



SEVENTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

FRIDAY 09 JULY 2021

CONTENTS

ANNOUNCEMENTS

PAPERS LAID

MOTION

STATEMENT BY MINISTER

BILLS (*Public*)

ADJOURNMENT

THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnoo	Vice-Prime Minister, Minister of Local Government and Disaster Risk Management
Hon. Alan Ganoo	Minister of Land Transport and Light Rail Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
Hon. Mrs Fazila Jeewa-Daureeawoo, GCSK	Minister of Social Integration, Social Security and National Solidarity
Hon. Soomilduth Bholah	Minister of Industrial Development, SMEs and Cooperatives
Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change
Hon. Mahen Kumar Seeruttun	Minister of Financial Services and Good Governance
Hon. Georges Pierre Lesjongard	Minister of Energy and Public Utilities
Hon. Maneesh Gobin	Attorney General, Minister of Agro-Industry and Food Security

Hon. Jean Christophe Stephan Toussaint	Minister of Youth Empowerment, Sports and Recreation
Hon. Mahendranuth Sharma Hurreeram	Minister of National Infrastructure and Community Development
Hon. Darsanand Balgobin	Minister of Information Technology, Communication and Innovation
Hon. Soodesh Satkam Callichurn	Minister of Labour, Human Resource Development and Training Minister of Commerce and Consumer Protection
Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping
Hon. Mrs Kalpana Devi Koonjoo-Shah	Minister of Gender Equality and Family Welfare
Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
Hon. Teeruthraj Hurdoyal	Minister of Public Service, Administrative and Institutional Reforms

PRINCIPAL OFFICERS AND OFFICIALS

Mr Speaker	Hon. Sooroojdev Phokeer, GCSK, GOSK
Deputy Speaker	Hon. Mohammad Zahid Nazurally
Deputy Chairperson of Committees	Hon. Sanjit Kumar Nuckcheddy
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Adviser	Dowlutta, Mr Ram Ranjit
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin
Clerk Assistant	Seetul, Ms Darshinee
Hansard Editor	Jankee, Mrs Chitra
Parliamentary Librarian and Information Officer	Jeewoonarain, Ms Prittydevi
Serjeant-at-Arms	Bundhoo, Mr Anirood

MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 07 of 2021

Sitting of Friday 09 July 2021

The Assembly met in the Assembly House, Port Louis, at 3.00 p.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENT**NATIONAL ASSEMBLY - 04.07.21 – DEROGATORY WORDS**

Mr Speaker: Hon. Members, I have an announcement to make with regard to the utterance of some derogatory words at the Sitting of Tuesday 04 May 2021.

The Cybercrime Unit has submitted its findings and has concluded that the derogatory words were not sufficiently audible to determine who uttered same, the more so that no lips movement could be seen. It has, therefore, not been possible for the Cybercrime Unit to attribute the utterance of those words to any hon. Member.

In the circumstances, I consider the matter to be closed.

Hon. Members, I take this opportunity to remind the House that good temper and moderation are the characteristics of parliamentary language.

I make an appeal to hon. Members to abstain from using offensive expressions which may tend to degrade the Legislature in the public estimation.

I thank you.

PAPERS LAID

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

A. Office of the President

The 47th Annual Report of the Ombudsman for the period January – December 2020,

B. Prime Minister's Office

Ministry of Defence, Home Affairs and External Communications

Ministry for Rodrigues, Outer Islands and Territorial Integrity

- (a) The Report of the Director of Audit on the Financial Statements of the Rodrigues Subsidy Account for the year ended 30 June 2020.
- (b) The Rodrigues Regional Assembly (Restriction on Fishing of Shrimps) Regulations 2021. (Government Notice Rodrigues Regional Assembly No. 1 of 2021)
- (c) The Rodrigues Regional Assembly (Restriction on Fishing of Crab) Regulations 2021. (Government Notice Rodrigues Regional Assembly No. 2 of 2021)
- (d) The Rodrigues Regional Assembly (Restriction on Fishing of Lobsters) Regulations 2021. (Government Notice Rodrigues Regional Assembly No. 3 of 2021)

C. Ministry of Social Integration, Social Security and National Solidarity

The Reports of the Director of Audit on the Financial Statements of the Residential Care Home Fund for the years ended 31 December 2011, 31 December 2012, 31 December 2013 and 31 December 2014, for the 18-month period ended 30 June 2016 and for the year ended 30 June 2017. (In Original)

D. Ministry of Labour, Human Resource Development and Training Ministry of Commerce and Consumer Protection

- (a) The Consumer Protection (Control of Price of Petroleum Products) (Amendment) Regulations 2021. (Government Notice No. 144 of 2021)
- (b) The Consumer Protection (Price and Supplies Control) (Amendment of Schedule) (No. 2) Regulations 2021. (Government Notice No. 145 of 2021)
- (c) The Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 2) Regulations 2021. (Government Notice No. 146 of 2021)
- (d) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 17) Regulations 2021. (Government Notice No. 147 of 2021)
- (e) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 18) Regulations 2021. (Government Notice No. 148 of 2021)

- (f) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 16) Regulations 2021. (Government Notice No. 150 of 2021)

E. Ministry of Information Technology, Communication and Innovation

The Annual Report 2017 of the National Computer Board. (In Original)

F. Ministry of Health and Wellness

The COVID-19 (Closing Down of Premises and Restriction of Activities) (No. 3) (Amendment) Regulations 2021. (Government Notice No. 149 of 2021)

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister Seconded.

Question put and agreed to.

PUBLIC BILLS

Second Reading

THE OPTICAL COUNCIL BILL

(NO. IV OF 2021)

Order read for resuming adjourned debate on the second reading of the Optical Council Bill (No. IV of 2021).

Question again proposed.

Mr Speaker: Hon. Doolub!

Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien): Merci, M. le président. Ce projet de loi qui vient créer un *Optical Council of Mauritius* pour réglementer et contrôler la profession d'opticien dans notre pays vient en réalité combler une lacune. Il existe en effet à l'île Maurice un nombre appréciable d'Ordres professionnels, dont le plus connu est sans doute le *Medical Council*. Mais il existe aussi, par exemple, un *Council of Registered Professional Engineers*, un *Professional Quantity Surveyors Council*, un *Allied Health Professionals Council*, le *Mauritius Council of Registered Librarians* ou encore un *Dental Council* qui ont pour fonction de faire respecter les règles et l'éthique professionnelle.

Pour exercer, M. le président, vétérinaires, architectes, dentistes ou encore ingénieurs doivent s'inscrire au préalable auprès de leurs Ordres respectifs qui vérifient que les professionnels possèdent les bons diplômes. Mais les Ordres ont également, et surtout, le pouvoir de dicter un code de déontologie auquel les membres de la profession doivent se conformer.

M. le président, nous sommes en 2021 et la profession d'opticien à Maurice n'a toujours pas de Conseil de l'Ordre. Pour la énième fois, et merci à ce gouvernement qui prend

les devants afin de régulariser la profession des opticiens à Maurice. Celui que le gouvernement se propose de mettre sur pied permettra –

primo, d'enregistrer les opticiens;

secundo, de réglementer la conduite professionnelle de ces derniers, et

tertio, d'œuvrer pour l'amélioration continue de la profession d'opticien en organisant des cours, des séminaires, des conférences, ainsi que des programmes de formation ponctuelle ou continue pour les opticiens, dont on ne mesure pas souvent l'importance de la profession.

Sait-on, par exemple, que quand un opticien examine l'œil d'un patient et qu'il y détecte une pathologie quelconque, il a un devoir moral de référer son patient à un médecin pour des traitements complémentaires ? Il existe, hélas, M. le président, dans notre pays, des praticiens avec pignon sur rue qui profitent de brèche dans législation pour s'y engouffrer et effectuer des examens plus ou moins douteux qui ne détectent pas des maladies qui nécessitent souvent des soins. Ces praticiens ne réfèrent pas par conséquent leurs patients à des professionnels de santé, notamment à des ophtalmologistes pour des traitements médicaux importants, et se concentrent plutôt sur des activités purement commerciales. Je précise, entre 3 à 5% des patients vus par des opticiens sont orientés vers des médecins après avoir détecté diverses pathologies : des cataractes ; des conjonctivites chroniques ; des hypertension de la rétine, ou encore des pressions oculaires élevées pouvant parfois être la cause de glaucome, qui entraîne une perte progressive de la vision.

Ce sont, M. le président, des affections sérieuses qui ne peuvent être traitées à la légère par des praticiens qui n'ont souvent ni la formation, ni les compétences pour exercer la profession d'opticien. Même la prescription de lunettes est l'affaire d'un professionnel, qui rappelle que dans un grand nombre de cas les puissances prescrites sont approximatives. Les patients repartent alors avec des verres qui ne leur procurent pas une vision optimale et confortable, qui les exposent, qui plus est, à des complications éventuelles. La vision de loin ou de près peut être floue, déformée et inconfortable, ce qui influe directement sur la performance au travail devant un ordinateur, la conduite d'un véhicule, la manipulation de machines parfois dangereuses ou encore sur le travail à l'école. Des lunettes bien réalisées, humbles mais fonctionnelles, redonnent aux personnes âgées la confiance, la mobilité et l'indépendance dont elles ont besoin. Cette tâche, M. le président, doit être l'affaire d'opticien ou d'ophtalmologue parfaitement formé et responsable.

M. le président, il y va également de la vision des futures générations de Mauriciens ; une bonne vision est essentielle pour une scolarité réussie et épanouie. On oublie souvent que 80% de l'apprentissage d'un enfant passent par sa vision. Bien souvent, les enfants ne réalisent pas qu'ils sont confrontés à des problèmes de vue et peuvent alors trouver tout à fait normal de vivre avec une vision floue ou altérée. Or, les conséquences d'une vision altérée chez l'enfant ne sont pas à négliger. Si des défauts visuels des enfants ne sont pas dépistés, cela peut compromettre le bon déroulement du processus d'apprentissage et créer des difficultés d'attention ou de concentration, une irritabilité excessive ou un désintérêt précoce pour la lecture. Seul un opticien ou un ophtalmologue qualifié peut détecter un éventuel problème visuel et trouver la meilleure solution pour y remédier par des prescriptions adaptées.

L'*Optical Association* de l'île Maurice, en collaboration avec le ministère de l'Education et la *Standard Chartered Bank*, dans le passé, a procédé, du reste, à une opération dans les écoles pour dépister des problèmes de vision chez les enfants du primaire, car il y a en effet effectivement un lien direct entre les problèmes visuels et les difficultés scolaires ou le décrochage.

J'en profite pour adresser mes remerciements au gouvernement, au ministre des Finances en particulier, qui a annoncé dans le budget que des lunettes seront offertes gratuitement aux enfants jusqu'à l'âge de 18 ans et inscrits sous le régime *SRM*.

Je voudrais aussi faire ressortir que les opticiens fournissent également des lentilles de contact à de nombreux patients. La fourniture inappropriée de lentilles de contact par des profanes peut entraîner des troubles oculaires graves et parfois irréversibles, menaçant la vue. L'adaptation à des lentilles de contact doit être suivie d'un service après-vente approprié, par des personnes qualifiées, capables d'assurer des traitements d'affection oculaire, afin de préserver le capital visuel et d'améliorer le confort oculaire et la qualité de vie de chacun des patients. C'est pour toutes ces raisons que le pays doit se doter d'un Conseil de l'Ordre des opticiens. Ce dernier fournira à la profession la base nécessaire en matière d'éthique et de pratique professionnelle pour lui permettre d'inculquer à ses membres les normes déontologiques au diapason des évolutions technologiques, mais rappellera au praticien que dans tous les aspects de sa vie professionnelle, toutes les décisions qu'il est amené à prendre, et tous les conseils qu'il peut donner ont des conséquences qui ont, elles-mêmes, des implications d'ordre moral. Des normes déontologiques, un encadrement et une réglementation sont indispensables aux professions dont la survie dépend du soutien de

l'opinion publique. Elles sont ainsi mieux outillées pour maintenir leur réputation de fiabilité et d'utilité.

J'ajoute que les codes de déontologie dont les Conseils de l'Ordre sont à la fois les promoteurs et gardiens peuvent aussi être une aide lorsqu'un membre de la profession est accusé d'avoir commis une faute professionnelle ou qu'il fait l'objet d'accusation ou de poursuite judiciaire. S'il peut prouver qu'il a respecté le code de déontologie de la profession, il est probable que l'on considérera qu'il a exercé sa profession conformément aux normes applicables en la matière.

Permettez que je plaide, M. le président, avant de conclure pour une décentralisation qui permettrait un accès plus facile à des services d'ophtalmologie et d'optique dans le pays, peut-être dans les hôpitaux régionaux par exemple. Devoir se déplacer jusqu'à Moka pour un problème oculaire parfois simple mais urgent n'est pas pratique pour beaucoup. M. le président, d'autant que même dans le privé, obtenir un rendez-vous avec un ophtalmologue est de plus en plus difficile, voire pas disponible dans la soirée. *L'Optical Council Bill*, M. le président, est un des rares projets de loi qui offre l'occasion d'élaborer sur des notions qu'on aborde rarement dans l'hémicycle.

Il est question aujourd'hui d'optique et d'éthique. On croit souvent avoir une bonne vision des choses et puis un jour par accident ou parce qu'une infime poussière en forme de préjugé ou de certitude est venue gêner l'œil de notre entendement. On se dit que nos instruments optiques, mentaux, c'est-à-dire nos opinions, nos préconceptions, nos habitudes ne sont peut-être pas si neutres, nettes et transparentes que ça et qu'ils viennent modifier à notre insu la manière dont nous percevons les choses et les gens.

Dans sa dioptrique publiée par René Descartes pour compléter son discours de la méthode en 1637, le mathématicien, physicien et philosophe français nous enseigne que loin d'être source d'illusion, lentilles et lunettes sont le meilleur moyen de lutter contre celle-ci. Nous voyons techniquement le vrai que nous ne voyons pas naturellement nous dit Descartes. Avec le progrès de l'optique au siècle classique, l'invisible se mit à reculer tandis qu'avancer le visible par l'infiniment grand comme dans l'infiniment petit vers les satellites de Jupiter comme vers les araignées et les mouches. Il s'agissait bien à l'époque d'une véritable transformation de la perception des choses, qui estompa la frontière entre visible et invisible.

