision has been made in the Bill for the introduction of minimum wage in the public sector. In that respect, the Pay Research Bureau shall take appropriate measures for both salary adjustment and implementation.

Madam Speaker, this will, in no case, put at stake the public/private sector pay priority but will rather multiply our synergistic effort to reinforce the public/private partnership in order to offer a decent salary to boost up productivity and performance. So goes the saying –

“Happy bees make more honey.”

But, unfortunately, not everybody seems to be happy. Some trade union leaders have made representations to that effect that they are not satisfied with some provision of the National Wage Consultative Council Bill. We live in a democratic State and it is absolutely normal that partners’ views differ.

I would like to seize this opportunity to congratulate my colleague, the Minister of Labour, Industrial Relations, Employment and Training, hon. Soodesh Callichurn and place on record the initiative that he has taken by not only accepting to meet the different trade union leaders to take on board the views about the Bill we are debating today, but also to

amend some clauses of the National Wage Consultative Council Bill. I am also supporting the hon. Minister of Labour, Industrial Relations, Employment and Training...

*(Interruptions)*

in asking that there is no breakup on the Bill ...

**Madam Speaker:** A gentle pat on the head!

**Mr Wong Yen Cheong:** ... in the interest of the workers at the bottom of the ladder or at stake.

Madam Speaker, from what I understand, before submitting its recommendations, the National Wage Consultative Council Bill will have to consider the social factors such as the personal and familial needs of employees and other factors relating to economic growth. The situation regarding employment and our national competitiveness, and this is perfectly in line with principles spelt out in the ILO Convention No. 131. Of course, this Council will only have to carry

out studies on the impact of the introduction of the minimum wage on our economy and on the labour market.

It is of utmost importance to carry out these studies. When we introduce the national minimum wage, else we could find ourselves in a position where instead of combating poverty, we see an increasing rate of unemployment many countries like England, Germany or Hong Kong have adopted this approach.

As a caring Government, the Government '*Lepep*' will surely not let *le peuple* down. I sincerely wish that we reach a broad consensus on the National Wage Consultative Council Bill and hope that this Council will soon be a reality. I thank you for your attention.

(7.50 p.m.)

**Mr D. Sesungkur (First Member for Montagne Blanche & GRSE):** Thank you, Madam Speaker. Madam Speaker, I am delighted to have the opportunity to intervene on this historical piece of legislation from the Government side.

The national minimum wage is vital to ending the scandal of poverty pay what we commonly call *salaire de misère*. This is yet another landmark achievement of this Government after a series of decisions that this Government has taken ever since we came into power in December 2014. There were many sayings and we know that the Opposition

has repeatedly been saying that this Government will fail in its programme, but we have repeatedly taken a series of decisions to improve the lots of people, to improve our living standards. Just to name a few of them, we increased the old age pension which the Opposition at that time said we would never be able to do. We even gave salary compensation. That was another measure that the Government took to improve the lot of the downtrodden, of the poor people and today, coming with this important piece of legislation, proves that we are sincere in our approach to improve the living standards of our people. We want our people to live a better living, to have a better life and this Government is committed to implement its plan, to implement its agenda. We have had this high on our agenda to implement, to establish a minimum wage and today, hon. Soodesh Callichurn is fulfilling this promise and we must congratulate him for this.

Before I go into details, I would take this opportunity to thank hon. Ramful; to be frank enough to admit that this Government is doing the right thing and that we are implementing our programme.

*(Interruptions)*

The national minimum wage became a major political issue in the run-up to the 2014 elections. It was indeed a manifesto commitment of the l'Alliance Lepep, that is why this Bill is a priority of this Government. The Opposition would like us to believe that this Bill is not in the interest of the workers, is not in the interest of Mauritius. This is completely false because we know that this Bill will put the necessary structures, the necessary mechanisms for the Government to decide on a minimum wage that will be the recommendation of the Consultative Council. So, this Bill will address the very issue of minimum wage, let us not make a mistake on that.

The minimum wage is not only about justice, it is also economically sensible. What we have been doing since we took Government is that we have been putting social stability on the priority list. Without social stability, we cannot achieve a stable growth level. So, the intention of Government was to preserve social stability, to bring everybody on board and to ensure that people are comfortable and when they are comfortable, when they are happy, they can produce and we can achieve better economic performance.

The Bill aims to provide a wage floor to prevent unduly low wages. It will establish a single minimum wage which applies to all workers in Mauritius and will provide a statutory level below which pay should not fall. The Bill provides for the setting up of a Council which

will advise Government on its minimum wage policy in the coming years. This was not existent before. Among the other provisions which the Bill provides is: every worker in Mauritius will be entitled to receive no less than the statutory national minimum wage. The national minimum wage will be set at a single national rate with no variations by region, sector, occupation or size of the firm. The National Wage Consultative Council is established as a permanent statutory body to advise on matters related to national minimum wage. Employers will be required to keep and produce records needed to establish that the national minimum wage is being paid and there will be enforcement measures to ensure that people are getting this minimum wage. Workers will have a right to recover underpayment through courts or industrial tribunals.

Madam Speaker, hon. Members know that a minimum wage and practical policies to promote living wage are essential to building a recovery that works for working people and to securing rising standards of living for the future. As I mentioned, this Government has taken a series of measures since it took control to alleviate extreme poverty whilst we all know that the previous Government made this population poorer and poorer. We have walked the talk and I would like to pay tribute to many of the Trade Unionists who have worked hard over the years to improve living conditions, to improve working conditions of the workers and I want to tell the workers that this Government will never let them down. I want to pay tribute to some of the Trade Unionists who are today with us as Members of the National Assembly. We have heard about hon. Benydin. The Rt. hon. Prime Minister, himself, has had a big contribution in the struggle of workers, the hon. Leader of the Opposition has been a great Trade Unionist in his days. The list goes on, we have the Vice-Prime Minister, hon. Soodhun, and a lot of them are here today with us which comfort the workers that we are working for their well-being and they can count on this Government, they can count on the Rt. hon. Prime Minister.

Thank you very much.

*(Interruptions)*

**Madam Speaker:** Hon. Rughoobur!

**Mr Rughoobur:** Madam Speaker, I move that the debate be now adjourned.

**Mr Sesungkur rose and seconded.**

*Question put and agreed to.*

(8.00 p.m.)

### ADJOURNMENT

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 24 May 2016 at 11.30 a.m.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned. Adjournment Matters. Hon. Jhuboo!

(7.59 p.m.)

### MATTERS RAISED

#### CHAMAREL - TORRENTIAL RAIN

**Mr E. Jhuboo (Third Member for Savanne & Black River):** Thank you, Madam Speaker. I would like to raise an issue to the attention of the hon. Minister of Environment, Sustainable Development, and Disaster and Beach Management concerning the village of Chamarel. Whenever there is a flood, a cyclone, torrential rain, the village is cut off from the rest of the country as it was the case recently. So, not only students, workers, but even the economy, everything is paralysed. I would kindly ask the hon. Minister whether he could set a procedure at the level of the National Disaster Committee to, at least, provide some manpower, vehicles and equipment to alleviate the suffering of the local inhabitants of the village of Chamarel.

