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*(Formed by Hon. Pravind Kumar Jugnauth)*

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MAURITIUS

Seventh National Assembly

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FIRST SESSION

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Debate No. 12 of 2024

Sitting of Thursday 13 June 2024

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

The National Anthem was played

(Mr Speaker in the Chair)
PAPERS LAID

The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

Ministry of Arts and Cultural Heritage

ORAL ANSWER TO QUESTION

MAURITIUS CANE INDUSTRY AUTHORITY – MISMANAGEMENT

The Leader of the Opposition (Dr. A. Boolell) (by Private Notice) asked the Minister of Agro-Industry and Food Security whether, in regard to the Mauritius Cane Industry Authority (MCIA), he will, for the benefit of the House, obtain therefrom information as to if cases of mismanagement thereat have been reported for calendar year 2023 and from January 2024 to date and, if so, state the measures taken to address same, indicating the sanctions, if any, envisaged against the management of the MCIA.

Mr Seeruttun: Mr Speaker, Sir, the MCIA is governed by the MCIA Act 2011.

The main objectives of the MCIA are –

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

(ii) to promote and support the sustainable development, efficiency and viability of the cane industry;

(iii) to formulate and implement policies, strategies, plans, programmes and schemes in relation to the cane industry;

(iv) to monitor and co-ordinate the activities of the cane industry, including planting, milling, processing, transport, bulk handling and marketing, and

(v) to foster competitiveness of all segments of production in the cane industry. It also has as objective to overview the storage, sampling, bagging, packing, loading and unloading of sugar.

Section 8 of the Act provides for the MCIA to be administered by a Board, known as the Board of Directors.

For the purpose of ensuring the efficient and effective operation of the Authority, the Board, in line with Section 10 of the Act, is empowered to set up any such number of Sections or Units as it may determine.

In addition, the Board is, inter alia, mandated to appoint a Chief Executive Officer and any other employee under Sections 11 and 12 of the Act.

The Chief Executive Officer is responsible for the execution of the policy of the Board and for the internal and management of the day-to-day business of the Authority. He is accountable to the Board.
To pursue its objectives, the MCIA implements a number of schemes and projects for the betterment of around 8,000 sugar cane planters, amongst others, the –

(a) Cane Replantation Scheme,
(b) Fertiliser Subsidy Scheme.
(c) Land Mechanisation Scheme.
(d) Implementation of the National Biomass Framework.

I am informed that no case of mismanagement has been reported to the Board or to the Ministry for the calendar year 2023 and neither from January 2024 onwards.

The House may wish to note that the Director of Audit has, in respect of Financial Year 2022/2023, which is the latest, submitted an unqualified report.

Issues raised in the Management Letter for that financial year have been discussed and addressed to the satisfaction of the Director of Audit.

I would like to add that since its creation, the MCIA has never been issued with a qualified audit report. The MCIA has always been in compliance with provisions of the Public Procurement Act, the Statutory Bodies (Accounts and Audit) Act and the Code of Good Corporate Governance. Recommendations made by the PRB have also been complied with.

In addition, I am informed that the Internal Control Unit of the MCIA continuously assesses the adequacy of the internal control system of the Authority. The overall objective is to identify weaknesses which may have material impact on the Authority. Again, no shortcomings, fraudulent acts or mismanagement have been reported by that Unit so far.

Mr Speaker, Sir, I would wish to draw the attention of the House that in the event of any mismanagement, the responsibility to take sanctions against the management rests with the Board.

Before ending, I would like to inform the House that the Annual Report of the MCIA for Financial Year 2021-2022 was tabled to the National Assembly in December 2023 and the Report for the Financial Year 2022-2023 will be tabled shortly.

Thank you.

**Dr. Boolell**: I thank the hon. Minister for his prompt reply, although I have a different reading in relation to the Report submitted by the Director of Audit and the Management Letter.

Can I ask the hon. Minister whether there was a management response from the MCIA in relation to the Report and the Management Letter that was forwarded to the MCIA?
Mr Seeruttun: Mr Speaker, Sir, in the course of an audit exercise, it is common practice that the auditors would submit a Management Letter based on the observations that they have come across and they would wish to first seek the explanations from the management before finalising the audit report. So, in the course of the audit exercise for the Financial Year 2022-2023, they have, of course, submitted a Management Letter, whereby the management has responded to that. Based on the responses submitted to the auditors, the final audit report was finalised and, of course, now, signed and sealed.