La révolution de la vision était aussi la révolution de la vision du monde et puis arriva Spinoza, celui qu'on a appelé le Mozart de la philosophie qui nous apprend à être lucides sur

nous même pour nous réorienter vers ce qui nous fait du bien. Spinoza écrit l'éthique, un ouvrage philosophique monumental qui élabore une nouvelle définition du sage et de la sagesse. Spinoza, M. le président, exerçait le métier de polisseur de lentilles utilisées en optique. Il part à la reconquête de la clarté, et cherche pour cela la meilleure lunette possible. Celle qui nous permet de contempler la vérité et la vérité, que l'on veuille ou pas, c'est aussi que ce gouvernement travaille jour et nuit et il *mean business*. C'est la raison pour laquelle le métier qui permettait à Spinoza de gagner sa vie, vaut métaphore pour la démarche philosophique dans son ensemble.

Et si la vue était aussi un sens d'éthique, j'espère que nous pouvons maintenant y voir un peu plus clair, y compris ceux de l'autre côté de la Chambre qui malheureusement bien souvent ne voient pas dans la même direction. L'orateur qui m'a précédé sur ce projet de loi, M. le président, je cite, mentionne que –

“A glance at the Fourth Schedule does mention exemption of those being recognised by the General Optical Council of UK.”

Je continue -

“However, there is no mention about those of Brevet de Technicien Supérieur en Optique-Lunetier the BTS OL in France, which is delivered by the French authorities and the sole recognition of qualification to practise the optical profession in France.”

Mr Speaker, Sir, I think it is very clear that the hon. Member has not gone through the amendments to be brought to this Bill already circulated in the House last week. The hon. Member may rest assured on the fact that this Government, through all its actions and decisions, remains guided by equity to all. This is the very reason why the Fourth Schedule of this Bill was deleted last week itself. The aim here, as the Minister of Health and Wellness stated, is to put all our Mauritian children at the same level playing field. We do not wish to discriminate on the basis of which university a student attended to.

As from now, the Optical Council which is being proposed will have the responsibility to organise examinations whereby all students, irrespective of their universities they attended to, will be given the chance to go through examinations, so as to provide each and every one of them equal chances to prove their worth. Of course, examinations will also help in ascertaining that these students are of good level and thus at the same time guaranteeing that the practice of optics in Mauritius remains at acceptable standards.

Je voudrais, pour terminer, M. le président, remercier le ministre de la Santé qui en dépit de tout ce qu'il a dû gérer depuis que cette pandémie a touché nos rivages, a trouvé le temps, oui effectivement il a trouvé le temps pour proposer ce projet de loi à la Chambre tandis que certains, pendant de longues années alors qu'ils étaient au pouvoir en temps normal, n'en ont pas vu la nécessité.

Je vous remercie, M. le président.

Mr Speaker: Thank you. Hon. Duval!

(3:20 p.m.)

Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien): Je vous remercie, M. le président, de me permettre de m'exprimer sur un sujet qui mérite bien que l'on s'y attarde.

M. le président, la réglementation de la profession des opticiens à travers la présentation du *Optical Council Bill* où l'objectif premier de ce conseil doit être l'enregistrement des opticiens-lunetiers ainsi que d'établir un code de déontologie pour ses membres.

M. le président, nous avons constaté ces dernières années que des cabinets d'opticiens-lunetiers ont poussé un peu partout comme des champignons à travers l'île, d'où l'importance d'instituer une instance régulatrice pour un meilleur contrôle. Même si nous avons déjà une petite idée qui sera nommé à la tête du *Optical Council*, nous espérons que le choix des autres membres se fera sans favoritisme.

M. le président, que ce nouveau texte de loi arrive à un moment où la population se pose beaucoup de questions sur les réelles motivations du gouvernement lorsque ce dernier avance un pion, éveillant parfois méfiance chez les citoyens mais mon incompréhension face à cette nouvelle législation se situe surtout au niveau de la volonté du ministre d'avoir une mainmise sur ce conseil.

En effet, à la section 7(2) de ce texte de loi, nous notons que le ministre s'investit les pouvoirs de nommer cinq personnes au sein d'un conseil composé de quinze membres. Et si on y ajoute à cette liste, M. le président, le représentant du *PMO* et celui de l'*Attorney General's Office*, le ministre aura sous son control sept membres de ce conseil, ce qui représente presque la moitié du *Optical Council*.

De ce fait, M. le président, la question de l'indépendance d'un tel Conseil se pose aussi lorsque nous constatons qu'il est stipulé à la section 16 de ce texte de loi, qui décrit « *Powers of Minister* », selon les prévisions de cette section de loi, le ministre de la Santé peut, je cite –

“ (1) *The Minister may give such directions of a general character to the Council, not inconsistent with this Act, as he considers necessary in the public interest, and the Council shall comply with those directions.*

(2) *The Minister may require the Council to furnish any information or document in relation to its activities, and the Council shall supply such information or document.* ”

D'où cette question, M. le président, pourquoi le ministre doit-il s'octroyer tant de pouvoir ? Pourquoi ce conseil des opticiens, comme tous les autres conseils qui se sont mis en place ne peut pas fonctionner en toute indépendance ?

M. le président, un *Optician Act* a été voté en Angleterre puis amendé en 2005. Et je dois dire, *it is just a click on Google* que l'honorable ministre de la Santé aurait pu s'en inspirer pour rédiger ce texte de loi qu'il nous propose aujourd'hui.

M. le président, il est vrai que ce secteur comme tous les autres secteurs du pays, du reste, a besoin de garde-fous pour bien fonctionner. D'abord, parce que le secteur de l'optique est en plein essor mais il y règne, M. le président, une concurrence féroce, pitoyable et parfois déloyale qui fait de plus en plus de victimes au sein de la population. Et certains de mes mandants m'ont fait comprendre qu'ils ont été victimes de cette concurrence déloyale. Non seulement ils ont payé le prix fort, sans compter les effets négatifs sur la santé des yeux qui s'avèrent, M. le président, capital à toutes les étapes de la vie. Les professionnels qui ont ainsi à leur charge de la santé des yeux de nos concitoyens doivent aussi assumer leurs responsabilités lorsqu'il y a des fautes commises et des négligences.

M. le président, il y a à Maurice plus de 10,000 personnes qui se feraient traiter de la cataracte, soit 5,442 exactement rien que dans les centres de santé publique selon les chiffres disponibles de *Statistics of Mauritius* datant malheureusement de 2018. Ce qui représente un marché important et nombreux sont les patients qui sont la proie des charlatans d'ici et d'ailleurs, et je fais remarquer dans ce pas, qu'à la section 19, que le secteur de l'optique Mauricien sera ouvert aux étrangers par le biais du *Temporary Registration of Foreign Optician*. Ainsi il nous faut, M. le président, des règlements adéquats pour aussi protéger les professionnels locaux de ce secteur.

Par ailleurs, M. le président, j'aimerais évoquer un autre sujet de l'actuel projet de loi où il est stipulé dans la section 42(4), je cite –

“Any person who is convicted of an offence shall be liable to a fine of not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.”

Mr Speaker, Sir, Rs10,000 fine for a professional who has committed an offence such as negligence, is from my personal opinion, unacceptable. The amount should be set at least at 500,000, as it will be a better deterrent for all opticians who are minded to infringe the law.

M. le président, de mon côté, je suis outré, sidéré, à se demander comment est-ce possible qu'un citoyen ait à payer R 500,000 d'amende pour le non port du masque, parallèlement un opticien qui a fauté, qui a commis une négligence causant dans certains cas des dégâts, voir un handicap conséquent chez un patient n'écope que de R 10,000 d'amende. Cet état de choses est inadmissible, M. le président. Il faut que le ministre à tout prix amende cette section de la loi afin de protéger nos citoyens et dans le même temps les professionnels de ce secteur feront plus attention et je suis certain qu'en durcissant la loi à ce niveau, les Mauriciens vont bénéficier d'un meilleur service.

Mr Speaker, Sir, at the very outset, I must say, it is an obligation from the authorities to regulate the fast growing optical sector in Mauritius as according to some indicators, the optical market generates a global turnover of around 400 to 500 million annually. That shows us, Mr Speaker, Sir, the importance to set proper standards. Regulations, Mr Speaker, Sir, are set to make sure that all parties play the same rules and thus protect us as citizens against any malpractices.

Therefore, Mr Speaker, Sir, I personally welcome this piece of legislation. Most of all, Mr Speaker, Sir, the Optical Council Bill is meant to regulate the profession of opticians. Hence, the right signals should be sent to bring also confidence but not fear among the population. The citizens of Mauritius who are watching and listening to this Assembly, today, must surely be asking themselves - what should we expect?

Mr Speaker, Sir, I would like to conclude by saying that nomination should be made on a basis of meritocracy, that people with good credentials be allowed to sit on this new Council and work in the best interest of the professionals in the sector but more importantly, Mr Speaker, Sir, is to protect the consumer of Mauritius. I am done, Mr Speaker, Sir.

Thank you very much.

Mr Speaker: Thank you.

Hon. Members, I have allowed the hon. Prime Minister to make a Statement out of turn. Hon. Prime Minister, you have the floor.

STATEMENT BY MINISTER

FOOD PRODUCTS & BASIC NECESSITIES – PRICE CONTROL

The Prime Minister: Mr Speaker, Sir, thank you for giving me permission to make this Statement.

Mr Speaker, Sir, I wish to make a Statement on the topical issue of increase in the retail prices of goods and commodities which has recently been the subject of comments from some hon. Members of the House and also from representatives of Consumer Protection Associations and Trade Unions.

With the outbreak of the COVID-19 pandemic and its rapid spread in early 2020, global human mobility was largely affected, causing significant disruptions worldwide. By March 2020, when the COVID-19 first touched Mauritius, international air travel had come to almost a standstill.

Air, ground and sea transportation of goods had also considerably slowed down and many countries worldwide had imposed export restrictions. The result was that the global supply chain and the volume of goods were severely affected on the international market. These restrictions also highlighted the complexity and cross-border interconnectedness of labour markets, economies, value chains and supply chains, and the dependence of some sectors on cross-border mobility.

The widespread of the COVID-19 pandemic across the world has impacted on economic sectors. This has resulted in market imbalances for the supply of commodities. Demand and supply have changed. Volatility in prices pertaining to import, export, production, supply and consumption has increased.

Mr Speaker, Sir, Mauritius, being a commodity dependent economy, has been exposed to structural vulnerabilities and to commodity price dynamics.

There are already 27 products under price control in Mauritius, of which 9 are under the Maximum Price regime, 17 under the Maximum Mark-Up regime, and 1 under the Maximum Recommended Retail Price regime. These include –

- Scheduled Bread;
- Basmati Rice;
- Milk Powder;
- Fertilizers;
- Blood Glucose Strips;
- Canned Sardines;
- Flour;
- Corned Beef;
- Gas Cylinders;
- Corned Mutton;
- Dual Purpose Kerosene;
- Face Masks;
- Mogas & Gas Oil;
- Hand Sanitizers;
- Potatoes;
- Imported Fresh Fruits;
- Onions;
- Infant Milk Powder;
- Long Grain Rice;
- Pharmaceutical Products;
- Pilchards;
- *dholl petit pois*;
- *dholl gram*;
- *lentilles noires*;
- *lentilles rouges*;
- *gros pois*;
- Specialised Face Masks;
- Sanitary Pads;
- Sanitary Tampons, and
- Sanitary Towels.

As a responsible Government, while we were doing everything that we should to protect the population and contain the spread of the contamination, we were also following

up closely on both the external and internal shocks to our economy in general and by extension to the impact of these shocks in the retail sector.

Immediately, in April 2020 itself, Government introduced a first measure of price control in order to protect the consumers and prevent profiteering by putting not less than 22 products under price control, including products like onions and potatoes, basmati rice, breakfast cereals, butter, baby and adult diapers, sanitary pads and pulses. As a result of that measure, the situation stabilised and it was possible to protect the purchasing power of the consumer and prevent massive increases in prices.

When later in July 2020, as we were getting out of the first confinement and the situation was gradually improving, the price control measure was lifted. But Government continued to monitor the situation through market surveillance and inspection. Between 01 July 2020 and 15 June 2021, more than 17,000 checks and inspections were carried out in trade premises and more than 1,300 contraventions were established, mostly for practice of higher prices or for not affixing prices.

When we entered into the second confinement in March 2021, we continued to follow up the situation and in April 2021, we found that it was necessary to further protect consumers by bringing pulses and sardines under price control. That was done accordingly.

Mr Speaker, Sir, however, in spite of these measures at domestic level, Mauritius continued to be affected by external shocks. The continuous appreciation of the major foreign trading currencies, the shortage of raw material in certain cases, the longer maritime routes, the increase in freight and insurance have continuously impacted on our imports and have brought the importation costs to unprecedented heights. That has resulted into increases in the retail price of many products and commodities.

All the projections and forecasts indicate that this situation may persist for some time more. Indeed, Mr Speaker, Sir, there is no visibility on when the situation could get better.

Government has, therefore, considered it necessary to intervene to restore the purchasing power of consumers and protect them against any future upward movement of foreign exchange.

Government has decided to bring the following products which are essential ones and which are widely consumed by the whole population under price control -

- (i) canned fish (sardines and pilchards);

- (ii) canned tomatoes;
- (iii) cheese;
- (iv) edible oil;
- (v) pulses;
- (vi) margarine, and
- (vii) milk powder.

I am tabling the list of these seven products and their indicative current and proposed price as well as their current subsidy per unit.

Under these seven generic products, a total of 243 specific brands and trademarks are concerned. This measure will allow consumers to access and buy their products at almost the same price which was practised in retail in January 2021.

In addition, because of the uncertain future, Government has decided to lock the new revised prices for a period of six months until the end of the year.

Mr Speaker, Sir, while we do so and we protect the consumers, we need to make sure that importers, distributors and retailers do not bear the brunt of that measure. Concerned as we are to strike a right balance between the importers and distributors on the one hand and the consumers on the other, Government will provide a subsidy to the importers and distributors through the Mauritius Revenue Authority. This price control measure will cost around Rs500 m. and will be fully funded by Government.

Mr Speaker, Sir, as a responsible and caring Government, we will not allow the population to suffer. We will always do what it takes in order to try to protect the consumers and the population at large. This is what we pledge to do, and this is what we are doing.

Thank you, Mr Speaker, Sir.

Mr Speaker: Dr. the hon. Rawoo!

PUBLIC BILL

Second Reading

THE OPTICAL COUNCIL BILL

(NO. IV OF 2021)

(3.38 p.m.)

Dr. I. Rawoo (Third Member for Rivière des Anguilles & Souillac): Mr Speaker, Sir, hon. Members of the House, it is a privilege for me to address and participate in the debate regarding the Optical Council Bill and I would like to congratulate my colleague, the Minister of Health and Wellness, Dr. the hon. Kailesh Jagutpal, for presenting the Optical Council Bill to the House.