**The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong):** Yes, Madam Speaker. In fact, we are working on a plan and we are looking into it.

Thank you very much.

**Madam Speaker:** Hon. Bhagwan!

**BEAU BASSIN/ROSE HILL - CORNER ARIANE & ST. MARTIN ROAD. -  
TRAFFIC LIGHTS**

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** Madam Speaker, the point I have to make concerns the Minister of Public Infrastructure and Land Transport, if he is listening.

The point I want to make concerns a problem of serious threat of accident at Corner Ariane and St. Martin Road. This is the link road from Rose Hill to Beau Bassin and then onwards to Port Louis. There is a lot of traffic and there have been many accidents recently. So I would plead with the hon. Minister if, at the said corner, traffic lights could be installed within the least possible delay, if it so permits.

Thank you.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Madam Speaker, I will certainly look into the matter.

**Madam Speaker:** Hon. Uteem!

**VALLÉE PITOT - BOULEVARD VICTORIA – TRAFFIC LIGHTS**

**Mr R. Uteem (First Member for Port Louis South & Port Louis Central):** Thank you, Madam Speaker. I would like to raise a matter concerning the Ministry of Public Infrastructure and Land Transport.

Unfortunately, it is not the first time that I am raising it in this House. It concerns the increase in traffic especially in the morning with cars coming from the north and going through Boulevard Victoria in Vallée Pitot then through Mahatma Gandhi Road and Labourdonnais Street. Unfortunately, we do not have traffic lights in Boulevard Victoria. So, people from Vallée Pitot find it extremely difficult to come out from Vallée Pitot to get into Boulevard Victoria. Then, when we reach Mahatma Gandhi Street, again people from Tranquebar find it extremely difficult to come from Tranquebar to go onto Mahatma Gandhi Street because there is no traffic light and there is no pedestrian crossing. So, for all the schoolchildren who have to take buses, it is extremely difficult. I would request the hon. Minister to liaise with the Traffic Management Division of his Ministry and see whether we can put traffic lights and zebra crossing along these roads.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** I will look into the matter, Madam Speaker, and report back later.

**Madam Speaker:** Hon. Ameer Meea!

**PLAINE VERTE & ROCHE BOIS – WATER SUPPLY**

**Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East):**

Madam Speaker, the issue that I would raise today is in relation to the hon. Minister of Energy and Public Utilities. Though we have given notice of this issue, the hon. Vice-Prime Minister is not here. I think maybe another hon. Minister could take the issue. It is in relation to irregular water supply and water shortage in Constituency No. 3, that is, Plaine Verte and Roche Bois. What has happened on 04 May 2016, where many people in my Constituency were celebrating the night of Meraj, there was no water running in the tap and this has caused a lot of distress to people, more specifically in the region of Cité Martial, Rue Gorah Issac, Diego Garcia and also Camp Yoloff.

My appeal to the hon. Vice-Prime Minister is that this weekend we are celebrating the night of Shab-e-Baraat, more specifically on 21 and 22 of May, Saturday and Sunday, if necessary action could be taken so that water runs in the tap.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):**

Madam Speaker, a committee has been set up under my chairmanship, we are looking after it and I will take the suggestion of the hon. Member. I can assure the hon. Member that we will do the needful because it is very important and we have already discussed this matter.

**Madam Speaker:** Hon. Baloomoody!

**MGR. LEEN, VENUS – SQUATTERS - RELOCATION**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** My question is to the hon. Vice Prime Minister. It concerns the squatters found at Mgr. Leen, Venus. In fact, a few weeks ago they have received a letter informing them that they will have a plot of land in Pointe aux Sables, according to the letter which I have seen. But then subsequently, a few days after, some of the officers went on site and they were told that the spot where they are will be legalised or they will move a few yards from the place where they are. So, they want to know which is which. If the hon. Vice-Prime Minister can look into the matter and clear issues.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):**

Madam Speaker, we have already decided that all the squatters at Mgr. Leen to be *in situ* at Mgr Leen where they are. There are about, I think, 13.



**Madam Speaker:** Hon. Quirin!

**BEAU BASSIN & ROSE HILL – DRAINS**

**Mr. F. Quirin (Fourth Member for Beau Bassin & Petite Rivière):** Madame la présidente, ma requête ce soir s'adresse à l'honorable ministre des infrastructures publiques et concerne le calvaire que vit, en période de grosses pluies, une quarantaine de familles résidant à la rue Pope Hennessy à Beau Bassin à partir des feux de signalisation allant vers Mont Roches et une cinquantaine de mètres plus haut vers Hugnin à Rose Hill. Alors, quand la route est inondée, les cours et maisons avoisinantes sont, à leur tour, inondées car il y a un manque de drains adéquats et les drains existants sont rarement entretenus.

Donc, je vais déposer une pétition des habitants de la région adressée à la RDA, ainsi que des photos prises par les résidents eux-mêmes. Je pense que cela va être utile à l'honorable ministre et je précise aussi qu'il y a les officiers Mohungoo et Affrasoule qui sont au courant de ce problème. Donc, je fais un appel pressant à l'honorable ministre de bien vouloir considérer ma requête.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Madam Speaker, this is a classified road and we have engineers who have already gone on the site. I will look into the matter to see that we find a solution as soon as possible.

**Madam Speaker:** Hon. Rughoobur !

**POUDRE D'OR & VALE – FOOTBALL GROUND**

**Mr S. Rughoobur (Second Member for Grand'Baie & Poudre D'or):** Madam Speaker, my request is addressed to the hon. Minister of Local Government. We have got actually two projects that have been handed over by the NDU to the District Council of Rivière du Rempart: the football ground at Poudre D'or and cloakroom at the Vale. For these two projects, there are still some outstanding works that need to be completed. I would request the hon. Minister to please see to it that funds are made available to complete them.

**The Minister of Local Government (Dr. A. Husnoo):** Madam Speaker, I will talk to the Chairman of the District Council of Rivière du Rempart and get them to have a look at both of these cases.

**Madam Speaker:** Hon. Shakeel Mohamed!

**CAMP YOLOFF & ST FRANÇOIS REGIONS – POLICE PATROL**

**Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):**

Thank you, Madam Speaker, for giving me the opportunity to address two issues. In fact, there is a mistake in the document. It was my fault, I did not clarify. It is one addressed to the Rt. hon. Prime Minister.

Only yesterday, there was a meeting in my Constituency that was organised by the *Force Vive*, a group called ‘Defenders’ in the presence of the Police Force and that meeting was with regard to the fear that is felt by the inhabitants of the locality because of the rise in the number of robberies, the rise in the number of break-ins and the elderly are being attacked in their own homes. It was a nice event in the sense that Police officers were present in order to try to explain what they could do in order to protect themselves.