Dr. Boolell: Can the hon. Minister submit a copy of the Management Letter that was forwarded to the Director of Audit’s Office?

Mr Seeruttun: Mr Speaker, Sir, the Management Letter is a document that is internal to the management of the MCIA. It is usually something that is discussed at that level and, of course, the final document is the Annual Audit Report. This is the one that is made public and, of course, it is the one that is tabled at the level of the National Assembly. As I said in my reply, this is going to be tabled very shortly.

Dr. Boolell: My reading, as I have stated, is that there are cases of mismanagement, of cover-up, and the cover-up appears to be blatant.

I will refer to specific contract issues, which I am sure the Minister would reply to, in relation to contract of security services of the MCIA. Can the Minister inform the House when this contract was awarded and to which company?

Mr Seeruttun: Let me go back to the report itself, Mr Speaker, Sir, because this is the final document, which is the official document of the National Audit Office for the Financial Year 2022-2023, and it says on the first page itself –

“In my opinion, the accompanying financial statements give a too unfair view of the financial position of the Mauritius Cane Industry Authority as at 31 June 2023 and of its financial performance and cash flows for the year then ended in accordance with internal public sector accounting standards.”

And it also goes on to say, at the end of the document, that –

“With regard to the Public Procurement Act, in my opinion, the provisions of part V of the Act have been complied with as far as it could be ascertained from my examination of the relevant records.”

And also, with regard to Corporate Governance Report, it says –
“My responsibility under the Financial Reporting Act is to report on the compliance with the code of corporate governance disclosed in the Annual Report and assess the explanations given for non-compliance with any requirement of the code. From my assessment of the disclosures made on corporate governance in the Annual Report, the Mauritius Cane Industry Authority has, pursuant to section 75 of the Financial Reporting Act, complied with the requirements of the code.”

Dr. Boolell: Precisely, it is in the name of accountability and transparency that I have asked a specific question, and if you go through the findings of the Report, it is crystal clear that there have been breaches of the Public Procurement Act. I have asked a specific question in relation to contract awarded to a specific company, and I can go on and highlight the number of breaches of the Public Procurement Act.

Mr Seeruttun: Like I said, Mr Speaker, Sir, in the course of their audit exercise, it is the other observation that I made while doing the auditing and, of course, in the Management Letter, this is where the auditors would seek for additional information, and it is the responsibility of the management to provide the necessary explanations. Based on that, if they are satisfied, only then would they issue their report. I am informed that the auditors were satisfied with all the explanations received based on the letter that they have submitted to the management and it is only after that that they came up with their final audit report, which was unqualified.

Dr. Boolell: Can I impress upon the Minister that the auditors were not satisfied in relation to contract awarded to RSL Security Services, the famous company which ripped off this country in the Molnupiravir scandal, and the contract was extended year after year, to the extent that the contract has reached Rs70 million without going through the tender process; there was gross violation of tender procedure.

Mr Speaker: What is the question?

Dr. Boolell: That’s the question.

Mr Seeruttun: Again, Mr Speaker, Sir, we are back to the report of the auditors. Had there any breach of any procurement procedures, they would have raised it and, of course, sought for any information from management, and if they were not satisfied, they would have mentioned that in the report. I have looked at the report and, at no time, have I seen any such remarks from the auditors’ report.
Dr. Boolell: It was in relation to a specific question which I have put. I will refer to a specific question and I will not only refer to the specific question, but I can say the page where it is stated in the audit report. Let me come to section 46(3) of the Public Procurement Act 2006 which stipulates that an amendment to a contract that will increase the contract value by more than 25% shall require fresh procurement proceedings. Is the Minister aware that the Office of the Director of Audit has found that the MCIA has breached this section of the law, not on one occasion but on several occasions?

Mr Seeruttun: Like I said, Mr Speaker, Sir, I am not aware of any breaches and like I said, again, I am relying on the information that has been provided to me and also on the report that I have, the final audit report where nowhere mention is made about breaches with regard to procurement procedures. I say it again, it’s a report that has been signed by the Director of Audit, dated 30 April 2024, and the paragraph regarding Public Procurement Act, it clearly says –

“In my opinion, the provisions of part V of the Act have been complied with as far as it could be ascertained from my examination of the relevant records.”

Then, either we go by the Director of Audit Report or we don’t.