Regarding the title of the Bill, we would not blame anyone if the first thing that came to mind is about vision; it is about ability to see. But the hon. Third Member for Constituency No. 2 stated in his speech, I quote –

(Interruptions)

Mr Speaker: Order!

Dr. Rawoo:

“The possible setting of outlets will jeopardise the retail optical sector. A proper framework of same must be discussed with the Optical Association of Mauritius to avoid unfair competitive interest.”

I must admit that I am quite surprised by the hon. Third Member for Constituency No. 2 saying that more opticians will jeopardise the retail optical sector and that it will create a situation of unfair competitive interest. According to the logic of the hon. Member and allow me to take his own example, a gynaecologist who has medical practices in several private clinics, creates a situation of unfair competitive interest as compared to another gynaecologist who has only managed to secure private practice in one private clinic.

Mr Speaker, Sir, this Bill will, on the contrary, allow for more fair competition in the sector and this will be in the best interest of our citizens. On the contrary, there is a number of reasons that you possibly never considered as to why our eyes are so important. The human body has five senses: the sight, the touch, the hearing, the taste and the smell. According to a global survey conducted, 61% agreed that out of the five senses, they could not give up their sight. Only 70% of adults claimed that losing their eyesight would have the greatest impact on everyday life.

M. le président, le but de l'*Optical Council Bill* est d'assurer la création d'un *Optical Council*; cela, afin de mieux régulariser la profession des opticiens à Maurice. L'œil étant l'organe récepteur de la vision, il est un organe des plus importants mais également complexe

et fragile. L'œil est relié au cerveau et joue le rôle d'appareil photographique. En effet, il reçoit et transforme les vibrations de la lumière en influx nerveux, transmis au cerveau.

Avec la surutilisation d'appareils électroniques qui entraîne de la fatigue oculaire, des maux de tête et des troubles du cycle du sommeil, il est primordial de prendre soin de nos yeux si nous souhaitons continuer à bénéficier de ces appareils en préservant notre confort visuel. De tous les appareils numériques, saviez-vous que le téléphone intelligent est perçu comme ayant l'impact le plus négatif sur la vision, suivi de très près par l'ordinateur ?

L'œil est un organe qui peut facilement être endommagé. Il faut en prendre soin, M. le président. Une façon simple et efficace est de passer un examen de la vue régulièrement et seul un professionnel de la vue peut faire un diagnostic de santé visuelle complet et vous guider vers un choix éclairé de montures et de verres qui sera adapté à vous et à votre vision.

La situation la plus fréquente est lors de la conduite. Une mauvaise vision peut ralentir considérablement le temps de réaction et entraîner des conséquences dangereuses. Un conducteur sur cinq ne voit pas clairement la route en raison d'une vue non-correctée. L'éblouissement, de jour comme de nuit, est l'inconfort visuel le plus préoccupant et ralentit la détection et le temps de réaction des conducteurs.

Mr Speaker, Sir, henceforth, the Optical Council Bill will replace the Optical Registration Act and hence will provide recognised status for opticians by providing their registration to promote a higher standard and to better regulate the profession. This will protect the public against any untrained and unregistered individuals. The object of the Bill is to provide for the establishment of the Optical Council of Mauritius with a view to better regulating the profession of opticians.

Mr Speaker, Sir, first of all, I will emphasise the difference between an ophthalmologist, an optometrist and an optician. An ophthalmologist is a medical doctor specialising in diseases of the eye whereas an optometrist is the doctor who does the examination and evaluates visual acuity and writes the prescriptions. The doctors are being registered at the Medical Council of Mauritius. On the other side, an optician, also called a dispensing optician, is someone who makes, sells or fits the eyeglasses or contact lenses, frames, artificial eyes to the intended wearer on written prescription from a duly registered optometrist who is registered at the Medical Council. The Optician needs to interpret the prescription. He needs to adapt, fit and adjust the same for the aid or correction of visual or ocular anomalies of the human eye. The dispensing optician shall advise the intended wearer

at the time that the contact lenses are delivered to return to the optometrist for evaluation and follow up care.

Mr Speaker, Sir, the Bill will bring down all illegal operators that is detrimental for the good reputation of ophthalmologists, optometrists and opticians. Various complaints were voiced out for several years and those operators who were able to pass through the nets and obtain a license to operate from the local authorities to open their businesses, this without having the necessary professional qualifications, skills and experience. This led to situations where patients were found with inappropriate glasses for their viewing problems.

With the implementation of the Optical Bill, any person with no qualifications and duly registered to the Optical Council will not be allowed to open an optical shop and will not be allowed to sell glasses.

Mr Speaker, Sir, research has shown the importance of ensuring that only appropriately trained and qualified registrants are carrying out restricted activities to minimise the risk to public health and safety. Without appropriate legislation, there is a real public safety risk. Regulations ensure that dispensing opticians have an appropriate level of education and training, on an ongoing basis through the CPD courses, to minimise the risks outlined above. These changes included targeting education and training to the areas of risks and competencies relevant to scope of practice and a requirement for a registered optician. The new statutory regulation ensures that dispensing opticians are appropriately trained to carry out their scope of practice.

Mr Speaker, Sir, the general interest objective is pursued in a consistent and systematic manner. The regulation of dispensing opticians is directly comparable with other healthcare professionals in the country. All of the other healthcare regulators in Mauritius are already under the scrutiny of the Professional Standards Authority having already their own statutory registers.

Mr Speaker, Sir, likewise the Medical Council Act, the Dental Council Act and recently enacted Veterinary Act, the Optical Council Bill will regulate the profession and hence provide a better legal framework for both the patient and the optician. The main functions of the Council -

1. Set standards for optical education, training performance and conduct.
2. Approve qualifications for registration as opticians.

3. Maintain a register of individuals who are registered and carry on business.
4. Maintain the standard of opticians by continuing professional development programmes, courses, seminars, lectures or conferences.
5. Deal with complaints and investigate in malpractice in the profession.
6. Protect the public by promoting advancement of opticians and establish code of practice on standard of professional conduct and ethics.

The role of the Council will register all opticians as well as non-citizens resident of Mauritius. They will be provided with a temporary registration as foreign or visiting opticians. The Council will consist of a Chairperson elected among all ten members out of which three opticians from the public sector and five from the private sector with a minimum of seven years' experience.

Mr Speaker, Sir, the Council shall be a body corporate. The objects of the Council shall regulate the professional conduct of the opticians and promote the advancement of opticians. In order to guarantee a strict control on the practice of Optometry in Mauritius, it is important to set clear regulations as to who can evaluate visual acuity, dispense optical appliances, interpret prescriptions or even counsel patients. To that effect, Section 17 (2) of the initial circulated Bill has been deleted.

The House will also note that some Mauritian professionals trained abroad, sometimes come from Universities in countries where there is no authority or body regulating the optical profession. From that perspective, Section 18(1) (c) of the Bill is therefore unfair to professionals coming from such jurisdictions. This Section has also been deleted from the Bill so as to give all future applicants a fair chance to be registered by the Council and practise in Mauritius.

Mr Speaker, Sir, the Council shall approve, organise or cause to be organised training programmes, courses, lectures, seminars or conferences for the profession of opticians. It is to promote continuous education and training in the field.

Mr Speaker, Sir, the newly formed Council should maintain an up to date register. The Registrar of the Council shall keep a register of opticians, foreign opticians and visiting opticians or such other register as may be necessary in such form and manner as the Council may determine.

The Registrar shall enter in the register –

- (a) the name, address, qualifications and other particulars of every opticians;
- (b) any change in his particulars;
- (c) when there is an optician, a foreign optician or a visiting optician is suspended or deregistered, an annotation to that effect, and
- (d) such other particulars as the Council may determine.

Moreover, the Council may investigate into any complaint or professional misconduct or negligence against an optician. Where the Council investigates into a complaint under Subsection (1), it shall notify the optician whose conduct, act or omission is under investigation of the nature of the complaint against him.

The members of the Council may visit or inspect the premises where the alleged professional misconduct or negligence has occurred; may summon and may hear the optician who shall be given an opportunity of being assisted by a legal representative of his choice; may summon and hear witnesses; may call for the communication or production of any relevant record, document or article; and shall submit its report not later than three months, as from the date the investigation starts.

Mr Speaker, Sir, let me conclude on those thoughts and advice. Ne sous-estimez jamais l'importance de vos yeux. Que vous regardiez les yeux d'un être cher ou conduisez votre voiture sur une route, vos yeux sont votre fenêtre sur le monde, vous permettant de vivre chaque moment. Si vous croyez avoir besoin de lunettes ou d'une nouvelle ordonnance, n'attendez pas. Prenez les mesures nécessaires afin de vous assurer de voir au mieux chaque instant. Une approche préventive des soins oculaires peut avoir un impact positif et important sur votre qualité de vue. Ainsi, une bonne santé visuelle relève bien plus qu'une vision claire. Puisque vos yeux sont une fenêtre sur votre santé, un examen de la vue peut sauver votre vie.

En effet, un professionnel de la vue peut détecter plusieurs problèmes de santé dans votre corps, tels que le diabète, certains cancers, les maladies thyroïdiennes et l'hypertension. Dépistées rapidement par les yeux, ces maladies peuvent être traitées avant qu'elles ne deviennent problématiques. La bonne nouvelle est que 75% des pertes de vision peuvent être traitées ou évitées grâce à des soins oculaires appropriés, d'où l'importance de passer un examen de la vue fréquemment et d'avoir une loi réglementée pour la profession des opticiens.

Pour terminer, laissez moi conclure pour dire que nous, au gouvernement, nous travaillons dur aux yeux de la population.

Merci, M. le président.

Mr Speaker: Hon. Dhaliah, you have the floor!

(3:54 p.m.)

Mr R. Dhaliah (Second Member for Piton & Rivière du Rempart): Mr Speaker, Sir, I thank you for giving me the opportunity to contribute to the debate on the Optical Council Bill, which is an essential piece of legislation to regulate the optometric profession. Members of this profession are called upon to play a pivotal role and bring their precious contribution to uphold public health and promote safety. The profession of opticians is at present regulated by the Opticians Registration Act of 1962. Today, we are at the dawn of the third decade of the 21st century, nearly 60 years have lapsed and the optician service is still being governed by a legislation which has undergone one amendment only, that is, in 1985, especially when there have been so many technological changes in that profession.

I think the current legislation has stood its test of time and now, it is high time for a total revamping and to usher in a new legislation to modernise the optician service and to meet the challenges in the optician sector. Here, I wish to extend my congratulations to hon. Dr. Kailesh Jagutpal, Minister of Health and Wellness, for coming up with this Bill which provides a more modern and flexible legislative framework to regulate and control more effectively the profession of opticians in the country. The primary objective of this Bill is to provide for the establishment of the Optical Council of Mauritius with a view to regulating better the profession of opticians. The Council will, among others, regulate and control the profession of opticians, register opticians, regulate the professional conduct of opticians. It will also promote the advancement of opticians through training and continuous learning.

M. le président, l'objectif de ce projet de loi est d'accorder un statut aux opticiens qui est reconnu à juste titre en leur fournissant un enregistrement afin de promouvoir un niveau élevé de formation professionnelle et de conduite parmi les opticiens et, ce faisant, de protéger le public contre les activités des personnes non qualifiées et non formées, qui se font passer pour des opticiens.

À l'heure actuelle, n'importe qui peut s'appeler opticien où exercer la profession d'opticien même s'il n'est absolument pas qualifié. Certains peuvent examiner les yeux ou fournir des lunettes sans aucune formation. Il y a un certain nombre de personnes non

qualifiées qui le font. Ce sont surtout des amateurs itinérants qui se disent opticiens, prétendre tester les yeux et fournir des lunettes, souvent bien inutile à des prix exorbitants. Il y a des preuves du mal causé par ces personnes et il est grand temps de réglementer la profession d'opticien par la promulgation du Conseil d'opticien.

Mr Speaker, Sir, the studies leading to the optical profession whether it is ophthalmologist, optician or *lunetier* require several years of arduous study and hard work. As we are all aware, today the profession is being governed by the Optical Registration Act and requires registration with the Ministry of Health and Wellness in order to be able to practice. It is very likely that some people have been able to slip through the cracks and obtain an operating permit from local authorities in order to be able to open their businesses even without the necessary diplomas, skills and experience. As a consequence, some customers may have found themselves with glasses not suitable for their vision problems.

A dozen of such companies were pinned down by the Police. Some have been forced to close their shops while others are still operating pending a judgement from the Court. It is high time that we put an end to such a mess. This Bill is very clear and those who do not have the necessary skills to sell glasses will not be able to operate. While this Bill will tend to eliminate all quacks and mere sellers of spectacles, it will, at the same time, be able to establish and register a body of professionals with a standard of qualifications and who will ensure a more effective and efficient optician services to the people.

Mr Speaker, Sir, there are quite a significant number of unqualified opticians in our country. Who are these unqualified opticians? They are, first of all, those who make no attempt at sight-testing but simply provide spectacles without any prescription. There are a large number of mere vendors of spectacles who have neither the instruments nor the ability to test sight patients. There are many other so-called opticians who are not qualified but have had a long experience in this profession given that they might not have been able to satisfy the criterion to qualify as a professional in the optical sector. This Bill naturally aims at eliminating the so-called amateurs in the optical business and protects the population.

Mr Speaker, Sir, this Bill lays down penalties for anyone who pretends to be a registered optician. It will prohibit any unregistered person from calling himself an ophthalmic optician, a dispensing optician, a registered optician or an enrolled optician. It prevents one from calling himself or herself an optician without prefix or suffix. Any person

who is found guilty for such offences shall be liable to a fine of not exceeding Rs10,000 and to imprisonment for a term not exceeding 12 months.

M. le président, je crois certainement que dans ces circonstances, il est très important d'encourager la profession de l'optique et de lui donner la possibilité de développer son propre service éducatif et de construire ses propres normes professionnelles. Si nous le faisons, ce sera une protection pour le public. Si nous permettons à la profession de l'optique d'améliorer ses normes, sa formation, ses conditions d'accès à la profession sous le contrôle public d'un conseil de l'optique, nous protégerons alors les droits de nos citoyens.

M. le président, le danger comme tout le monde le sait et plusieurs personnes l'ont mentionné avant moi, est que des personnes non qualifiées et imparfaitement qualifiées peuvent être incapables de diagnostiquer des défauts organiques profondément ancrés dans l'œil et peuvent également ne pas être en mesure de les signaler comme elles devraient le faire à des chirurgiens ophtalmologistes, dûment qualifiés.