Now, the reason why I am, Madam Speaker, asking the Rt. hon. Prime Minister to try to see to it personally, if he could get it from the Commissioner of Police that there are more patrols not only in the main roads, but in all the other subsidiary roads in the Camp Yolloff, St François regions because this fear is prevalent there and more officers have to be put, according to the information I am getting last night, in the Police stations in Plaine Verte and Roche Bois because both of them are undermanned. So, a personal intervention on the part of the Rt. hon. Prime Minister would be much appreciated.

**GÂTEAU, MRS MARJOLAINE - EVICTION**

The second issue, Madam Speaker, is with regard to the hon. Vice-Prime Minister, hon. Soodhun, who is here. We have been hearing on radio, and most hon. Members of this august Assembly have heard a lady from my Constituency, Constituency No. 3 – and we are lucky enough that we are four Members of Parliament representing that Constituency. Not only three, four! That lady is from Roche Bois. Her name is Marjolaine Gâteau and she has been evicted, for some reasons, from a place where she was living for the past 25 years. Now, she is not alone, she has a child with her and she is living outside, in the open. She has nowhere else to go. I would have addressed this issue to the hon. Minister in charge of the NEF, but unfortunately, I believe maybe I am addressing it to the hon. Vice- Prime Minister because it is an urgent situation whereby a lot of people who see themselves victims *d’un incendie*, they lose their home, they don’t have anywhere to go, they don’t have any family members. In an urgent situation, if there is no proper scheme to try to bring them in, if it is

not a member of society to help them or a church or a religious organisation, then it is problematic.

I humbly suggest that this matter will be looked into in Roche Bois urgently, but also maybe an extension of that programme or a new programme set up maybe to look into those urgent situations where no homes are available. I thank both the Rt. hon. Prime Minister and the hon. Vice-Prime Minister.

**The Prime Minister:** Madam Speaker, I will pass on the request to the Commissioner of Police, but you know this problem is not only in his Constituency. This problem is a bit everywhere, in many other places and I wonder whether we have sufficient number of Police officers to go on patrol everywhere, not only in main roads, but even in subsidiary roads. Well, I will pass on the message and see what can be done.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Madam Speaker, I will ask my hon. friend to give me more details, and if possible, I will talk to him later on that.

**Madam Speaker:** Hon. Jhugroo!

#### **CUREPIPE – TRAFFIC CONGESTION**

**Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien):** Madam Speaker, being given that we have got many driving schools' cars operating in the centre of Curepipe, thus causing very serious traffic congestion, therefore, I am asking the Minister of Public Infrastructure and Land Transport, my friend, hon. Bodha to see if a different zone could be found for these persons to go for driving during the day.

**The Minister of Public Infrastructure and Land Transport (Mr N. Bodha):** Well, the idea, Madam Speaker, was to decentralise Port Louis and to regionalise, that's why we created an examination centre in Curepipe. I can understand that this is causing some problems because of all the people from the South. So, we will have to find a new zone. I will look into the matter

*At 8.14 p.m., the Assembly was, on its rising, adjourned to Tuesday 24 May 2016 at 11.30 a.m.*

**WRITTEN ANSWERS TO QUESTIONS****WRITTEN ANSWERS TO QUESTIONS****BETTING (ILLEGAL) – ARRESTS**

**(No. B/400) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to illegal betting, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of persons arrested, since January 2010 to date in connection therewith, indicating the measures that will be taken to address same.

**Reply:** I am advised by the Commissioner of Police that 51 cases of illegal betting have been established and 88 persons have been arrested, in connection therewith, from January 2010 to 12 May 2016.

A series of measures have been and are being initiated to address the problem of illegal betting.

The Gambling Regulatory Authority Act has been amended, under the Finance Miscellaneous (Provisions) Act 2015, to increase the penalties, including fines and imprisonment terms, in respect of illegal betting. The Gambling Regulatory Authority Act is, moreover, being further reviewed for this purpose.

Concerted actions are being taken by officers of the Mauritius Revenue Authority, the Gambling Regulatory Authority, the Financial Intelligence Unit and '*Police des Jeux*' for more effective tracking down of offenders and for targeted operations against illegal activities.

The Inspectorate and Investigation Division of the Gambling Regulatory Authority and the '*Police des Jeux*' have been reinforced both in terms of numbers and capacity. The enlistment of experts to build capacity in intelligence gathering is envisaged in the near future.

As the House is aware, my Office has enlisted the services of two consultants and one of their major assignments is precisely to come with recommendations on how best to address

the issue of illegal betting. These two consultants were the two Commissioners of the Commission of Inquiry on Horseracing in Mauritius.

The Mauritius Revenue Authority is currently activating the processes to implement the new Central Electronic Monitoring System.

In addition, the following measures are being taken to address illegal betting –

- (i) Close monitoring of all persons who have in the past been involved in illegal betting;
- (ii) Regular checks on bookmakers;
- (iii) Involvement of the Cybercrime Unit ,for cyber patrol, with a view to detecting illegal betting through online services;
- (iv) Sensitisation of law abiding citizens and encouraging them to reveal and share information on suspicious gambling activities with the Police through the Police Hotline 148;
- (v) Introduction of a reward system for informers for providing genuine information on illegal betting to the ‘*Police des Jeux*’, and
- (vi) Working with youth clubs to prevent youngsters from indulging in illegal gambling activities.

I must add that one case of illegal betting involving a major licensee has been detected recently and the matter has been referred to the Police.

#### ***EDITIONS DE L’OCEAN INDIEN – SALE***

**(No. B/401) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the *Editions de l’Océan Indien*, he will, for the benefit of the House, obtain from the State Investment Corporation, information as to the –

- (a) amount of money invested by Government therein over the past five years, and
- (b) procurement method used for the disposal thereof, indicating the
  - (i) total proceeds of the sale thereof;
  - (ii) name of the purchaser thereof, and
  - (iii) amount of money owed to the National Commercial Bank Ltd. as at to date.

**Reply:** With regard to part (a) of the question, I am informed that over the last five years, Government has not invested any funds in *Editions de L'Ocean Indien*. However, the State Investment Corporation (SIC) has, between 2010 and 2015, advanced an amount of Rs56.4 m. to *Editions de L'Ocean Indien*, of which Rs15.2 m. has been repaid. The net amount advanced by SIC was, therefore, Rs41.2 m. which has already been impaired in the accounts of the SIC.

Regarding part (b) of the question, an Expression of Interest was launched on 27 August 2015 to invite proposals for the acquisition of the business. At the closing date of 11 September 2015, three proposals were received. Following the evaluation of the proposals, Hobby World Ltd was selected as the preferred bidder. It offered to inject Rs30 m. for taking over the business as a going concern and agreed to maintain the employment of all the 52 employees on same terms and conditions.

As at 06 August 2015, date on which the company was put under administration, *Editions de L'Ocean Indien* owed the former National Commercial Bank a total amount of Rs35.9 m.

As a result of negotiations between the Bank and Hobby World Ltd, the bank agreed for a settlement of the debt at an amount of Rs28 m., made up of an immediate cash payment of Rs8 m. by *Editions de L'Ocean Indien* and the remaining balance of Rs20 m. be rescheduled over a period of 10 years.