Dr. Boolell: I am rather surprised. Probably, the Minister has not been relayed with the relevant information. But let me again refer to the findings of the Director of Audit, which indicate that RSL Security Services Limited - I will not drop the name of the person - got only 12 months of lawful security contract, but 4 years of unlawful contracts, in breach of section 46(3) of the Public Procurement Act, and in the Molnupiravir scandal, they got almost Rs80 million. This time, they got Rs 70 million. Will the Minister refer the matter to the police in view of a suspicion of conspiracy to defraud?

Mr Seeruttun: Mr Speaker, Sir, again, I will keep on repeating what has been observed by the auditors. If there haven’t been any breaches, how am I going to go and look for mismanagement or whatever you are asking for? If you have information…

(Interruptions)

Like I said, again, these are observations made, and once the explanations are provided by management and if the auditors are satisfied with the explanations - if explanations are given and they are provided for - that’s when they would come up and finalise their audit report. Like I said, again, it's all clear in the report that there has not been any breaches. If I go by what has been the process in place, I see that there have been three tenders that were carried out and there
were no successful bidders, and following advice of the PPO, a fresh tendering exercise is being carried out and, in the meantime, casual workers are providing security services.

I am also informed that the services of the RSL Security Services Limited have been obtained for only one site on a month-to-month basis. So…

Dr. Boolell: Month-to month…

Mr Speaker: Let me interrupt you, hon. Leader of the Opposition. I would advise you to rely on the final report of the Director of Audit laid down in the National Assembly, and not on correspondences or unofficial documents or correspondences between officers.

Dr. Boolell: I haven’t received a reply…

Mr Speaker: Just wait! Because these would be engagement letters, management letters, and Parliament itself cannot accept these because once we accept these, these will become official. So, I would advise you; it is in your best interest and the interest of parliamentary democracy to rely on the final report of the Director of Audit and not to put questions according to all information that you have. This is my advice.

Dr. Boolell: With all due respect, Mr Speaker, Sir, I have information which are relevant, because we are talking of people’s money, public money, taxpayers’ money, and I think that every taxpayer in this country, especially every planter in this country, is entitled to know.

Mr Speaker: But your question should be admissible!

Dr. Boolell: But my question is admissible!

Mr Speaker: How come you are putting a question based on a Management Letter, based on an engagement letter?

Dr. Boolell: Not only a Management Letter;

Mr Speaker: This is not permissible.

Dr. Boolell: …in relation to findings submitted in the report of the Director of Audit, which was forwarded to the MCIA, and I expected the Board to react. Unfortunately, there has been no reaction from the Board. Can I ask…

Mr Seeruttun: Let me just clarify something, Mr Speaker, Sir.

I have a copy of the Management Letter dated 16 April 2024 addressed to the Chief Executive Officer of the MCIA. Nowhere in that document, have I seen anything with regard to the issue being raised by the hon. Leader of the Opposition concerning the security services
contract. I don’t see that in that particular Management Letter. Can I know from which report he is referring to?

**Dr. Boolell:** I have the report here. If you want, I will lay it on the Table of the Assembly.

**Mr Seeruttun:** That is the official report …

**Mr Speaker:** So, you have? If you have…

**Dr. Boolell:** I am not only referring to the Management…

**Mr Speaker:** Let me put some order in the House. If you are quoting from a report, you should give a copy to the Chair, to the Table.

**Dr. Boolell:** Yes. Now, could the Minister inform the House when did the Audit Committee sit? I am talking, of course, of the Audit Committee of the MCIA.

**Mr Seeruttun:** Mr Speaker, Sir, I am informed that there was an Internal Control Officer who was appointed a few years back, but, due to poor performance of that particular officer, he was dismissed. It is only when the officer had recourse to the Employment Relations Tribunal, at that level it was found that management and the MCIA were right in dismissing that particular officer.

Therefore, during the time that the case was being dealt with at the level of the ERT, they could not, of course, appoint a new Internal Control Officer, and the Committee could not really meet.

Now that the issue has been settled, I am informed that they have advertised for the post of an Internal Control Officer, and it is only then that they are going to have a proper Audit Committee to meet and deliberate the issues of internal control.

**Dr. Boolell:** The hon. Minister was Minister of Good Governance. I have known him; he is a good accountant. Will he agree that the Audit Committee should have sat? From information I have obtained, there has been no sitting of the Audit Committee since 3 years! Is that in order?