Une formation adéquate qui a été prévue dans le projet de loi, me semble-t-il, donnerait une protection au public. Les personnes qualifiées seront en mesure d'observer ces signes avant-coureurs et de les signaler au bon quartier. Ils auraient une meilleure assurance que par le passé lorsqu'ils ont eu recours, comme beaucoup d'entre nous sont obligés de le faire, à un service qui n'est pas pleinement qualifié sur le plan médical. Ils obtiendront un service sur lequel ils peuvent compter pour être avertis à tout moment où ils devraient consulter un médecin.

Mr Speaker, Sir, I want to say in conclusion that the eye is among the important organs of our body and the eyesight of any individual is so essential that there is no physical defect that is so tragic as the loss of the eyesight. The question today is neither the quite proper sensitiveness of the qualified nor the livelihood of the unqualified; it is the broader interest of the welfare of the community as a whole.

It is, therefore, a matter of great national importance that we should have a body of skilled professional opticians with the required qualifications to provide higher standard services. I have no doubts that the provisions in this Bill will bring the landmark changes required to the professionals in this domain. I therefore fully support the provisions in this Bill and have no doubt that all Members in the House will go in this direction for the welfare and wellbeing of the Mauritian nation.

Long live the Republic of Mauritius!

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Uteem!

(4.03 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, listening to hon. Members who intervened before me, especially on the other side of the House, one would have the impression that the optical sector in Mauritius is unregulated. One would have the impression that anyone can practice sightseeing, can practice dispensing medication, can examine eyes, can prescribe drugs, but this is not the case, Mr Speaker, Sir. We already have a law, the Optician (Registration) Act, as far back as 1962, and section 5 of this law provide that –

“No person, unless registered, shall –

- (a) practise sight-testing or dispensing for or without reward;
- (b) carry on the business as optician; or
- (c) take or use any name, title, addition or description implying that he is registered under the Act.

And it is a criminal offence under section 11 of that Act to contravene this section.

So, we already have a law to regulate the sector. It is not like hon. Doolub says that now we need a Council to regulate opticians. There is already a Registrar. There is already a Board, the Optician Registration Board. What does that Board do? That Board already register opticians. That Board already conducts examinations for the opticians who want to be qualified. But more importantly, that Board has the power to deregister opticians who are convicted of offence involving fraud and dishonesty, or after due inquiry is adjudged by the Board to have been guilty of infamous or disgraceful conduct in a professional capacity. So, we should not come and try to say that for all these years, no Government before this one has ever cared about opticians or tried to regulate the sector. Since as far back as 1962, pre-independence there is a law protecting the public from people who are not authorised to dispense services, test eyesight, and prescribe spectacles.

Now, we all agree that this law of 1962 has to be updated and the Bill that is before this House, today, is model principally after the Allied Health Professionals Council Act, which we adopted in 2017. So, we are generally comfortable with these provisions of the Bill which mirror, as I said provisions of the Allied Health Professionals Council Act. The Bill

provides for registration of opticians, foreign opticians, temporary opticians, for holding exams, the requirement for opticians to follow continuous professional development, and a whole chapter on disciplinary proceedings, setting up of Disciplinary Tribunal and disciplinary measures. We are generally, on this side of the House, happy with most of the provisions of this Bill.

There is one aspect of this Bill, Mr Speaker, Sir, which no one has spoken about, which does not form part of the object of the Bill, it is not in the Explanatory Memorandum, it is not being dealt with by the hon. Minister of Health and Wellness, and it is the establishment of a monopoly for local opticians when it comes to selling spectacles and optical appliances. This Bill is creating a monopoly. As from the day the Bill is passed, only a registered local optician will be able to sell spectacles and contact lenses in this country.

Now, the situation is that today we already have many shops around the island selling glasses and optical lenses. The other day I was in a stationery shop and they were selling reading glasses, same thing in England and in other countries. Prescribe + 1, + 2 reading glasses, you can buy them off the shelf. That would be forbidden as from the day we pass this Bill.

Now, if we look at section 17 of the Bill, this is what it says –

“(1) No person shall practise optometry (...)”.

And optometry is defined as including dispensing optical appliances. So, no person shall dispense optical appliances that means sell optical appliances –

“(..) unless he is –

- (a) registered as an optician; or
 - (b) temporarily registered as a foreign optician or visiting optician.
- (2) Nothing in this Act shall –
- (a) apply to medical practitioners;
 - (b) prevent –
 - (i) a licensed pharmacist from dispensing, selling or supplying any drugs; or
 - (ii) a dealer from supplying ophthalmic frames or lenses in the ordinary course of wholesale business.

Now, this section 17 (2) which I have just read is taken verbatim from section 12 of the Optician (Registration) Act of 1962, which means that today the law requiring registration of opticians does not apply to medical practitioners. The law dealing with dispensing spectacles does not apply to a dealer who can supply frame and ophthalmic lenses or spectacles in or the course of wholesale business. And, a licensed pharmacist can dispense, sell and supply any drug, including solutions that we use for contact lenses, including drugs that we use when we have irritation in the eyes. But, to my surprise, this provision which is in the Bill, the hon. Minister is proposing to remove that provision. Not a word as to why a doctor who is examining your eyes, who is prescribing your eyesight cannot sell a glass, cannot sell spectacles. Not a word about why someone who is in the business of bulk purchasing frames cannot do so any more. Not a word about why pharmacy which used to dispense these solutions to clean your contact lenses will no longer be able to do so. Not a word about why this law is being changed to favour the opticians.

Now, Mr Speaker, Sir, what this law is doing is under the guise of regulating the sale of optical appliances, effectively giving opticians the exclusive right to sell spectacles and contact lenses. And, this is not a coincidence, this is far being an unintended consequence of this Act. I would go as far as to say this is the main purpose of this Act. That is the lobby of one small group in Mauritius. One small group, the Optical Association in Mauritius, who last year brought proceedings against 12 companies and 2 doctors, seeking an order from the Court, preventing them from selling spectacles, preventing them from selling contact lenses and on the day of the hearing, they had to withdraw the case because they knew they had no case. They had no case and now for them it is easier, instead of going to Court and seek remedy, it is easier to come to the hon. Minister of Health and Wellness and ask him to change the law, give us this monopoly, prevent others from selling spectacles, prevent doctors from selling spectacles and we are doing it. Today, we are asked to vote a law which is going to give monopoly on Mauritian opticians. Because when we look at section 19 of the Bill, Section 19 deals with temporary registration of foreign opticians, qualified opticians who are registered in Mauritius. Section 1(a) to (e) is taken verbatim from the Allied Health Professionals Council Act and we have no problem with it, they need to have the qualifications. But there is a new subsection, subsection 1(f) –

- “1. A non-citizen may be temporarily registered as a foreign optician where he –
 (f) undertakes not to open a company or body operating in the field of optometry.”

A foreign optician, he is qualified; he is registered; he can make glasses; we will only register you if you undertake you are not going to open a shop; you are not going to sell spectacles. Are we acting for the benefit of the public or are we acting for the benefit of local opticians? When you have qualified foreigners, qualified foreign opticians come and open shops in Mauritius, would not that create a competition? Would not that have the effect of reducing the price of glasses? And how many hon. Members in this House wear glasses? I do not but my children do. I know it is a rip-off. It is a rip-off because whenever I travel and many people, I know, whenever they travel, they go and buy glasses outside of Mauritius. They will get it at least 30% to 40% cheaper than what they pay in Mauritius to the optical shops. In India, for example, it is much way cheaper; I would say 80% cheaper than what it is today.

But it is not just for temporary foreign opticians, this protectionist policy also apply to temporary registration of visiting opticians, Section 20. Section 20 –

“Temporary registration of visiting optician”

These are opticians who are, maybe the Government of Mauritius wants that there is an exchange with the Government of India or Pakistan or whoever and they are asking these opticians to come here as visiting opticians, temporarily. Very often, they have specialist knowledge in the field. Section 20 subsection 3 –

“A visiting optician shall not be involved in the running of any optometry shop”.

Same like foreign opticians. You also you can come, you can help, you can test the eyes, you can help Mauritians see better; but you cannot be involved in the running of optometry shops. Why? Because we need to protect local opticians. Why do we need to protect local opticians? The hon. Minister of Finance is in a better position to explain why this is the purpose of this Bill, to protect, not the interests of consumers, but the interests of local opticians.

Mr Speaker, Sir, I do agree that we cannot let anyone, just anybody to open a shop but do we need to be an optician to be able to sell spectacles? This is the question I ask myself. Do I need to be a Doctor today to own a hospital, to invest in a hospital, to own a private clinic or is it sufficient that I have Doctors who work for me, do the surgery and the necessary treatments? Do I have to be a qualified pharmacist today to own a pharmacy or is it sufficient that I own the pharmacy and I employ a pharmacist to go and dispense the drugs? Do I have to be a cook to own a restaurant; to own a bakery? Do I have to be a mason; a carpenter to own a construction company?

Mr Speaker: Wear your glasses there!

Mr Uteem: What is so unique about opticians that only an optician can buy glasses and sell those glasses?

In England, Mr Speaker, Sir, there is a provision in the law. In England, the Opticians Act 1989 has a provision dealing with the sale and supply of optical appliances. And section 27 (1) (b) reads as follows –

“A person shall not sell any optical appliance or zero powered contact lenses unless the sale is effected by or under the supervision of a registered medical practitioner, a registered optometrist or a registered dispensing optician”.

Why cannot we have the same thing in Mauritius? Why can't a person sell contact lenses and optical appliances under the supervision of a registered medical practitioner; a registered optometrist; a registered dispensing optician? Having these qualified opticians, optometrists, the medical practitioner would ensure that the public receives good treatment, that it is for the benefit of the public and that the health of the public is safeguarded.

But, Mr Speaker, Sir, the need to allow competition in this sector is not just to drive down prices, it is also to do with protecting young opticians; young opticians who do not have the financial means to invest in equipment, to invest in stock of branded glasses.

Today, we have high tech equipment which can detect eye disease. Who will invest in those expensive equipment if they are not allowed to recover their investment through the sale of spectacles? We want to be a medical hub; we want to promote medical tourism; we want to attract patients to Mauritius. But in order to do so, we need good Doctors, we need good Opticians but we also need investors. And is any investor going to invest in optometry if they are not allowed to sell spectacles? Is this Bill going to attract foreign talents, foreign opticians? Talking about foreign opticians, I have mentioned just now, that these foreign opticians are not allowed to open shops in Mauritius, they are not allowed to operate in the field of optometry.

Do you know what more, Mr Speaker, Sir? Under section 19 subsection 2(c) –

“An application for registration as a foreign optician shall be made to the Registrar (...) and shall be accompanied by – (...).”

Do you know what these poor foreign opticians need to give to the Registrar?

“(c) documentary evidence that the applicant's expertise in field of optometry is not available in Mauritius”.

Documentary evidence that local opticians do not have their expertise! Why are we protecting local opticians? Someone asked me whether there is *ami d'enfance* among the local opticians.

I do not understand this Government, Mr Speaker, Sir. A few weeks ago, the hon. Minister of Finance just announced in his budget that foreign students would be allowed to work and compete with local graduates for jobs. Foreign students are allowed to compete with Mauritian graduates for jobs. A fortnight later, same Government came and said that the professional foreign opticians will not be allowed to compete against a Mauritian optician. Where is the logic? I did not realise the optician lobby was so strong in Mauritius. But I would rather think that the Government probably did not give enough thought to what it was doing.

And the fact, Mr Speaker, Sir, is that this Government, this Minister of Health has circulated two amendments, one on 29 June; one on 30 June. This, in itself, tells you that they did not give enough thought to this Bill when it was prepared. But there is more, more example of where proper thinking was not given to this Bill.

When you come to Section 9 subsection 3(a), this is what it reads and all the hon. Members read this section but no one picked it up. Let me read it –

“Where the Chairperson is absent from a meeting of the Council, the Chairperson or, in the absence of the Chairperson, the Vice-chairperson shall chair the meeting.”

So, we are voting a law which says where the Chairperson is absent from a meeting, the Chairperson shall chair that meeting and in his absence, the Vice-Chairperson will chair this, and then this reference to Vice-Chairperson is again at Section 34 of the Bill, I mean obviously for those who are remembering; what he should have read is where the Chairperson is present at a meeting he shall chair it, not where he is absent.

So, if we look at Section 34 of the Bill, again, ‘Execution of documents’ –

“... no deed, instrument, contract or other document shall be executed or signed by or on behalf of the Council unless it is signed by the Chairperson or, in his absence, by the Vice-chairperson.”

Fair enough, but who is the Vice-chairperson? When you look at Section 7 ‘Composition of Council’ subsection 1(a), a Chairperson and that is it. There is no reference to any Vice-chairperson and yet we are voting a Bill which is saying that in the absence of the

Chairperson we will have a Vice-chairperson who we do not know who he is, who does not exist, who the law does not provide for, that Vice-Chairperson is going to preside all the meetings and sign documents and you want to come to the House and tell us that this is a properly drafted piece of legislation?

Mr Speaker, Sir, as I said before we are generally in favour of the Bill to the extent that it is improving and better regulating the optical sector in Mauritius. However, we would urge the hon. Minister and the Government to go back and consider again this provision relating to the creation of a monopoly in favour of a few opticians in this country. We firmly believe that we need to have a similar provision to what exists in England where any person can sell optical appliances provided that he does so under the supervision of a registered medical practitioner or a registered optician. Thank you, Mr Speaker, Sir.

Mr Speaker: I suspend the Sitting for 45 minutes. Clean your glasses.

At 4.27 p.m., the Sitting was suspended.

On resuming at 5.23 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please be seated. Hon. Mrs Koonjoo-Shah!

(5:22 p.m.)

The Minister of Gender Equality and Family Welfare (Mrs K. Koonjoo-Shah):

Thank you, Mr Speaker, Sir, thank you for allowing me to bring my contribution to the debate on the Optical Council Bill.

Mr Speaker, Sir, this Bill provides for the establishment of the Optical Council of Mauritius, with a view not only to regulate and control but also to promote the advancement of opticians for the benefit of the people of the Republic of Mauritius.

Mr Speaker Sir, with your permission, I would like to reply to a couple of the arguments put forward by the hon. Member who spoke prior to the tea break. The hon. Member came up with some questions about whether the objects of this Bill are justified in the sense that one of the example that he quoted was –

“Do you have to be *un maçon* to one day own a house.”

I must say, Mr Speaker, Sir, that this kind of frivolous argument is quite disturbing coming from such a seasoned Member of the House, and I would revert the question onto that hon.