#### **LAND DRAINAGE AUTHORITY – SETTING UP**

**(No. B/402) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the proposed setting up of a Land Drainage Authority as announced in the 2015-2016 Budget Speech, he will state where matters stand, including the expected date of coming into operation thereof.

**Reply:** I am informed by the National Development Unit (NDU) that drafting instructions have been conveyed to the Attorney General's office to incorporate in the Draft Land Drainage Authority Bill already prepared, comments and views received following consultations with its major stakeholders.

The Draft Bill is expected to be introduced in the National Assembly in the last quarter of this year.

The Land Drainage Authority is expected to come into operation in early 2017.

**REPUBLIC OF GHANA & REPUBLIC OF MAURITIUS – TECHNOLOGY  
PARK**

(No. B/403) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Joint Project of the Government of the Republic of Ghana and of that of the Republic of Mauritius for the setting up of a Technology Park in the port city of Tema, in Ghana, he will state where matters stand as to the implementation thereof.

**Reply:** Inspired by the success of the Mauritius Cybercity, the President of Ghana, in May 2014, requested for the assistance of Mauritius to develop a Technology Park in Ghana.

The Government of Mauritius and the Government of Ghana thus signed a Memorandum of Understanding (MOU), in June 2015, for the implementation of the project.

In furtherance, a Framework Agreement was signed between the two Governments in August 2015, during the official visit of the President of Ghana to Mauritius.

The Agreement sets out the framework of cooperation to develop and manage the Technology Park and also the respective rights and obligations of the parties. Furthermore, the Agreement provides for the following –

- (i) the setting up of a Special Purpose Vehicle (SPV) to be incorporated in Ghana to implement the project. The SPV shall be managed by a Board of five Directors, three of whom shall be nominated by Mauritius and two by Ghana. The Chairman will be designated from among the three Directors nominated by Mauritius. The CEO shall be designated from among the two Directors nominated by Ghana;
- (ii) the Government of Ghana shall provide the essential infrastructure, the necessary permits and licenses, fiscal incentives and other business facilitation measures for the implementation of the project. The fiscal incentives shall include a 10-year tax holiday, exemption from customs duties and Value Added Tax on equipment and raw materials for all companies operating in the Park, including the Master Developer;
- (iii) the Framework Agreement shall take effect after approval by the Parliament of Ghana.

An on-site mission in Ghana was carried out in October 2015. The objective was to obtain a clear visibility of the site for the setting up of the Technology Park and also to press for the Framework Agreement to be brought to the Parliament of Ghana for ratification.

The visit revealed that the site earmarked, which was within the industrial zone of Tema, was not suitable for the development of a Technology Park.

A follow-up mission was organised in November 2015 to explore alternative sites available to the Government of Ghana in the vicinity of Accra, and to clear impediments to the implementation of the project. Among the alternative sites proposed by the Lands Commission of Ghana, an unencumbered 20-hectare plot of land at Dawa, some 50 km east of Accra, was identified as a suitable site for the development of the Technology Park. Unoccupied land adjoining the 20-hectare plot was also available for future expansion.

The Technology Park project is envisaged by the Government of Mauritius and by the Government of Ghana as a mixed development concept based on the three principles of “Work, Live and Play”. The project will be developed in a minimum of 2 phases.

The Work function will be developed first through the construction of 2-anchor ICT clusters, with a proposed total built area of 36 thousand square metres. Thereafter, a conference centre and a 200-room business hotel will be built. This will conclude Phase 1 of the project.

Under Phase 2, the “Work, Live and Play” aspects will be further developed. Firstly, serviced plots will be leased for ICT regional headquarters, for a banking and financial services cluster, and for training and research and development. Secondly, residential blocks and apartment buildings will be constructed, along with a commercial centre comprising shopping areas, food courts, and a gymnasium and wellness centre. Finally, the entire Technology Park will be integrated within beautifully landscaped surroundings with plazas, boulevards and access to green open spaces.

The development of the project will be privately financed through partnerships with infrastructure development partners, third party developers, operators themselves and other investors. The total project cost is estimated at 200 million US dollars, requiring an initial investment of 75 million US dollars. The Mauritius-Africa Fund Ltd, under whose aegis the project is being undertaken, is actively seeking commitments from various investors, including, among others, private equity investors, banking and insurance companies, and international development financial institutions.



As at date, the following steps are yet to be completed by the authorities of Ghana –

1. issuance of an official confirmation regarding the allocation of the 20-hectare of land in Dawa for the Technology Park project;
2. approval of the required amendments to the Framework Agreement, to take into consideration the change of site and other changes;
3. submission of the Framework Agreement, as appropriately amended, to the Parliament of Ghana for ratification, and
4. completion of the formalities for the incorporation of the Special Purpose Vehicle to implement the project.

With the coming general elections scheduled to be held in Ghana on 07 November 2016 to elect a President and Members of Parliament, the implementation of the project is expected to be somewhat delayed.

The Mauritius-Africa Fund Ltd and the Board of Investment are acting with diligence to expedite matters pertaining to the incorporation of the SPV and the ratification of the signed Framework Agreement so that on-site works can be started as soon as possible.

#### **NATIONAL ADOPTION COUNCIL – ADOPTED CHILDREN**

**(No. B/404) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the children, he will, for the benefit of the House, obtain from the National Adoption Council, information as to the number thereof who have been adopted by Mauritian nationals and foreign nationals respectively over the past five years.

**Reply:** I would like to inform the House that the National Adoption Council which has been set up under the National Adoption Council Act of 1988 is administered by a Board, comprising the representatives of different Ministries and organisations involved in the adoption process. The Council has the mandate to authorise applications for the adoption of Mauritian children by foreign nationals only.

Requests for adoption of foreign children by Mauritian nationals that meet the legal and social requirements are authorised by my Office in accordance with the *Code Civil Mauricien*, after consultation with the Attorney General's Office.

As regards local adoptions, that is, the adoption of Mauritian children living in Mauritius by Mauritian nationals, these are dealt with by the Courts in accordance with the *Code Civil Mauricien*.

I am accordingly informed that, from January 2011 to 13 May 2016 –

- (i) 38 Mauritian children have been adopted by foreigners;
- (ii) 21 foreign children have been adopted by Mauritian nationals; and
- (iii) 275 Mauritian children have been adopted by Mauritian nationals.

I would also like to inform the House that Mauritius had in 1998, ratified The Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption which has established safeguards to ensure that intercountry adoptions take place in the best interests of children.

As announced in the Government Programme 2015-2019, the broad lines of a New Adoption Bill to fully domesticate the provisions of the Convention have already been approved and we expect to embark on the drafting of the law with the assistance of an expert from The Hague Convention Secretariat very soon. This would enable the setting up of a new structure and a new framework to ensure that all children are adopted in accordance with international norms and standards.

### **BETTING – OPERATORS – LICENCE**

**(No. B/405) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to betting, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the names of the new operators who have been issued with a licence therefor, if any, since January 2015 to date, indicating in each case, the

–

- (a) category/type of the licence, and
- (b) number of outlets authorised to be operated thereunder, indicating the locations thereof.