With all due respect, is he aware that this is a company which deals with billions of rupees? Am I to understand that there has been no Audit Committee, no sitting of the Audit Committee? Is this transparency and accountability, Minister?

**Mr Seeruttun:** It is for this very good reason that this particular person has been dismissed, because he was not doing his duties to the satisfaction of the management. That is why he was dismissed! Of course, he went to the Tribunal for his case to be looked at, but the
Tribunal gave reason to the management for the dismissal. Now that this case is behind us, they have already initiated actions to recruit a new Internal Control Officer.

**Dr. Boolell:** Mr Speaker, Sir, with all due respect, I am not going into details as to why the internal auditor was sacked. This Government is in the habit of sacking internal auditors who do their work!

**Mr Speaker:** No! This is generalisation! Hon. Dr. Boolell, I disallow this question. This is not parliamentary at all!

**Dr. Boolell:** Mr Speaker, Sir, can I ask the Minister, if there is somebody who deserves to be sacked, it is the Chief Executive Officer of the MCIA!

**Mr Speaker:** No, this is not a question! You can’t give orders! You are a simple Leader of the Opposition!

**Dr. Boolell:** I am not giving orders; I am saying the truth! Can I ask the Minister whether in relation to Section 62 of the MCIA Act, which makes it a criminal offence for any person to contravene any provision of the MCIA Act, any such breach carries a fine of Rs10,000 and up to two years of imprisonment?

Is the Minister aware that as stated in the report of the National Audit Office, the CEO of the MCIA has failed to make declarations of his assets since his appointment in May 2020, in breach of Section 11 (a), (b), and (c) of the Act?

**Mr Speaker:** Hon. Leader of the Opposition, please bear with me! This is another subject matter. Your PNQ was on the basis of ‘mismanagement thereat’ and ‘reported calendar,’ and whatever blah, blah, blah.

**Ms Anquetil:** Blah, blah, blah?

**Mr Speaker:** But not about declarations of assets and all these. Stick to your PNQ!

**Dr. Boolell:** I am sticking to my PNQ.

**Mr Speaker:** Don’t use Parliament as a platform! Stick to your PNQ!

**Dr. Boolell:** It is precisely because I am sticking thick and thin to my PNQ that, in the PNQ, there are sanctions mentioned. Sanctions are what they are!

**Mr Speaker:** All I say to you is to stick to your PNQ!

**Mr Seeruttun:** Mr Speaker, Sir, if I may.
Dr. Boolell: Is this the reason, Mr Speaker, Sir, why there is provision in the budget which will require the Chief Executive of the MCIA to declare his assets to the FCC? Since his appointment, which dates back to 2020, not only has he not declared his assets …

Mr Speaker: No! Again, this is bashing of public officers. I will not allow this in Parliament! Members of Parliament of both sides of the House are warned that bashing against public officers should be substantiated. You cannot use immunity in Parliament to …

Dr. Boolell: I am not using …

Mr Speaker: Please, listen to me! Keep your paper down there! This should stop. Question disallowed!

Dr. Boolell: Yes. Well entertained though by the public! Can I ask the hon. Minister whether he had a meeting with the Chief Executive of the MCIA in relation to the report submitted and in relation to the blatant cover-up, misgivings and mishaps?

Mr Speaker: No! Cover-up again! Please, withdraw that word!

Dr. Boolell: I withdraw.

Mr Speaker: We are in a civilised Parliament. You cannot prove cover-up, unless you can substantiate!

Dr. Boolell: I can substantiate!

Mr Speaker: Are you prepared to substantiate?

Dr. Boolell: What?

Mr Speaker: The ‘cover-up’ that you are saying!

Dr. Boolell: That there has been cover-up? You go and find out! Ask …

Mr Speaker: No! You bring papers, facts and figures!

Dr. Boolell: What we need is that …

Mr Speaker: … authorities to substantiate.

Dr. Boolell: There has been violation of the Public Procurement Act!

Mr Speaker: You don’t use parliamentary immunity. I disallow this! If you don’t withdraw the word, I disallow the question!

Dr. Boolell: Well, I have put a simple question to the hon. Minister as to whether he has met the Chief Executive of the MCIA.
Mr Seeruttun: Mr Speaker, Sir, first, I would like just to clarify one thing. I think the hon. Leader of the Opposition is confusing between an audit report and Management Letter. He keeps on interchanging those two documents.

Mr Speaker: I made it clear to him!