Member, how would he like it if lawyers from other countries came and established law firms over here? That would not be too welcomed...

(Interruptions)

Mr Speaker: Now, this is a debate!

Mrs Koonjoo-Shah: ...and how do you like, is the question.

(Interruptions)

Mr Speaker: You are experienced; this is debate! Allow debate to continue. Quiet on both sides!

Mrs Koonjoo-Shah: In the spirit of debate, Mr Speaker, Sir, according to the logic of that hon. Member, the Bill is defeating its purpose because again, to take the example of *maçon*. So, the *maçon* should be able to sell prescription glasses and have a business in selling medical lenses and reading glasses, or any kind of visual devices. Mr Speaker, Sir, these kind of arguments are never going to help Mauritius propel itself as a champion of modernity.

On the other hand, this kind of legislation brought by my hon. colleague, the Dr. Jagutpal, these are actions that will up the standard of Mauritius on the international level because, Mr Speaker, Sir, we are all aware that the services of opticians are becoming more and more in demand. And this Government has the well-being of the population at heart, and through this Bill, the Government wants to make sure that there is a regulatory framework, of international standards, whereby the members of this profession can exert their competencies with the highest standard of conduct and their abilities for the benefit of our citizens.

Again, Mr Speaker, Sir, that hon. Member was referring to the UK, allow me to refer him to the International Standard Classification of Occupations (ISCO), which is the gold standard that provides the following descriptions of activities of these professions.

According to the International Standard Classification of Occupations dispensing opticians have specific roles and duties. Dispensing opticians, Mr Speaker, Sir, they design, they fit and they dispense optical lenses based on a prescription form from an ophthalmologist or optometrist, and that with a view of correcting reduced visual acuity.

So, it is quite clear that the hon. Member in his intervention has been mixing apples with oranges and clearly got lost in his direction because we are talking about opticians, and

on the other side we have ophthalmologists and optometrists which are completely distinctive in the services that they deliver, Mr Speaker, Sir.

Optometrists and ophthalmic opticians, on the other hand, they provide diagnosis, they manage, they provide treatment services for disorders of the eyes and the ocular system. They counsel on eye care and prescribe optical aids or other therapies for visual disturbance. This is where I have the impression that the Member of the Opposition who intervened before me got his marbles a bit mixed up between the duties and the mandate of opticians and the duties and the mandate of optometrists and ophthalmic opticians.

Yes, Mr Speaker, Sir, these two bodies of professions are very distinct and they relate commonly to the ocular health domain, and this Bill sheds more light on the very specialised professional body that is, that of dispensing opticians. Not to be confused with ophthalmic opticians, optometrists, orthoptists who are medical practitioners *per se*.

Mr Speaker, Sir, over the past years, we have witnessed a number of challenges that the profession of opticians has been facing. Numerous complaints have been made about unregistered, uncontrolled and illegal practices of eye-tests by unauthorised persons, the sale of sub-standard spectacles at very high rates to the public, and in general the poor level of practices. There have also been complaints about the operation of non-compliant optical shops and unregistered persons testing people's eyesight on illegal grounds.

Mr Speaker, Sir, the establishment of the Council will enhance the level of confidence in the profession. Nobody would want to go and see, if you are having a problem with your eyes or any disturbances with the ocular health, you would not want to just go to an unregistered or an unprofessional person to have that kind of service delivered to you. The main objective of this Bill, Mr Speaker, Sir, is for the public to have a peaceful mind when they are going to obtain such services.

Under Section 42 of the Optical Council Bill, imposters and people who fail to meet the required criteria of the Council will be committing a criminal offence and will be subject to fines and imprisonment.

Mr Speaker, Sir, all professions need to be regulated and the Optical Council Bill will bring a major reform by establishing a regulatory body with a very well-defined framework in order to regulate, to control, to promote the overall profession of opticians. The Bill addresses the challenges of the profession and fleshes out the contours that will govern the practice of dispensing opticians in a more transparent and effective manner.

Mr Speaker, Sir, it is very important to highlight that one needs to obviously take care of one's eyesight and for this there is a need for opticians to display an acceptable level of competency whereby members of the public will have the trust and the confidence in this profession. Moreover, where relevant expertise is not available in Mauritius, the Optical Council Bill makes provision that a foreign optician may, in a regulated manner, be temporarily registered with the Council.

Mr Speaker, Sir, part three of the Optical Council Bill explicitly details the membership, the meetings, the composition, the management of the Council, and this is of fundamental importance to avoid actual or potential conflicts of interest as we cannot compromise with the integrity of the Council. I do recall, one of the Member of the Opposition speaking about the Vice-Chairperson having to chair a meeting in the absence of the Chairperson of the Council. I mean, this has been common practice for almost all Councils, even the short time the MMM was...

(Interruptions)

It is; it is. If you are talking about the typing error, it was very good of you to bring it to the attention of the House, which I am sure the drafting team of the SLO will address, so thank you for that part.

Mr Speaker, Sir, the profession of opticians is associated with numerous risks for the patients and if done incorrectly by non-qualified practitioners, they have a bearing on the consumers' health and also on public safety.

Mr Speaker, Sir, we have no room for amateurs in this profession. It is important to control the exercise of the profession and in doing so prevent the violation of consumer interests and most importantly avoid damage to people's eyesight. This Bill will henceforth ensure that services are provided in accordance with sound professional standards.

Mr Speaker, Sir, we live in a world where our competencies must keep up with the pace of change. Under the Optical Council Bill, all fully qualified opticians will have to deliver the quality of care that the population is expecting. People need to feel secure in the knowledge that the person treating them has the appropriate education and training to deliver this professional service.

Mr Speaker, Sir, Continuing Professional Development is also of fundamental importance. As a parallel example in the legal profession, legal practitioners need to participate in a Continuing Professional Development Programme in order to broaden their

legal knowledge, to keep pace with development in law and to update their skills, likewise, Mr Speaker, Sir, the Optical Council Bill provides for a statutory requirement that opticians will have to follow the Continuing Professional Development courses.

Mr Speaker, Sir, the Bill provides a very strong foundation on grounds of public policy, public security and public health. The Bill ensures better health protection, better protection of consumers and recipients of the services. It also secures skilled labour, training, innovation and performance capacity. It ensures greater road safety and public security and it also makes sure it is preventing fraud and patient safety is at the highest consideration.

Mr Speaker, Sir, this Bill is geared towards protecting the citizens. So, I will invite Members of the Opposition to try and see and interpret the Bill, to see the broader picture rather than try to interpret the objective with a very, I would not say blurred vision, but more a blinkered vision being applied. So, I would invite them to open their eyes and look at the bigger picture. I understand and I respect that the mandate of the Opposition is to oppose, but oppose in a constructive manner. Actually, it is a pity, Mr Speaker, Sir, that the Opposition these days are having to literally pick at scraps to find things to talk about and to oppose *gauche-droite*, because this Government is doing everything, going over and above and we stand true to our commitment. We are forging ahead on all fronts. I understand that the Opposition is left clutching at straws when it comes to debates, but let's not stoop to a level where such a piece of good legislation is being used for political survival. This should not be the case and I will make an earnest appeal to Members of the Opposition to try to look beyond all this political survival attempts. There is no lobbying for any specific group in this Bill. Nobody is favouring a small group of opticians or whatever is being implied. There is no monopoly. This Bill holds at the highest level the interest of the citizens of Mauritius and I highly commend the work done by my hon. colleague, Dr. Jagutpal for coming up with this important piece of legislation into the House.

I thank you very much for your attention, Mr Speaker, Sir.

Mr Speaker: Hon. Minister!

(5:36 p.m.)

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Speaker, Sir, I wish to thank all hon. Members who took part in the debates pertaining to this long awaited and important piece of legislation, The Optical Council Bill.

As I stated in my opening speech, the objective of this Bill is to move for the setting up of an Optical Council which shall regulate, control and promote the advancement of the profession of opticians in Mauritius. Mr Speaker, Sir, I have taken good note of the proposals made by my colleagues on this side and also on the other side of the House.

Mr Speaker, Sir, let me first start by commenting on some of the queries, which are not accurate. I will, first, start by the speech made by hon. Uteem. He had comments on the registration process and on the establishment of a monopoly of the local opticians which will be able to sell spectacles. His speech was also about allowing the medical practitioners and the wholesalers to sell spectacles, and he also made critics on the foreign opticians as well as the Vice- chairperson as it has been stated in the Bill.

I will first start by the registration process. Mr Speaker, Sir, as hon. Uteem rightly pointed out that there was a Board where the registration process was being done. But at the same time, I do not know if he will remember, I had a PQ on the same issue where students qualified from some countries where we do not have a Council nor a Board; and those students so far, it is nearly more than two years, have not yet been recognised as opticians. This is the point of having this Optical Council, where this Optical Council, as it is in the mandate, will regulate and obviously to set a standard for the practice of opticians.

Mr Speaker, Sir, contrary to what he has said, unfortunately in the previous law, we could not register those students who have degrees in optics. That is why this law is amended. We have this new Bill which will make provisions as to how we can register the opticians.

Now, the second point that he has said is the establishment of monopoly of local opticians. Mr Speaker, Sir, this is a paradox and contrary to what he initially stated, if you will see in the first part, different opticians have specific duties. The duties are like –

- What is *un Opticien-lunetier*?
- What is an ophthalmologist?
- Who is an ophthalmic optician, that is, an optometrist?

These are professionals who have specific training on what they have to do.

Mr Speaker, Sir, by having a Bill, the Optical Council Bill, which will regulate the profession, I just ask question: are we protecting the opticians? Are we creating a situation of monopoly or are we protecting the public? Because the public who will attend an optical shop should be given the required service and whatever is expected from them. And if according to hon. Uteem, we are creating a situation of monopoly, then, what is the point of having a

Council so as to regulate the profession? From his perspective, he is saying that we are creating a monopoly. In the same line, at one time, even for doctors, for medical practitioners, we did not have a Council and there was a Board which was giving the license to practice. So, it means that, if at that time, anybody who would pretend to practice medicine should be allowed to practice. I think he should understand that this Bill is making provision as to how we can standardise, how we can regulate the practice of optician in Mauritius and this is the way forward and there is no question of monopoly or of the Optical Association doing a lobby. Anybody who wishes to go and study optics now, will know what exactly will be required in Mauritius to become an optician. And this is not doing a favour or doing a lobby for opticians. I think this has to be clearly noted, what hon. Uteem has said.

At the same time, Mr Speaker, Sir, he also pointed out that how do we, as medical practitioners and wholesalers, be allowed to sell spectacles or glasses and at the same time regulate the profession. How is it possible? It is not possible to do so. If ever somebody is qualified as per the definitions of the different types of opticians, they have to have special knowledge. They have to be knowledgeable on what they are doing and not allow anybody to do so. In what way, we are not protecting the public? So, will any Tom, Dick or Harry be allowed to start selling? What will happen then to the profession of optician? Their duties? We will not be able to regulate the profession. Are we not protecting the public by regulating the profession?

Now, he also pointed out that, on the same line and probably it is good to see what is happening in the pharmacy sector today. There are owners of pharmacy who are not pharmacists, because pharmacists cannot invest in having a pharmacy. So, what we do? Are we trying to say that opticians always have to work with the *gros capital* who can invest into different shops and not give the opportunities for those opticians to open their own shops? So, what will happen? We will keep having people who have the *gros capital* to carry on investing and employing those opticians without giving them the chance. This is what is happening in the pharmacy sector. So, those *gros capital* keep on having many pharmacies but at the same time, the pharmacists who have been studying hard, who have to get a license to practice, but because they are not able to open a pharmacy, they will keep on being employed by *gros capital*.

This is one way of seeing it and I think that the same applies to the foreign opticians. So, what do we want to create? So, we allow foreign opticians, multinationals to come and invest in our country and to open as many shops as they wish but at the same time, our

opticians, our Mauritians who do go and study abroad, when they will come back to Mauritius, because of that competition, they will not be in a position to open an optical shop and they have to work under the multinationals. That is what hon. Uteem is proposing, that we have to get only multinationals, *gros capital* to invest in optical shops and our opticians have to only go and work for their salary. This is his proposal as he has said it.

Now, for this point, I totally agree with him about the Vice-chairperson, on how it is defined in the Bill. Now, we have already sent for an amendment. Now, I will come back to what hon. Richard Duval also pointed out earlier. He said that the Ministry or the Minister will have a *mainmise*. I believe he should properly read the provisions on the composition of the Council, where members are elected. There are eight members who will be elected. We do not know who are going to be elected but as per what he said, he has only an idea who will be heading the Council. I wish that he comes and tells us who will be heading the Council, as I do not know because this will be decided by an election ...

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: ... as per the schedule 3, yes 2nd schedule, there will be an election and opticians have to stand as candidate and this process will be elected? And those who are elected have to elect a Chairperson and where is the *mainmise* of the Ministry? The others are opticians, that is, the 3 opticians from the Public Sector to be elected, 5 opticians from the Private Sector to be elected, one from the Optical Association. Again, where is the Minister's *mainmise* in that? Representative of the Ministry who will be somebody who has a knowledge in Optometry, representative of the Prime Minister's Office (PMO) and representative of the AG office. So, I do not think that this point is valid. He is giving the impression that there would be a *mainmise* in a Council and this has been like a template, like other Councils. Recently, we have voted for the Veterinary Council and there are so many Councils, the Medical Council and all. There is no *mainmise* of any Minister in there.

Now, the powers of the Ministry have also been stated by hon. Dr. Aumeer. The Minister will give only general directions. At no point in time, the Minister is going to interfere in the specific, focus in a matter that is the sole concern of the Council. The Minister can only give general directions and this has been the case in all the different Councils. This is the same advice that is being given. It is not that the Minister has to interfere into specific matters. This point is totally not valid.

Now, at the same time, I have also listened to the other Members. You should understand that the Optical Council is a regulator, it is not a facilitator and this Council, that is, the mandate of the Council is that its members, they have to set up code of practice where they have to set up guidelines on how they are going to regulate the profession. I think the Council will have the mandate and will have the autonomy of doing its job.

Now, I will again come back to what, last week, hon. Dr. Aumeer said. He also did not notice that the 4th Schedule was no longer part of the Bill when he addressed the House last week. I believe that what he said that qualifications recognised from the General Optical Council of UK to be exempted from examinations and why we have deleted this, we have removed this part because it is in a spirit of fairness and equity. Now, again concerning the examinations, I will quote what he said –

“The way the registration is going to happen now, it appears to me it is going to follow the same route that newly graduated doctors in medicines had to enjoy.”