*(Vide reply to PQ No. B/399)*

**MR N. K. S. – ARREST & BAIL**

(No. B/406) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to Mr N. K. S., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) date of –
  - (i) arrest thereof, indicating the equipment/personal belongings which had been seized at the time thereof and if they have all been returned and, if so, when and, if not, why not, and
  - (ii) release on bail thereof, and
- (b) charges lodged against him.

**Reply:** I am informed by the Commissioner of Police that Mr N.K.S. was arrested on 23 January 2016 in breach of the Prevention of Terrorism Act.

The residence and the Cyber Café of Mr N.K.S. were searched on the same date and five laptops, two mobile phones and other computer accessories were secured. All exhibits secured are still in the possession of Police for Forensic examination.

In regard to part (a) (ii) of the question, I am informed that Mr N.K.S. was released on bail on 02 February 2016, after furnishing two sureties of Rs100,000 each and entering into a recognizance of debt of Rs500,000.

The following conditions were additionally imposed on him by the court –

- (i) to call at the nearest Police Station once daily between 06.00 hours and 18.00 hours;
- (ii) not to get into contact with witnesses;
- (iii) to remain away from Indra Cyber Café;
- (iv) not to change address and, if so, to notify Police immediately, and
- (v) not to move out of the house between 20.00 hours and 05.00 hours.

In regard to part (b) of the question, the Commissioner of Police has informed that on 24 January 2016, Mr N.K.S. was provisionally charged before the Bail and Remand Court for

the offence of “providing logistics for an activity, which he knows is concerned with terrorism” in breach of Section 5(b) of the Prevention of Terrorism Act 2002.

The Provisional charge lodged against him was struck out by Court on 28 March 2016. The main case is still under enquiry.

### **COMMISSIONER OF PRISONS – APPOINTMENT**

**(No. B/407) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Mauritian Prison Services, he will, for the benefit of the House, obtain information as to if consideration will be given for the urgent appointment of a Commissioner of Prisons and, if not, why not.

**Reply:** I am informed that the former Commissioner of Prisons, who was employed on contractual basis, left on 26 December 2015. Subsequently, arrangements have been made for the duties of Commissioner of Prisons to be carried out by the senior most Deputy Commissioner of Prisons.

In this regard, Mr Jaganaden Rungadoo has been assigned the duties of Commissioner of Prisons with effect from 27 December 2015, pending the filling of the vacant post of Commissioner of Prisons, as soon as possible.

### **CORPORATE SOCIAL RESPONSIBILITY – FUNDS COLLECTED**

**(No. B/408) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister of Finance and Economic Development, Minister for Rodrigues and National Development Unit whether, in regard to the Corporate Social Responsibility, he will state if –

- (a) new guidelines will be issued to ensure a more efficient use of the funds collected thereunder;
- (b) the proposal for a review of the concept of *parrainage*, as announced in the last Budget Speech, will be implemented, and
- (c) consideration will be given for a transfer of the funds collected thereunder to the Ministry of Social Integration and Economic Empowerment for better management and monitoring with a view to ensuring a more coherent approach to poverty alleviation.

**Reply:** During the pre-budget consultations with NGOs and Civil Society organisations, several concerns were expressed regarding the Corporate Social Responsibility (CSR) issue. I am sensible to their concerns and I have informed them that consideration is already being given to review the CSR mechanism.

As regard to parts (a) to (c) of the question, I wish to inform the House that the suggestions made will be considered in the context of the review exercise.

#### **MEDICINES - PRICE**

**(No. B/430) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Minister of Health and Quality of Life whether, in regard to the selling and pricing of medicines to the public, he will state if his Ministry has set up a committee to inquire thereinto and, if so, indicate -

- (a) where matters stand as to the work thereof, and
- (b) if copy of the report thereof will be tabled.

**Reply:** I am informed that at the level of my Ministry, there is no such committee which deals with selling and pricing of medicines to the public.

My Ministry is concerned with the registration of pharmaceutical products and issues clearance to registered pharmaceutical wholesalers for the import and sales of such products to the public.

It is the Ministry of Industry, Commerce and Consumer Protection (Industry Division) which is responsible for the fixing of price of pharmaceutical products.

Selling of medicines is independent of both my Ministry and the Ministry of Industry, Commerce and Consumer Protection (Industry Division).

#### **LES SALINES WATERFRONT DEVELOPMENT (NEOTOWN) PROJECT - LAND ALLOCATION**

**(No. B/431) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the Les Salines Waterfront Development (Neotown) Project, he will state where matters stand, indicating if the allocation of land therefor has been cancelled, indicating if the fees already paid by the promoter thereof have been refunded.

**Reply (The Deputy Prime Minister, Minister of Tourism & External Communications):** On 11 December 2009, the Ministry of Housing and Lands sub-leased a

portion of land of an extent of some 58 *arpents* at Les Salines to Les Salines Development Limited, for the project known as Neotown, for a period of 99 years effective as from 11 December 2009 and expiring on 10 December 2108.

On 04 June 2015 the Ministry of Housing and Lands served a “Mise en Demeure” to Les Salines Development Limited informing the latter of the termination of the lease in accordance with Article 14 (c) of the lease agreement, and summoning the latter to quit, leave and vacate forthwith the site.

On 08 June 2015, the Ministry of Housing and Lands caused the land to be returned to the Mauritius Ports Authority in accordance with Article 9 (b) of the lease agreement.

The Ministry of Housing and Lands has also informed that an amount of Rs44 m. as rental has been paid and is non-refundable in accordance with Article 15 of the lease agreement.

However, as per Article 14 (c) of the lease agreement, Les Salines Development Limited is eligible for compensation for improvements made on the land upon termination of the lease. The quantum of such compensation is still being discussed between the Ministry of Housing and Lands and Les Salines Development Limited.

In regard to the future use of the land, the Mauritius Ports Authority is awaiting the finalization of the Port Master Plan which will make recommendations for the land use of Les Salines site.

**MUNICIPAL & DISTRICT COUNCILS - CHIEF EXECUTIVE, ASSISTANT  
CHIEF EXECUTIVE & DEPUTY CHIEF EXECUTIVE - POSTS**

**(No. B/432) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government whether, in regard to the posts of Assistant Chief Executive, Deputy Chief Executive and Chief Executive of Municipal and District Councils, he will, for the benefit of the House, obtain therefrom, information as to the

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(a) names of the officers promoted thereto since January 2016 to date, indicating their

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(i) address;

(ii) present and past posting, and

- (iii) number of years of service reckoned in an acting capacity prior thereto, indicating if all those reckoning prior service in an acting capacity thereto were promoted and, if not, why not, and
- (b) if the Scheme of Service for the post of Deputy Chief Executive and Chief Executive would be amended to provide for promotion thereto of serving officers only on the basis of seniority and experience.

**Reply:** I shall arrange for the information requested for at part (a) of the question, to be placed in the Library of the National Assembly.

With regard to part (a) (iii), all those reckoning prior service in an acting capacity thereto were not promoted.