Mr Seeruttun: The audit report of any institution is, of course, a document that is submitted to the management, and this document is reported to the Board of this particular institution. It is not the duty of the Minister to discuss the audit report with the Head of any organisation.

But, in this particular case, he has asked me whether I had a meeting specifically on this particular report; I have not. Like I said, there is nothing in this report that would have been drawn to my attention, where I would need to have a special meeting with the Chief Executive Officer of the MCIA.

But I would also like to clarify one thing, Mr Speaker, Sir, with regard to the declaration of assets. Again, it is in the Management Letter where mention is made that the Chief Executive Officer should have submitted his declaration of assets. That’s fair to do that. Let me confirm that in the response given to the auditors, the Chief Executive Officer has confirmed that he has submitted his declaration of assets to the ICAC, as required by law. So, in no way, has he breached any of the provisions in this Act with regard to the declaration of his assets.

Dr. Boolell: Mr Speaker, Sir, if I can put another question. This issue is of grave concern to one and all. Now, we all know, for example, that the turnover of this company which was awarded the security contract, massively increased during the period of COVID-19. We find out that the contract has been awarded without any tender to a company despite the fact that there was an increase by more than 25% in relation to the contract.

Mr Speaker: Let us hear the…

Dr. Boolell: Can I ask the hon. Minister whether the Chief Executive has any close relationship to the company which was awarded the contract?

Mr Seeruttun: Mr Speaker, Sir, I just said in my reply that there have been attempts to appoint new service providing companies and, so far, they have been unsuccessful. That is why this particular firm has been retained on a month-to-month basis until they find a suitable service provider. So, the question about whether he has a close relationship with the Chief Executive Officer, I am not privy to that information.
( Interruptions )

Mr Speaker: Please!

Dr. Boolell: Mr Speaker, Sir, in the light of information that has been disclosed by the hon. Minister and in the light of the question that I have put, can I ask the hon. Minister to look into the matter very seriously and to see to it that corrective measures are taken? Because we are talking of mismanagement, and we have to protect the interests of one and all as this is a sector which has a wide audience and the MCIA remains the powerhouse for the sugar cane industry. Can I impress upon him to see to it that all is done in all transparency and accountability?

Mr Seeruttun: Mr Speaker, Sir, the sugar industry has always been a very important sector for this country, and true it is that, at one time, it was faced with lots of difficulties when the sugar protocol was going to be dismantled. As a former Minister of Agriculture himself, he should be aware of what phases it has to go through. At a time when he was Minister, where he had to really take bold measures, he failed in his duty to...

The Prime Minister: Bizin fer enn l’audit lorla!

Dr. Boolell: I challenge you!

Mr Speaker: Order!

( Interruptions )

Order! Order! Both sides!

Dr. Boolell: You are not worthy to clean my shoes.

( Interruptions )

Mr Speaker: Order! Order! Order! Order!

( Interruptions )

Order, please! Please!

( Interruptions )

Please! Order!

( Interruptions )
Hon. Dr. Boolell, can you please withdraw that …

(Interruptions)

Dr. Boolell: Okay! I will see to it.

Mr Speaker: Can you please let me talk? Can you please withdraw that disgraceful sentence of cleaning shoes and whatever profession you would like to take to?

Dr. Boolell: Okay, I will get somebody to shine my shoes.

Mr Speaker: Withdraw it and apologise for that. This is very unparliamentary coming from a Doctor!

Dr. Boolell: Okay, you want me to withdraw?

Mr Speaker: And apologise!

Dr. Boolell: I apologise.

Mr Speaker: Okay. Thank you.

(Interruptions)

Mr Speaker: No, but not your shoes! No! I did not ask for your shoes.

Mr Seeruttun: Mr Speaker, Sir, had it not been a change in Government in the year 2000 and we had a godsend Minister of Agriculture back then, in the name of hon. Pravind Jugnauth who came up with the Sugar Sector Strategic Plan, a major reform in the sugar industry; had he not been there at that time, we would not have been in the sugar industry today. So, he is not the person to give us lesson when it comes to saving and protecting this particular sector. We are doing everything, and rest assured, hon. Leader of the Opposition, that this Government will do everything to protect the farmers or the stakeholders of that industry, and the industry is going to survive for another century, if not more.

Mr Speaker: Time over!

MOTION

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

The Deputy Prime Minister seconded.

Question put and agreed to.