Now, I wish to point out here that he is referring to me especially, because I was the Chairman of the Medical Council for 4 years. Now, I have to point out that as a Council, again you have to be a regulator and I would like to know his views on the following.

In 2008, there were wide publicity on newspapers - Study MBBS for Rs500,000. Now I ask this question. Why did the Minister, at that time, not give a general advice to the Council? Because it is the work of the Minister to give that general advice. Why? What happened later on? We have doctors who did not have good SC, who did not have good Higher School Certificate and finally, we landed up in such issues as to how to regulate them. And that is why this is not a matter to enjoy because I feel very bad for them but at the same time, as a Council, you have to uplift the profession. You have to give the proper direction so that you can standardise the practice and that is what has been said by the hon. Dr. Aumeer. There is no time for enjoyment in the Council. You have to do your job as a regulator.

(Interruptions)

Now, Mr Speaker, Sir, I will again quote out what he said, especially for “common things are common.” Yes, there is an examination.

(Interruptions)

Dr. Aumeer: Just a point of clarification. I think it has been...

(Interruptions)

Mr Speaker: No, hon. Member, you should learn your Standing Orders. We cannot spend time for nothing.

(Interruptions)

Please, you do not have the floor! Continue Minister!

Dr. Jagutpal: Yes, Mr Speaker, Sir.

(Interruptions)

Dr. Aumeer: On a point of explanation.

(Interruptions)

Mr Speaker: Now, I have already given my ruling. I have already given my ruling.

(Interruptions)

Please, withdraw from the Chamber! Withdraw from the Chamber!

Dr. Jagutpal: Mr Speaker, Sir, I again will refer to Hansard, Debate No. 22 of 30 June 2021 –

“the way the registration is going to happen now it appears to me it is going to follow the same route that newly graduate doctors in medicine had to enjoy.”

That’s it, I made my point!

Now, Mr Speaker, Sir, again I will come back to what hon. Dr. Aumeer said...

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: ...that common things are common. I think he should understand that while somebody will be assessed to get the license to practise as an optician, it is not that “common things are common.” We are not assessing the knowledge of that optician but we are assessing what is the basic. Whatever be the basic, even if you have qualified from one side of the world or the other side, it should be the same. So, what is the objective of having an examination and not an interview or anything else, it is just to be transparent so that everybody has a fair chance. Now, if his intention is to say that we should have an interview, then this is not the fair chance and the fair chance is to have a standard examination, it is up to the Board to decide which type of examination, who will be the examining body and this has to be on the mandate of the Board.

Again, Mr Speaker, Sir, the Council is a corporate body which will be the sole entity deciding about what would be the type of examinations to be organised. He also pointed out that in the Ministry of Health and Wellness, we have only 2 opticians. He is totally correct that we have 2 opticians on contract and the Budget has made provisions for us to recruit 2 more opticians and in this way, we can have 3 opticians from the public side if tomorrow we were to set up an Optical Council.

Now, he also pointed out, maybe because he wishes to point out why don't we have different sets of representatives of the Opticians Council like *opticien-lunetier* or the Optometrist but unfortunately, the opticians it is just like the Medical Council, it is represented by the specialists and we do not define the different categories of specialists, gynaecologists, paediatricians or anybody else. It is just we have to get the registration of the opticians, that is all that we need in a Council.

So, this is about the different critics that have been made on this Bill. Now, Mr Speaker, Sir, I wish to once more reiterate that this Council will be a corporate body with a specific mandate. It will set up to solve numerous issues associated with the optical sector; be it registration, be it to set standards or be it also to promote the practice of opticians in Mauritius. These issues have not only been detrimental to the profession but also to our citizens, who are rightly entitled to quality, fair and affordable services. Our aim is precisely to offer to our population better service at more competitive prices and also empower them with the possibility to seek redress whenever they deem that their rights as patients and customer have been flouted.

This Bill is also doing away with several irregularities which have caused much prejudice to our young Mauritian professionals who wanted to embrace a career in this sector. We have also deleted several provisions in the initial Bill circulated to the House with the sole objective of doing away with requirements which might have turned out to be unfair to some of our young professionals, duly trained in the profession of opticians. Clause 18 (1) (c), which imposed that qualifications had to be recognised by the regulatory body of the country where the qualifications were obtained, has thus rightly been deleted.

Mr Speaker, Sir, we all know that some countries, where excellent optical training is dispensed, do not have a regulatory body. It was up till now impossible for these professionals to get registered in Mauritius even if they were as highly trained as some of their friends who were in jurisdictions where regulatory bodies do exist.

Mr Speaker, Sir, before ending I wish to point out that it is our duty to allow the opticians to show what they are capable of and provide them the opportunity to put their skills at the service of the country. I also have to point out that –

- clause 9 (3)(a), to be deleted and clause 9 (3)(b) be renumbered as clause 9 (3).

The clause will read as follows –

- where the Chairperson is absent from a meeting of the Council, the members present shall elect one of the members referred to in section 7 (1)(b), (c) or (d), to chair the meeting.
- Clause 34 (1) the word “Vice-chairperson to be deleted and replaced by elected representative of the Chairperson.
- clause 34 (2)(a), to delete the word “Vice-chairperson” and be replaced by elected representative of the Chairperson.

Thank you, Mr Speaker, Sir, for your attention.

Mr Speaker: Are you commending the Bill?

Dr. Jagutpal: Yes, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

THE OPTICAL COUNCIL BILL

(No. IV of 2021)

Clauses 1 to 8 ordered to stand part of the Bill.

Clause 9 (Meetings of Council).

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

Dr. Jagutpal: Mr Chairperson, I move for the following amendments in clause 9 –

“in clause 9, in subclause (3) –

- (i) by deleting paragraph (a);

- (ii) in paragraph (b), by deleting the words “and the Vice-chairperson are absent” and replacing them by the words “is absent.”

(Interruptions)

Mr Uteem: May I know what was the clause circulated? Because I have not received any circulated.

(Interruptions)

Okay, thank you.

Amendment agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 16 ordered to stand part of the Bill.

Clauses 17 (Practice of optometry Sub-Part B – Optician).

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

Dr. Jagutpal: Mr Chairperson, I move for the following amendment in clause 17 –
“in clause 17, by deleting subclause (2).”

Amendment agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 (Registration of optician Sub-Part C – Foreign Optician)

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

Dr. Jagutpal: Mr Chairperson, I move for the following amendments in clause 18 –
“in clause 18 –

- (i) in subclause (1) –

- (A) by deleting paragraph (c), paragraphs (d) and (e) being relettered as paragraphs (c) and (d);

- (B) in the newly lettered paragraph (c), by deleting the words “subject to subsection (3)(c),

- (ii) in subclause (3), by deleting paragraph (c).”

Amendments agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 to 33 ordered to stand part of the Bill.

Clause 34 (Execution of documents.)

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

Dr. Jagutpal: Mr Chairperson, I move for the following amendment in clause 34 -

“in clause 34, by deleting the words “or, in his absence, by the Vice-chairperson”;

Amendment agreed to.

Clause 34, as amended, ordered to stand part of the Bill.

Clauses 35 to 46 ordered to stand part of the Bill.

The First to Third Schedules ordered to stand part of the Bill.

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

Dr. Jagutpal: Mr Chairperson, I move that the Fourth Schedule be deleted.

Amendment agreed to.

The title and the enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Optical Council Bill (No. IV of 2021) was read a third time and passed.

Second Reading

THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD (AMENDMENT)

BILL

(No. V of 2021)

(6.06 p.m.)

Order for Second Reading read.

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Mr Speaker, Sir, we have before this august Assembly today, a very important piece of legislation, that is, the Construction Industry Development Board (Amendment) Bill (No. V of 2021).

No doubt, it is a landmark legislation which will provide a modern framework to boost and further accelerate development in the construction industry.

Allow me to put it up clearly, Mr Speaker, Sir, some hon. Members may not be happy with the introduction of this Bill in the House. In fact, there have been previous attempts to come up with a Bill, but without success. I will even dare to say that *il faut du courage pour le faire*. My predecessors will surely bear testimony to this fact. Many meetings with the stakeholders concerned were held to come up with amendments to the Act, but it seems that they were unable to resist lobbies arising from personal interests.

Mr Speaker, Sir, if the Bill is before this House today, it is because this Government has the willingness and the political commitment to place the national interest before any other interests.

We are committed, under the visionary leadership of the Prime Minister, hon. Pravind Kumar Jugnauth, not only to consolidate the socio-economic development of the country but to further enhance the quality of life of the population at large. We are not here to protect or defend any group interests, but we are here to safeguard the population's well-being and to uphold development, at all levels, high on our economic and social agenda.

Mr Speaker, Sir, it is, therefore, indeed with a great relief that we are debating on this Bill in the National Assembly, and throughout my speech I will explain why these amendments are necessary.

Mr Speaker, Sir, the massive investment by the Government into the construction sector over the past five years is unprecedented. For the first time in the history of this country, we are witnessing projects worth billions shaping up all across the island simultaneously, from the Motorway M4 and the A1-M1 Bridge at Grand River North West to around 1,500 drain projects in the pipeline over the next three years.

Since the previous budget, Government has decided to act swiftly in order to sustain our economy by injecting a considerable amount of money into the construction sector. This strategy has yielded the expected results.

The hon. Prime Minister has therefore decided, together with the hon. Minister of Finance, Economic Planning and Development, to inject more funds into our national infrastructure. *Et, pour atteindre nos objectifs, M. le président, il faudra se donner les moyens nécessaires car si d'une part, nous avons l'argent et des ressources, qu'en est-il de nos lois ?*

Mr Speaker, Sir, for years now, we have had several legislations that regulate the construction sector and each and every stakeholder operating in quite an unsynchronised manner. Now, more than ever before, with the volume of projects, and the whole sector from top to bottom thriving, there is ardent need to harmonise our laws.

Mr Speaker, Sir, I would now wish to highlight the main objectives of the CIDB (Amendment) Bill. First, in addition to allowing the CIDB to register Consultants and contractors, the Bill will empower the CIDB to henceforth register providers of construction works and construction services as well as suppliers of construction materials, equipment, plant and labour, that is, here we are talking about the whole supply chain.

Second, the Bill makes provision for a professional in the field of architecture, quantity surveying and engineering to use the name or title of Consultant in their respective field, which so far they have been deprived of despite the fact that they have been performing at that level.

Third, the Bill will give additional powers to the CIDB to determine applications for registration, particularly by extending the grounds for which an application may be refused.

Fourth, it will empower the Council to issue a Compliance Notice to a person who is offering his services as a Consultant, contractor, service provider or supplier without being registered under this Act. The Notice will order that person to make an application for registration, failing which appropriate sanction may be taken against him.

Mr Speaker, Sir, this provision is indeed very important, particularly as there are some contraveners who are operating illegally in the industry and, unfortunately, so far the CIDB is unable to take any action against them.

Fifth, the Bill aims at further empowering the CIDB to compound with some specific offences committed by a person where the latter agrees to pay such amount not exceeding the

maximum penalty specified for that offence. In such cases, the consent of the Director of Public Prosecutions is required.

Sixth, the Bill provides for the CIDB to review regularly the registration of every consultant, contractor, service provider and supplier, which is not the case so far.

It is also to give power to the Council to collect statistical information in the construction industry for policy decisions.

Mr Speaker, Sir, these objectives already give an indication of the importance and urgency of such a legislation, particularly in the light of the huge investments contemplated in the industry, as I have mentioned earlier.

Mr Speaker, Sir, with your permission, I will now turn to each of the amendments proposed in the Bill.

Clauses 3, 10 and 14 are amending sections 2, 18 and 21 of the principal Act and are –

- (i) providing a new definition to the word “Register” to include a Register of Suppliers and a Register of Service Providers, and
- (ii) providing a definition to the term “Service Provider” and “the Supplier”.

Clause 4 is providing for the Professional Architects, Professional Quantity Surveyors and Professional Engineers to use the title of “Consultant”. Previously, only firms were recognised as Consultants under the CIDB Act.

However, the above provision will not be applicable to a Professional who is an employee in an organisation.

This measure, Mr Speaker, Sir, is to provide for the recognition of freelance professionals as consultants and more importantly, to allow an individual professional in his or her field of competency to operate as a Consultant, which is in fact, the international trend.

Clauses 5 and 6 are providing for the registration and publication of an annual list of Service Providers and Suppliers, in addition to Contractors and Consultants, as I have mentioned earlier.

The purpose of these 2 amendments is to include the words “Service Providers” and “Suppliers” wherever the words “Consultants” and “Contractors” appear in the Act.

Clause 7 is providing for an additional representative on the Council namely from the Association of Consulting Engineers.

Mr Speaker, Sir, some quarters were questioning this proposal and with your permission, I am taking the opportunity to clarify this issue.

It is a recognised fact today that Consultants and Consultancy Firms are playing a very prominent role in the construction industry and it is only fair to hear and involve them at the level of the CIDB, similarly to individual professional architects, quantity surveyors and engineers.

Clause 8 is consequently providing for the quorum of the Council to be increased from 5 to 7.

Clause 11 is providing new grounds on which an application for registration can be refused.

Mr Speaker, Sir, grounds for refusal of registration of an application are currently limited. With experience, we have learnt that there are other relevant grounds on which registration can be refused and the Bill is providing accordingly.

Mr Speaker, Sir, with regard to Clause 12, I will move for an amendment thereto at Committee Stage. In fact, the amendment will make it mandatory for a foreign consultant or contractor to work in collaboration with a local consultant or local contractor, as the case may be, to be eligible for consideration for registration and later in the regulation, the word “collaboration” will be described extensively like, to make provision for joint venture agreement, association or sub-consultancy agreement between the Consultants.

In addition, an amendment will also be proposed for the form of such collaboration as well as the terms and conditions for registration of a foreign consultant or contractor, to be prescribed are being determined by the Council, as is of now.

Mr Speaker, Sir, with your permission, I wish to dwell for some time on this aspect. In fact, both the Professional Architects’ Council Act and the Professional Quantity Surveyors Council Act provide that no foreign firm of architects or quantity surveyors may provide their services in Mauritius, unless it is registered as a foreign consultant with the CIDB.

In addition, the foreign firm has to enter into a joint venture agreement with the local firm of architects or quantity surveyors, as the case may be, and I invite hon. Members to listen to this carefully, for which –

- (i) a fee of not less than 51% of the total consultancy fee has to be paid to the relevant local partner, and
- (ii) a fee of 0.05% of the value of the project is paid to the concerned Council.