- It is the Local Government Service Commission which selects the candidates on the basis of the schemes of service of the posts.
- The assignment of duty to higher grades is made on ground of administrative convenience only and does not give any claim for appointment to the higher grades.

With regard to part (b) of the question, I am informed that it is not being envisaged to amend the scheme of service for the posts of Deputy Chief Executive and Chief Executive to provide for promotion thereto of serving officers only on the basis of seniority and experience as that would be against the recommendations of the PRB Reports.

### **GRNW & PORT LOUIS WEST - SPORTS & RECREATIONAL FACILITIES**

**(No. B/433) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Youth and Sports whether, in regard to the sports and recreational facilities, he will state if -

- (a) there are project plans for the improvement of the existing ones having regard to the present state thereof, including the football ground at Camp Chapelon, and
- (b) consideration will be given for the provision of additional ones across Constituency No. 1, Grand River North West and Port Louis West and, if so, give details thereof, indicating in each case, the timeframe set out for the implementation thereof, if any.

**Reply:** I wish to inform the House that maintenance and upgrading works of all sports infrastructures and youth centres belonging to my Ministry are an ongoing exercise at the level of my Ministry. However, taking into consideration that 82 sites comprising, among others, stadiums, swimming pools, sports complexes, football grounds, youth centres fall under the jurisdiction of my Ministry, each financial year a list of works to be undertaken is drawn up and submitted to the Ministry of Finance and Economic Development for allocation of funds. On the basis of funds being made available, works are carried out accordingly. Maintenance and upgrading works of sports infrastructures belonging to local authorities, like the football ground at Camp Chapelon which belongs to the Municipal Council of Port Louis are not catered for by my Ministry.

As regards part (b) of the question, I would like to refer the hon. Member to the reply made to PQ A/8 of our sitting of 03 May 2016.

#### **HAWKERS - OPERTION**

**(No. B/434) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Local Government whether he will –

- (a) state if, as in Port Louis, he will request the Police to remove from all town and village streets and beaches all hawkers and resettle them in dedicated places with adequate infrastructure and, if not, why not;
- (b) for the benefit of the House, obtain from Councils and Statistics Mauritius, a breakdown by -
  - (i) licensed and unlicensed categories, and
  - (ii) Municipal and District Council, the number of all types of hawkers, and
- (c) state if that database will be used to create a centralized Hawkers Authority to ensure human and nondiscriminatory treatment to all hawkers and to assess their



contribution in various ways regarding, for instance, unemployment reduction and the invisible economy.

**Reply:** As regards part (a) of the question, I would like to inform the House that a hawker, by definition, is someone who travels about selling goods. The question of creating dedicated places for hawkers does not arise. However, the Local Government Act provides for Municipal Councils and District Councils to erect or open market or fair within their administrative areas and the procedures for the occupation of stalls and shops within these premises are clearly spelt out in the Act. All the Local Authorities have such facilities within their jurisdiction areas and they are endeavouring to find ways and mean to discourage these so-called hawkers to work on the streets and advising them to avail themselves to such facilities.

Insofar as Port Louis is concerned, the House will recall that in the statement I made in this House on 03 May 2016, I pointed out that the problem of hawkers on the streets of Port Louis has been going for over 30 years and was creating lots of problem to the public, the pedestrians, the market traders and the shop owners, among others. Further, there is a Court judgment that hawkers should not operate within a radius of 500m from the Central Market. With a view to not penalizing them, this Government and the Municipal City Council of Port Louis, have come up with a short and long term solution to this problem. As a temporary measure, 2 sites have been identified and placed at their disposal for them to operate so that they can continue earning their living. For the long term solutions, provisions will be made in the integrated project for traffic alleviation and redeployment of the City for these traders to be allocated permanent spaces to operate.

Insofar as part (b) of the question is concerned, the information is being compiled and I shall arrange for same to be placed in the Library of the National Assembly as soon as the exercise will be completed.

With regard to part (c) of the question, I wish to refer the hon. Member to the reply I made on 03 May 2016 to Parliamentary Question No. B/387 on this issue and wherein I stated that the setting up of a centralised database for economic operators will go in a direction opposite to the decentralised process in Local Government.

### **MONKEYS - EXPORT**

**(No. B/435) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Agro-Industry and Food Security whether, in regard to the live monkeys, he will state the complete annual statistics of the trade therein between Mauritius

and foreign laboratories over the past ten years, including the number thereof annually exported, indicating the -

- (a) names of the companies involved;
  - (i) therein in Mauritius and overseas and;
  - (ii) in the importation thereof;
- (b) annual revenues generated therefrom, and
- (c) Government policy as regards the criticisms levelled against the trade therein by organisations based in Mauritius or abroad.

**Reply:** I wish to inform the House that Mauritius is exporting live monkeys since 1985 and the species exported belong to the long tailed macaque species, which was introduced in Mauritius in the early 1700s from South East Asia. This species is listed as one of the most invasive and destructive agricultural and ecological pests, causing human nuisance as well as damage to agriculture and biodiversity.

The decision to authorise the export of monkeys was a measure to reduce the threats and damages caused and to control its population.

However, today the species is a highly sought animal model in the biomedical research field and is very often at the forefront of groundbreaking research in the development of treatment against a number of diseases. The primate (monkey) breeding and export industry is a well-established one and is an important contributor to the Mauritian economy, generating foreign exchange earnings and providing direct and indirect employment to more than 2000 people.

The primate breeding and export companies are accredited companies which are closely monitored by the Division of the Veterinary Service and the National Parks and Conservation Service of my Ministry regarding the veterinary care and welfare of the animals in accordance with the policies and guidelines set by the Ministry.

The export of live monkeys is subject to a contribution levy of USD 125 for each animal exported and the contribution is paid to the National Parks and Conservation Fund to finance conservation projects.

With regard to parts (a) and (b) of the question, I am tabling the relevant information.

As regards to part (c), the export of monkeys from Mauritius has been the subject of criticisms from both local and international animal activist organisations and the Ministry is following up on the matter very closely. Should there be any complaint or non-compliance regarding the conditions of breeding and export, necessary action will be taken by my Ministry.

However, in view of the benefits which research carried out on monkeys is bringing to the international community at large and, given the contribution which this activity is making to the national economy in terms of foreign exchange earnings and employment creation, my Ministry does not propose, at this stage, to review this matter.

#### **SSRN – CARDIAC SECTION - EQUIPMENT**

**(No. B/436) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Health and Quality of Life whether, in regard to the Sir Seewoosagur Ramgoolam National Hospital, he will –

- (a) state if a C-ARM machine of the Cardiac Section thereof is currently out of order and, if so, indicate when it will be repaired or replaced, and
- (b) give a list of other equipment currently not in working condition thereat, if any.

**Reply:** With regard to part (a) of the question, I am informed that the C-ARM machine is out of order since 24 September 2012. We are already in the process of acquiring a new one.

As for part (b) of the question, in view of the large number of equipment in hospitals, I would appreciate if the hon. Member could come with a question on any specific equipment.

#### **LAGOONS – FISHING**

**(No. B/437) Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the project for the prohibition of fishing in the lagoons, he will state if consideration will be given for a review of the regulations made in relation thereto.

**Reply:** My Ministry has no project in the immediate term for the prohibition of fishing in the lagoon.

Therefore, the question of reviewing regulations does not arise.

#### **BEAU BASSIN AND ROSE HILL - LANDSCAPING WORK**

**(No. B/438) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government whether, in regard to the Municipal Council of Beau Bassin and Rose Hill, he will, for the benefit of the House, obtain therefrom, information as to if additional labourers will be recruited thereat, in view of the complaints received from the

inhabitants of Beau Bassin and Rose Hill in relation to the inability of the Municipal Council to realize the landscaping works thereat due to lack of labourers.

*(Withdrawn)*

**MINISTRY OF YOUTH AND SPORTS - CENTRES DE FORMATION**

**(No. B/439) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the *centres de formation*, he will state if he proposes to take back the responsibility thereof and of the budget allocated for the collective sports to the respective centres de formation, that is, football, volleyball, handball and basketball.

*(Withdrawn)*

**ALTEO GROUP - COAL/BAGASSE POWER GENERATION PLANT**

**(No. B/440) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Independent Power Producers, he will state if any negotiation has now been held between his Ministry and the ALTEO Group for the implementation of a coal/bagasse power generation plant and, if so, indicate the outcome thereof regarding the price to be charged per kilowatt hour.

**Reply:** The Power Purchase Agreement of F.U.E.L (now Alteo) will expire in December 2018. The Alteo Group has submitted a project proposal for a more efficient coal-bagasse power plant which would export 66 MW in crop season and 74 MW in the intercrop season. The plant will be mainly fuelled by bagasse and cane trash. It is expected to boost up bagasse energy generation at FUEL from current level 90 GWh to 210 GWh.

In February 2016, a Negotiation Committee has been set up at my Ministry to start discussions with the Alteo Group.

The Committee is chaired by the Director General of my Ministry and comprises representatives of the Prime Minister's Office, the Ministry of Finance and Economic Development, the Ministry of Agro Industry, the Ministry of Environment, Sustainable Development, Beach and Disaster Management and the CEB.

The first meeting was held on 27 April 2016. Discussions have not yet been completed.

**GLOBAL BUSINESS SECTOR - BUSINESS ENTITIES - REGISTRATION**

**(No. B/441) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Global Business sector, he will, for the benefit of the House, obtain from the Financial Services Commission, information as to –

- (a) the number of entities registered therewith in 2013, 2014 and 2015;
- (b) the growth rate thereof over the past three years, and
- (c) for each of the years 2012 to 2015, the number of new business entities that have been incorporated.

**Reply:** When this Government took office, our Global Business Sector was facing a number of global challenges. Many of these challenges resulted from initiatives of supra international organizations as well as a number of reforms being driven domestically in investee countries such as the General Anti Avoidance Rule (GAAR) initiative in India. In the face of such challenges, we had no other option but to devise a new approach and business model for the future of our jurisdiction to ensure the sustainability thereof, and to protect jobs. Our focus therefore is on attracting quality Global Business transactions that are in line with our vision of a substance-based jurisdiction.

The number of Global Business entities, mainly GBC1s, setting up in Mauritius have increased, resulting in improved substance requirement, value addition to the local economy including job creation. The number of entities registered in 2013, 2014 and 2015 are as follows -

	<b>GBC1</b>	<b>GBC2</b>
2013	9825	10668
2014	10302	10942
2015	10772	10616

The growth rate of GBC1s is as follows -

- 2013 : 1.7%;
- 2014 : 4.9%, and
- 2015 : 4.6%.

We have however noted that the number of GBC2s, mainly special purpose vehicles, has decreased due to enhanced compliance reporting standards. The Growth rate of GBC2s are as follows -

- in 2013 it stood at negative 4.8%;

- in 2014 it stood at 2.6%, and
- in 2015 it stood at negative 3%.

With regard to part (c) of the question, the number of new businesses registered are as follows -

	<b>GBC1</b>	<b>GBC2</b>
2012	1015	1053
2013	999	1193
2014	1259	1379
2015	1367	1310

#### **SAVANNE & BLACK RIVER – ROADS - REINSTATEMENT**

**(No. B/442) Mr E. Jhuboo (Third Member for Savanne & Black River)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to Constituency No. 14, Savanne and Black River, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

- since January 2015 to date, the -
  - number of roads that have been resurfaced thereat, and
  - road infrastructural projects implemented thereat and
- if there is any project for the reinstatement of the road of the Morcellement Black Rock in view of the impracticable and inaccessibility conditions thereof.

**Reply:** With regard to part (a) of the question, I am tabling the information related to projects undertaken by the RDA, the District Councils of Savanne and Black River and the NDU. The RDA has undertaken 16 projects for a total amount of Rs68.6m..

As to part (b) of the question, I am informed that the road of the Morcellement Black Rock falls under the purview of the Local Authority.

#### **CEB - VERGER COCO, BAIN DES DAMES – WORK IMPLEMENTATION**

**(No. B/443) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to works being carried out by the Central Electricity Board at Verger Coco, Bain des Dames, in Port Louis, he will, for the benefit of the House, obtain from the Board, information as to –

- the purpose thereof, and
- if prior consultations were held with the inhabitants of the region thereof in relation thereto.

(Withdrawn)

### **SECONDARY COLLEGES – MAURITIAN CREOLE - INTRODUCTION**

**(No. B/444) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the introduction of the Mauritian Creole Language in the secondary colleges, she will state –

- (a) if prior consultations were held with the teaching staff members of the secondary colleges and
- (b) the minimum qualifications requirement for a teacher of the secondary colleges to teach the Mauritian Creole Language.

(Withdrawn)

### **FOOD WASTAGE – FOOD SHARING PROJECT**

**(No. B/445) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Agro-Industry and Food Security whether, with a view to encourage food waste reduction, he will state if consideration will be given for the introduction of a Food Waste Reduction Bill and to provide, *inter alia*, for a prohibition of the food sellers/suppliers to throw away/destroy unsold food and to donate same to the less fortunate.

**Reply:** Food wastage is a worldwide problem. In fact, according to a report from the Food and Agricultural Organisation (FAO), around one third of the food produced in the world for human consumption, i.e approximately 1.3 billion tons get lost or wasted annually. In developing countries, food losses and wastes amount to around USD 310 billion. In Mauritius, according to the food balance sheet statistics, in year 2014, out of a total food production of 2,419,685 tons including imports, 5281 tons are wasted annually, i.e approximately 1.73 %.

Food wastage occurs throughout the food chain, from agricultural production, harvesting, sorting, handling, processing, storage and transportation to consumption. There are a number of factors which can potentially lead to food wastage. These are, *inter alia*; overproduction, lack of communication among stakeholders, early and late harvest, consumer preferences, poor marketing structures and facilities, food safety, lack of facilities for post-harvest, storage, transport and processing, climate change. Moreover, at times of falling

prices, farmers find it cheaper to dispose of surplus food produce rather than putting it on sale.