Mr Speaker, Sir, such onerous mandatory requirements constitute a strong barrier to entry for any foreign consultant and is not at all conducive to transfer of skills and knowledge and for the ease of doing business. For sure, it discourages promoters to invest in Mauritius, particularly, at this point in time, when our country aspires to climb in the table of ease of doing business in Africa and the world.

Mr Speaker, Sir, can we imagine a foreign firm of architects or quantity surveyors willing to forfeit such a huge chunk of their gains by entering into a joint venture for provision of consultancy services in the country when it can easily obtain much better conditions elsewhere. *Il faut arrêter de se voiler la face, M. le président.*

Hon. Members will not be surprised to learn that as at to date, no foreign firm has been registered with the CIDB under these conditions. Obviously!

Fortunately, Government projects are exempted from such requirements. Accordingly, many Government projects have been spearheaded by foreign and local consultants and eventually successfully implemented and from which our locals have had the opportunity to learn a lot through the sharing of knowledge.

Mr Speaker, Sir, this is simply because, in practice, foreigners who wish to undertake projects in Mauritius, are normally keen to associate themselves with a local partner, who is more familiar with the local laws and practices.

Mr Speaker, Sir, there is indeed a need to harmonise the laws regulating our engineers, our architects and our quantity surveyors with our CIDB Act, to eliminate discrepancies that currently exist. Such harmonisation will reassure foreign investors as well as consultants that they are perfectly welcome to invest and provide services in our country. This will in turn directly or indirectly benefit each and every Mauritian, for generations to come.

Having said these words, Mr Speaker, Sir, let me immediately reassure the House that we are not opening the floodgates to a foreign invasion.

Mr Speaker, Sir, there are guard rails. It is certainly not our intention to remove all existing barriers completely. This is why, Mr Speaker, Sir, it will remain mandatory for every foreign consultant to collaborate with a local firm on any project on our soil.

In this respect, immediately after the enactment of this Bill, appropriate Regulations will be promulgated to define the term “collaboration”, to mean either a joint venture or association or sub-consultancy agreement.

However, the form of such collaboration will be decided jointly by the local and foreign parties in their own interests and that of the project and, is also provided in the guidelines of Union of International Architects.

It will be up to both parties to determine their respective percentage of liability and apportioning of fees and tasks, based on their corresponding input on the projects, like responsible and mature adults will do.

Again, to safeguard the interest of our local professionals, the request of the professional bodies, we shall include in the Regulations, a minimum consultancy ratio between the foreign firm and the local partner.

This way of doing things is not only realistic but is also much fairer to the investors or consultants as well as our local professionals, and are in the line with our policy to facilitate business exchange with other countries.

Mr Speaker, Sir, in fact, after the initial Bill was drafted, several professional bodies had expressed their apprehension regarding the removal of the joint venture clause, despite the fact, as I mentioned earlier, such joint venture with the 51% requirement has never worked. So, why should we keep it?

Nevertheless, following discussions with my officers and myself, we have had with those different bodies; they have been reassured of our intention to which they now subscribe.

Mr Speaker, Sir, Clause 12 is also providing for a foreign Consultant or Contractor who has been provided a contract directly, to register with the CIDB and, the application form in such case will be different.

Up to now, registration of foreign consultants and contractors are done in two stages, that is, firstly, a Provisional Registration is granted to foreign bidders at the time of bidding.

Secondly, Temporary Registration is granted only when a foreign consultant/ contractor is awarded a contract. Where there is no bidding, only the second stage applies.

Clause 13 aims at incorporating in the principal Act the provision for registration of service providers and suppliers which are currently provided for in the CIDB (Registration of Service Providers other than Consultants) Regulations 2018.

In view of its importance, Mr Speaker, Sir, it is considered that the registration of service providers and suppliers should be in the principal Act and not in the Regulations.

Clause 14 is consequential to Clause 13. It is providing for the validity of the registration of service providers and suppliers which is currently for a period of one year to be extended to a period of two years.

Clause 15, as I mentioned earlier, is providing for the review of the registration of consultants, contractors, service providers and suppliers every three years. It will allow for a full re-evaluation of their capabilities and, if need be, depending on such assessment, they may be upgraded or downgraded.

It will, however, have no effect on their yearly renewal of registration. The provision also empowers the CIDB to collect statistical information for strategic planning purposes and to obtain information.

Clause 17 provides for additional grounds for the cancellation and suspension of registration. These include, for example, tampering with the Certificate of Registration. We have had cases last year. Suspension or being debarred as a bidder or supplier pursuant to the Public Procurement Act and appearing on the ineligibility lists of prescribed International Funding Agencies/Organisations.

Clause 18 is providing for the publication of the registers of consultants, contractors, service providers and suppliers to be done by 30 September every year instead of 30 June. This is merely to have at least a period of three months after the closure of the financial year to compile the list of newly registered bodies and renewal of registration altogether.

Clause 19 is providing for a more realistic period of time for an Ad Hoc Appeal Committee to determine a case that is, within sixty days as from the date of the first hearing.

Clause 20, Mr Speaker, Sir, aims at empowering the CIDB to issue compliance notice to persons who are undertaking construction works or services without being duly registered.

It is worth pointing out here that in the absence of such a provision, the CIDB is unable to take any action against defaulters.

With the compliance notice, an unregistered person has to apply immediately for registration, failing which the Council will have the power to refer the matter to the Police, which it cannot do for the time being and for which the CIDB is receiving so many complaints.

Clause 21 tightens the sanctions against defaulters. In fact, any person who contravenes the provisions of the Act will be liable to a fine not exceeding one million rupees and to an imprisonment for a term not exceeding five years. In addition, a court can also order forfeiture of assets of offenders.

Mr Speaker, Sir, I wish to highlight here that currently, a contravener may be convicted only to a fine not exceeding one hundred thousand rupees and to an imprisonment not exceeding two years. There is no provision for forfeiture of assets. It is, therefore considered that this provision will be a dissuasive measure to potential contraveners.

Clause 22 is making a new provision for the compounding of offences. The CIDB will be able, with the consent of the Director of Public Prosecutions (DPP), to negotiate with an offender to claim an agreed sum not exceeding the maximum penalty. This measure will, on one hand, allow the CIDB to recuperate outstanding funds and, on the other hand, avoid the hassles of court proceedings.

Clause 26 is revoking the existing CIDB (Registration of Service Providers other than Consultants) Regulations 2018 and the CIDB (Registration of Suppliers) Regulations 2018 and their provisions are being included in the principal Act as at Clause 13.

Clause 29 provides for consequential amendments to the Building Control Act, the Professional Architects' Council Act, the Professional Quantity Surveyors Council Act and the Registered Professional Engineers Council Act.

Mr Speaker, Sir, I will move for an amendment at Committee Stage to that Clause, in particular to the consequential amendments to the Professional Architects' Council Act, the Professional Quantity Surveyors Council Act and the Registered Professional Engineers Council Act.

The initial Bill provides for Architects, Quantity Surveyors and Engineers to prepare bidding documents without any restrictions.

Following consultations with the relevant Councils, I will move for an amendment to provide for the professionals to prepare bidding documents according only in their relevant field of competency.

I wish to make it clear, Mr Speaker, Sir, that today, before this House, we have a Bill for which the thrust is on the CIDB and not on any particular professional body. I have no doubt, therefore, that the debate on the Bill will focus on the CIDB.

Mr Speaker, Sir, to conclude my intervention, I would state that the Bill is bringing back to life the whole supply chain in the construction industry. Not only the employees of contractors are concerned, but also those of the sub-contractors, suppliers of materials and plant, consultants, all Small and Medium Enterprises who provide some form of service to the construction industry, including accountancy and PR firms, not to mention the whole community across the supply chain.

M. le président, je l'ai déjà dit et je vais le redire: nous ne sommes plus à un tournant de notre histoire. Nous sommes en train de l'écrire. Il est primordial de bien planifier cette sortie de crise et faire en sorte que l'industrie de la construction prend son envol et relance une bonne fois pour toute notre économie, pas pour moi, encore moins pour vous, M. le président, mais pour les générations à venir. Pour les cent ans à venir. Pour une île Maurice moderne, indépendante, résiliente et capable de se soutenir face à n'importe quelle situation. C'est cela la vision du gouvernement de l'honorable Pravind Jugnauth, et notre vision à tous, du moins du côté de cette Chambre.

I know firmly well, Mr Speaker, Sir, that Members from both sides of the House have the interest of our country at heart and will bring valuable contribution to this debate. It is also an inevitable fact that those who have generated considerable gains from loopholes in our laws for years, will influence some of you to speak in their name here in this National Assembly. I pray that you have the courage to put aside such lobbies and focus on what is right for our motherland. With these words Mr Speaker, Sir, I, now, commend the Bill to the House.

Thank you.

Mr Seeruttun seconded.

Mr Speaker: I will now invite the hon. Deputy Speaker to take over the Chair.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Thank you very much. Please be seated! Hon. Osman Mahomed! The name has already been called out.

(6:36 p.m.)

Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir, for giving me the opportunity to intervene on the Construction Industry Development Board (Amendment) Bill.

This Bill is dated 2 April 2021, and is therefore coming for debate after more than three months. There was a *levée de boucliers* from the professionals initially subject to a lot of Press articles, and I believe that consultations between them and the hon. Minister and the Ministry have taken place over the last few months. It is therefore very unfortunate that, only just now, the hon. Minister of National Infrastructure and Community Development, who, himself, just stated that it is a very important Bill, and I agree with him, resorted to a late circulation of major amendments to the Bill for such an important sector - the construction industry. In the amendments, I see that mention has even been made of the words ‘as may be prescribed’, meaning there will be tabling of regulations subsequently, and he just confirmed that this will be the case.

As we know it, Mr Deputy Speaker, Sir, regulations and item in regulations can only be disputed through a very cumbersome process. For the sake of transparency, I do believe that after three months of discussions, these could have been included in the law or circulated as amendments because as we know, Mr Deputy Speaker, Sir, the devil is in the details. And furthermore, the construction industry plays an important economic role in our country, be it in terms of infrastructure developments but also in terms of job creation at all levels for the unskilled labour force, the skilled labour force, the wide spectrum of suppliers and hardware shops, and for graduates and professionals.

The construction industry undeniably creates economic growth, but we should also speak in terms of real economic growth. If contracts, large contracts are being allocated to foreign companies which mostly employ foreign labour, then it begs the question, whether are we speaking in terms of real economic growth in this country. In terms of figures, the Mauritian construction industry, can be said, provides jobs to some 65,000 people altogether, direct or indirect, and if we zoom in on the registered professionals who are actually practising in the sector, we see some 1002 or so engineers, be it civil, mechanical, electrical, mechatronics, you name it, 300 or so architects and some 100 or so, quantity surveyors.

In presenting the first CIDB Bill to the House on 25 November 1997, the Minister of Public Infrastructure at the material time when Dr. Navin Ramgoolam was Prime Minister, was Mr Siddick Chady, and I read part of his discourse and he stated that –

“Government was setting up the Construction Industry Development Board, which will have as function to facilitate and coordinate activities in the construction industry. Its function was to consolidate further growth of the construction industry and to steer it into the international market.”

In order to realise this vision, he further stated during his discourse –

“efforts must be made to promote and upgrade quality and safety standards in the industry.”

I personally and sincerely feel that this vision has not materialised not only now, but over the years, to be fair with everyone.

Much of the amendments being brought to the CIDB Bill pertain to the issue of foreign consultants and contractors, and the hon. Minister has rightly highlighted it just now. Our construction industry was unfortunately not in steered in the international market as was wished 24 years ago, but it was the opposite that actually took place.

Let me mention a few names that I have come across since I was elected in 2014 –

- Larsen and Toubro for the Metro Express Project;
- China State Corporation for the Côte d'Or Sports Complex;
- NBCC for the New Court House, social housing projects, new Civil Service College, the Police Academy, and the Mediclinics.

And I am even told, now, by stakeholders that NBCC is even the contractor for privately owned building in Mauritius, an example being, one currently being constructed in Floréal.

The two main ongoing sewer network construction projects, major projects in Pailles is being constructed by Sinohydro and the one in Grand’Baie by Henan Water & Power Engineering Ltd. So, I am glad that contractors according to the amendments being brought today and highlighted by the Minister will require foreign contractors to partner with a local contractor. I think this is most welcomed, be it in terms of employment of local people, be it in terms of technology transfer, be it in terms of capacity building; this is positive. But we must ensure that the contractors with which they are going to partner in Mauritius are not new

contractors that they can manipulate and partner with them just for the sake of complying with the law. This is dangerous because they will just use the name and things will not happen as we wish that it would happen, and I have in mind, here, technology transfer especially and capacity building.

Now, since we are talking about development in the country through construction, I cannot afford not to talk about the Metro Express Project, which is currently a major construction happening over a fair part of the island. Members may have come across the article in last Sunday's *Week-end* Newspaper, titled, "Metro Express: *Malfaçon constatée à la rampe d'accès vers la station de Caudan*", in which the first paragraph reads as follows –

An hon. Member: What do you expect from *Week-end*?

(Interruptions)

Mr Osman Mahomed:

«Alan Ganoo et le CEO de Metro Express Ltd (MEL), Das Mootanah, ont sciemment caché à la presse les vraies raisons de la fermeture de la station de Caudan, qui sera relocalisée temporairement en contrebas de la structure surélevée des rails, en face de l'autopont Decaen. »

(Interruptions)

An hon. Member: *Met to mask!*

The Deputy Speaker: Order! Continue!

Mr Osman Mahomed: The first questions that came to my mind when I read this is: whose fault is it and who is going to foot the bill for the repair and the loss of use? I hope you will clarify it later through a statement.

The Deputy Speaker: Order! Order! Address me!

Mr Osman Mahomed: Thank you. I visited the site...

The Deputy Speaker: Order!

Mr Osman Mahomed: ...and like many, I have noticed that trams come to a standstill or drive very slowly at the moment they reached the railway ramp located between Caudan and part in front of the Decaen flyover. There is reportedly a significant structural defect over a distance of about 100 m which is the consequence of most likely poor design or poor workmanship which has and can put the safety of passengers at risk and now a

makeshift Metro station is being erected before the structurally jeopardised part so that passengers can board and alight the tram before the damaged part.

Mr Deputy Speaker, Sir, I now come to the CIDB relating to this. In fact its inception, the CIDB was supposed to promote and upgrade quality and safety standards in the industry. Then how would you explain the fact that the Metro Express is now facing the same technical problem as the Decaen flyover which is only a stone's throw away distance from the problematic area faced a couple of years ago, just next door. The Decaen flyover had settlement and now the Metro which was constructed subsequently, also have settlement.