In Mauritius, we do not have any records of people dying of hunger. We, however, have cases of undernourishment which may not always be directly related to affordability/accessibility to food.

To prohibit food sellers/suppliers to throw away or destroy unsold food and donate same to the less fortunate through a legislation is, however, very risky. In fact, leftovers of cooked/prepared food may pose a significant risk of food poisoning and serious disease for a number of reasons. Firstly, it would be very difficult to assess the impact of time, temperature and defects on the likelihood of contamination on the premises of hotels and restaurants. Secondly, the risk of cross-contamination is amplified with the increased frequency of food manipulation and thirdly most ready to eat foods are highly perishable and liable to contamination by pathogens which may grow rapidly depending on the nature of the food, time and temperature factors. We, therefore, need to be very cautious before introducing such legislation.

However, in spite of the above, I am informed that to prevent food wastage at the consumption level, there is one Non-Governmental Organisation (NGO) which is benevolently and actively engaged in a food sharing project. Food which would otherwise have been wasted such as buffet leftovers in hotels, restaurants, caterers, hypermarkets and bakery shops are collected by this NGO and supplied to people in need (local NGOs, community centres, orphanages and retired homes) through a simple and no-cost food sharing system. This NGO assesses and selects possible food donors and receivers by laying emphasis on food safety. In addition to this precautionary measure, the food is distributed immediately after the closure of buffet/restaurant/food donors premises and transported to beneficiaries in hygienically sealed containers within three hours after having left the donors premises 'kitchens. The persons involved in this process are all holders of a food handler certificate which legally enables them to carry the food with them until the donation point. Moreover, all the food donors are protected through the use of a liability disclaimer. This minimizes any risk of controversy between food donors and beneficiaries in terms of food safety.

At the other levels of the food chain we, unfortunately do not have any relevant statistics regarding the extent of wastage. However, we are assisting farmers to reduce food wastage through the adoption of good agricultural practices that minimize post-harvest losses.



We are also encouraging farmers to engage in agro-processing activities so that the extent of wastage at the farm level can be minimized.

The problem of food wastage is a very complex one and involves a number of stakeholders. To develop an appropriate strategy that could reduce food wastage, we need to carry out an extensive groundwork including a proper survey on this issue. It is only then that a decision can be taken regarding the opportunity of having a legal framework to address the problem of food wastage.

### **HOUSING UNITS - ASBESTOS**

**(No. B/446) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the proposed pulling down of houses containing asbestos island-wide, he will state the number of such houses still being occupied, indicating if Government proposes to come up with a new scheme for the pulling down and reconstruction of safer housing units for the occupiers thereof.

**Reply:** I would wish to refer to the reply to Parliamentary Question B/921 (PQ B/921) made on 17 November 2015 where necessary information on disposal of asbestos and decision on reconstruction of housing units had been furnished.

### **SADC PARLIAMENTARY FORUM - REGIONAL PARLIAMENT**

**(No. B/447) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the regional agenda for the transformation of the Southern African Development Community Parliamentary Forum into a full-fledged Regional Parliament for the Southern African Development Community, he will state the stand of Government in relation thereto.

**Reply:** The SADC Parliamentary Forum, based in Windhoek, Namibia, was established by the SADC Summit in 1997 as an autonomous institution with an independent Secretariat. It operates on the basis of annual membership contributions from National Parliaments, among others, the Mauritius National Assembly. The Forum has since 2004 made repeated representations for it to be transformed into a SADC Parliament and as a legislative organ of SADC.

The SADC Summit 2004, held in Mauritius, expressed reservation on the request in view of the fact that the AU was in the process of creating a Pan-African Parliament. The

Pan-African Parliament, which is already operational, has consultative and advisory powers within the AU.

Since 2004, the SADC Councils in 2008, 2011 and 2015 have rejected all demands for the transformation of the Forum into a SADC Parliament.

However, Mauritius is of the view that one could consider the idea of establishing a SADC Parliament when the region has reached much higher levels of integration. This notwithstanding, the Forum continues to provide an opportunity for Parliamentarians to collaborate with each other on matters of common interest.

### **FLACQ – MARKET - DEMOLITION**

**(No. B/448) Mr R. Dayal (First Member for Flacq & Bon Accueil)** asked the Minister of Local Government whether, in regard to the former market located in the vicinity of the Flacq District Court, he will, for the benefit of the House,

obtain from the Moka/Flacq District Council, information as to the reasons why same has been demolished, indicating –

- (a) who approved the demolition thereof, indicating the -
  - (i) name of the contractor who carried out same, and
  - (ii) method used therefor and,
- (b) whether any demolished materials have been stored and, if so, where and by whom.

**Reply:** I am informed by the District Council of Flacq that the former market located in the vicinity of the Flacq District Court was demolished as it was in a deplorable and degraded state.

As regards part (a) of the question, I am informed that it was the then Moka-Flacq District Council which approved the demolition of the former market and decided to shift the sellers to the newly constructed market fair. Quotation was launched to demolish and cart away the debris from the former market near the Flacq District Court and the structures found on the ex-market fair site near the traffic centre. The contract was awarded to the lowest responsive bidder, Monesh Enterprise Ltd. for the sum of Rs556,250.

As far as part (b) of the question is concerned, I am informed that all debris were carted away except the stones which have been stored in the yard of the District Council of Moka at Quartier Militaire.

### **CASE NOYALE - ROAD RESURFACING**

**(No. A/13) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure and Land Transport whether he is aware of the bad state of the main road at the level of Case Noyale through to the Le Morne Village, in Constituency No. 14, Savanne and Black River, and, if so, state if consideration will be given for the urgent resurfacing thereof and, if so, when and, if not, why not.

**Reply:** I am informed by the Road Development Authority that the stretch from Case Noyale to Le Morne Village along Black River – Savanne Road B9 is about 9 km. Presently works are being carried out along B9 road by the CEB, CWA as well as RDA.

From Case Noyale to La Gaulette over a length of 240m – excavation works are in progress by the CEB for underground cabling works. The CEB has been issued a way leave on 21 April 2016 and excavation and temporary trench reinstatement are in progress. The work is expected to be completed by 18 May 2016.

Upon completion of the works and as per way leave condition CEB will have to carry out a half width milling and resurfacing.

From La Gaulette to Cotteau Raffin over a length of 2.7km – excavation works have been completed by the CWA. The CWA has been issued a way leave on 13 May 2015 and works were due to be completed in December 2015 with all road reinstatement carried out.

Presently, the CWA is carrying temporary trench reinstatement works. Discussions are ongoing with CWA as regards to half width milling and resurfacing as per the conditions of the way leave.

I am further informed by the RDA that they are carrying out milling and resurfacing works from Cotteau Raffin to Le Morne Village (1km). The cost of the project is Rs15 m.

Additionally, the RDA has made provision for milling and resurfacing works along part of B9 Road (Petite Rivière Noire, Grand Rivière Noire and Case Noyale) in their programme of works for the next Financial Year (2016 – 2017) and the cost estimate is Rs10 m.