Mr Deputy Speaker, Sir, I was actually reading what the CIDB of Singapore, a country where I have studied and worked, does. You know, Mr Deputy Speaker, Sir, for as early at its 10th anniversary, Singapore Construction Industry Development Board has had as theme 'building on quality: a decade of construction excellence' and mind you, there, it is construction in excellence. And they did not just talk but they actually acted with the holding of several promotional campaigns and training sessions to engineers and stakeholders. The captains of the construction industry in Mauritius will tell you that the CIDB – our local CIDB – is too focused on the administrative office activities of registering contractors and consultants and collecting fees from them to the point that it has become – I mean the CIDB – has become self-sustaining and does not even need to rely much on Government funding anymore. True enough, this is important but was this the original purpose of creating a CIDB? I thought this Bill before us would have provided more responsibility *sur le fond*, on the regulator to assume properly its role in our modern context but not merely a facade meaning *que sur la forme*.

We are having debates on this Bill after more than a year of construction industry having suffered the brunt of the COVID-19 pandemic with several big projects having been frozen. The more so, the tourism industry that generally, traditionally generates a lot of new construction and renovation projects *est au point mort* but, hopefully, will pick up this month with the opening of our frontiers. I am aware that the hon. Minister has had meetings with the stakeholders concerned in the wake of the presentation of this Bill. I also met with my engineer folks and I have spoken to the architects. There were a lot of issues in the first Bill and Amendments have been brought following consultations. In the Amendment that has been circulated today, specifically pertaining to Clause 12, this, I am led to believe will address a main source of disagreement there was in the first draft. And the word that has changed this dramatically – the Minister has mentioned the word just now – is the word

‘collaboration’. The issue was that foreign consulting firms being able to practice without the need to enter in joint venture, and this created the uproar, more so for the architects because for the engineers and quantity surveyors, normally this can be done.

In subsection (1) of Clause 12, one can read and I quote –

“by inserting, after the word “unless”, “he or it – meaning an individual which the Minister has laid emphasis on just now, can now be a consultant which is good or it meaning a firm – undertakes to work in collaboration with a local consultant or local contractor, as the case may be”

So, provision is being made for collaborating with local consultant and I have heard that the figure of 51%, which is, I believe interesting but I think that will be more of a discussion between the two parties. Because they are adult, they are mature enough they can arrive at figures by themselves, but nevertheless it is mentioned in the regulation and I think this is interesting. And I hope that collaboration, the word “collaboration” will henceforth be mandatorily applied to the field of quantity surveying – the hon. Nuckcheddy is from the domain –and engineers as well, henceforth. I think this is the wish of many professionals in the sector.

Matter of fact, foreign engineers and quantity surveyors were all along allowed to practice without the need to enter into a joint venture agreement with a local partner but I hope this will no longer be the case like I mentioned just now. And I also hope that the word “registration” which is in the Amendment should refer to registered professionals or professionals having a minimum of 10 years at least of experience because this is the norm that normally come into documents that engineers must have at least 10 years’ experience so that we do not have mushrooming of small consultancy firms with which an international partner can partner with just for the sake of saying that they have a local partner and manipulating it the way it wants because the big-timers are very strong and then just for the sake of complying with the Law. I think the consultant, individual or firm, must be *costaud* enough to shoulder the projects and not leave it to the new timers.

It is very important to have experienced engineers like I said to represent the interest of the country in nationally important projects. An example that comes to my mind is the Korea Expressway Corporation, the engineering services of which were finalised through a two Cabinet Decisions namely on 01 April 2016 for the signature of an MoU and then 21 October 2016 for the development of two components of the road decongestion program that

is the Phoenix/Jumbo/Dowlut roundabouts and A1-M1 bridge linking Coromandel to Sorèze. This consultancy projects proposal for the Design Engineering Project Management and Supervision under a G2G Agreement was endorsed by the Due Diligence Committee and the report of the Committee was approved by the High Powered Committee chaired by the Secretary to Cabinet and Head of the Civil Service.

Now to my views, there are three issues with this proposal for the consultant which has worked solo on this project, without any local partner, if I am not wrong. There is no, if ever there was to be, capacity building and skills transfer or even technology transfer for our local engineers. This is the first issue.

The consultancy fee, I believe, based on figures that I have come across in the Press – but I believe I will have Parliamentary Questions on this – is of the order of 10% of the project value meaning about Rs500 m. for consultancy services for two projects worth Rs5 billion which is very, very high for a civil engineering project of more or less usual nature. When one ought to expect a G2G Agreement to benefit the country, I believe the exact opposite has happened here in terms of cost. I am not saying in terms of experience because Koreans are very good. But paying 10% as compared to 2.5% or 3% or at most 4% that a local consultant would have charged, to my view, there is a big disparity.

And the third question is what will happen if tomorrow something goes wrong? One surely knows the difficulty in laying hands on a foreign consultant once the project is over and Mr Deputy Speaker, Sir, the Amendment being brought today to the CIDB Act also speaks about Section 12(aa) in terms of -

“where there has been no bidding exercise and a foreign consultant or foreign contractor has been awarded a contract directly for a project, the consultant or contractor, as the case may be, shall apply for a temporary registration in such form and manner as the Council may determine.”

Now, a consultant or a contractor is registered or its registration is renewed with the CIDB after meeting all requirements and the Board has effected all required due diligence on the Company.

However, with the aforesaid mentioned Amendment, what is the real purpose of registration of the foreign consultants and contractor if the Government has already awarded the foreign consultants and contractor with the contract? CIDB will be put before a *fait accompli*, so to speak. Should it not be the other way round? Such as registration being a

condition for the award of the contract? Is this Amendment some sort of rubber-stamp, in so far as registration is concerned, I question? What is the real point in this?

Mr Deputy Speaker, Sir, I would like to touch on another issue on the part of the Bill which initially created an uproar among the consultants. The engineers were one of them and they now support that Clause 29 (4) of the CIDB Amendment Bill is maintained in its actual form. In the Amendment being circulated today – I had a glance at it – it is stated that the Registered Professional Engineers' Council Act is amended, in section 2, in the definition of “practice of engineering”, by deleting the words “community planning, bid evaluations, and includes the preparation of bidding documents in the field of engineering”, meaning their field of competence – the Minister has used the word “field of competence”. This will clarify all ambiguity but I do believe that the commercial aspects need to be addressed and I should hope the regulations will cater for this.

Already, we had some figures like you know, 51% for percentage but commercial aspect for this should also be addressed. Engineers also further support the inclusion of Clause 7 (a) (ii), in law – an association of consulting engineers representing the interests of consulting business in Mauritius. The CIDB consists of representatives of the contractors – I believe of other professionals as well – and the contractors are business representatives on the Board of the CIDB. And the same should apply to engineers and currently engineers have the representative of the Council of engineers on the Board of CIDB.

However, the Council of engineers is the regulatory body of the engineers – all engineers, whether working for the public sector or the private sector. Council of engineers does not represent the business interests of engineers. So, it is good that the Association of Consulting Engineers is there as well.

Last but not least, Mr Deputy Speaker, Sir, when we speak about the Construction Industry, we should also think about sustainable development. You will surely agree with me on this Mr Deputy Speaker, Sir, that not much has been done or was being done in the promotion of sustainable development in the construction industry, and unfortunately, we note that the present Amendment has done nothing to look into ways and means to promote sustainable development especially we are here talking about the construction sector and the Construction Industry Development Board.

I thank you for your attention.

The Deputy Speaker: Thank you. Hon. Minister Teeluck!

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Mr Deputy Speaker, Sir, I move I move that the debate be now adjourned. Thank you.

The Deputy Prime Minister seconded.

Question put and agreed to.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 13 July 2021 at 11.30 a.m.

Mr Ganoo seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned!

Adjournment Matters! Hon. Patrick Assirvaden!

MATTERS RAISED

(6.58 p.m.)

MUNICIPALITY OF VACOAS - VEGETABLE SELLERS - STALL FEE - CONFINEMENT PERIOD

Mr P. Assirvaden (Second Member for La Caverne & Phoenix): Merci, M. le président. M. le président, ma requête est adressée au ministre du *Local Government*, surtout concernant la municipalité de Vacoas. Les marchands de légumes de la foire, bazar de Vacoas, n'ont pas travaillé pendant le confinement de mars à récemment. Malheureusement, la municipalité insiste pour que les marchands de légumes de la foire de Vacoas et aussi de Quatre-Bornes et de Curepipe, ils doivent impérativement payer leurs *stalls*, les étals pour ces trois mois qu'ils n'ont pas travaillé. Nous avons pris contact avec la municipalité et la municipalité a fait savoir qu'ils attendent des instructions du ministère. Je prie au ministre de voir s'il peut aider ces marchands qui n'ont pas travaillé pendant trois mois.

The Deputy Speaker: Thank you very much, hon. Vice Prime Minister, but prior to answering, I will just request all Members - I see quite a few hands raised - that they keep their questions, their requests very short so that I can give everybody a chance.

Hon. Vice Prime Minister!

The Vice Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Deputy Speaker, Sir, I thank the hon. Member for that question and in fact, I was asked, just a few minutes ago, by hon. Lobine as well about the same question. I would like to inform the House that we are aware of this problem. We have discussed about it at our Ministry and in fact, few days ago, I think it was some time, beginning of the week, this week, we wrote to all the Councils to ask them that those people who have not been working from March, during the lockdown period, that is, from 10 March till the end of June, to be exempted from paying their stall fee. So, we have started the process; it is going on. So, I am sure by next week they will be made aware of it.

The Deputy Speaker: Thank you very much. Hon. Luchmun Roy!

(7.00p.m.)

VACCINES - SECOND DOSE - RED ZONES

Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Minister of Health and Wellness. In view of the red zones in my Constituency, mainly in areas like Vallée des Prêtres, le Hochet and Riche-Terre, there are some inhabitants who have shared their concern with regard to their second dose of vaccination. I would, therefore, request the hon. Minister to look into it, that those inhabitants do not lose their places for the second dose of vaccination. Thank you.

The Deputy Speaker: Thank you very much. Hon. Minister!

The Minister of Health and Wellness (Dr. K. Jagutpal): Mr Deputy Speaker, Sir, arrangements will be made to cater for their second dose.

The Deputy Speaker: Hon. Uteem!

(7.00p.m.)

EID-UL-ADHA - CATTLES - DELIVERY - RED ZONES - SPECIAL PERMITS

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. The issue I would like to raise is addressed to hon. Prime Minister. By virtue of the powers conferred upon him under the Quarantine Act, the Prime Minister has decreed certain areas of red zones and people residing outside of the red zones cannot get into the red zones unless, the Commissioner of Police gives permit that would allow non-residents to get inside. Now, some of these areas have been decreed red

zones till 26 July 2021. The problem, Mr Deputy Speaker, Sir, is that on the 21 July, depending on the visibility of the moon, Muslims will most probably celebrate *Eid-ul-Adha*, *Qurbani*, and I would urge the Prime Minister to consider whether liaising with the Commissioner of Police, whether special permits can be given for workers for the purpose of delivering cattle into red zone areas so that people residing in red zone areas can perform *Qurbani*. Thank you.

The Deputy Speaker: Hon. Minister!

The Deputy Prime Minister: I wish to assure the hon. Member that I will convey the point raised to the hon. Prime Minister.

The Deputy Speaker: Hon. Mrs Sandra Mayotte!

(7.02p.m.)

RIVIÈRE DES GALETS CEMETERY – BAD STATE

Mrs S. Mayotte (Second Member for Savanne & Black River): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Minister of Local Government and it is about the Rivière des Galets Cemetery and I am asking him if it is possible to look at the situation of the cemetery itself, especially the office and the prayer corner of the Muslim Community. The cemetery is in a very, very bad state. If the hon. Minister can look into it, please.

The Vice Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Sorry, I did not hear which cemetery we are talking about.

Mrs Mayotte: Rivière des Galets Cemetery.

Dr. Husnoo: Yes, Mr Deputy Speaker, Sir, as you know we had a Task Force which was chaired by the Prime Minister to look during the *Shab e Barat* period. I know there are a lot of places, a lot of cemeteries where we have this kind of problem. So, we have drawn up a list and there are a lot of places where we need to do these improvements. We are going to work gradually through the list and try to improve.

The Deputy Speaker: Hon. Dr. Gungapersad!

(7.03 p.m.)

BEAU MANGUIER, PEREYBERE – NOISE POLLUTION

Dr. M. Gungapersad (Second Member for Grand’Baie & Poudre d’Or): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Minister of Environment, Solid Waste Management and Climate Change. I have received several complaints from the inhabitants of Beau Manguier, Pereybère, who are victims of acute noise pollution in a sporadic way. Numerous complaints have been registered at the Grand Baie Police Station in that respect. In spite of Police patrols and the intervention of *Police de l’Environnement*, the noise pollution in the residential area of Beau Manguier has not been addressed. Trusting that you will do the needful, I thank you on their behalf.

The Deputy Speaker: Thank you. Hon. Minister!

The Minister of Environment, Solid Waste Management and Climate Change (Mr K. Ramano): M. le président, d’autres membres de la circonscription ont pris contact avec moi à propos de ce problème, notamment les députés Avinash Teeluck et aussi Dr. Anjiv Ramdhany. Donc, nous avons pris connaissance de la pétition, j’en ai déjà informé la police de l’Environnement et je suis sûr que dans les jours à venir, on va y remédier.

The Deputy Speaker: Hon. Nuckheddy!

(7.04 p.m.)

POSTE DE FLACQ - TREES - INCONVENIENCE

Mr S. Nuckcheddy (Third Member for Flacq & Bon Accueil): Thank you, Mr Deputy Speaker, Sir. My request tonight is addressed to the hon. Minister of National Infrastructure and Community Development. It concerns my Constituency, but this problem occurs a bit everywhere around the island. Actually, the trees along the roads, the roots are now crossing the roads, which are causing like a rib on the roads and they do cause inconvenience to automobilists and especially to motorcyclists, it is a dangerous hazard. I would just request the hon. Minister if he can see with the RDA, if he can look at it to find a solution to this problem, especially in regions like Belle Mare, Poste de Flacq; *surtout à Poste de Flacq, parce que vous savez il y a beaucoup de VIP qui utilisent cette route là pour partir à leurs campements à Roches Noires et ma requête est adressée dans ce sens. Merci.*

(Interruptions)

The Deputy Speaker: Order! Hon. Minister!

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Mr Deputy Speaker, Sir, *dommage on ne peut pas avoir le beurre et l’argent*

du beurre! Quand on a des arbres et quand on les retire, il y a des gens qui crient et il y a d'autres qui - alors...On va essayer de voir ce qu'on peut faire.

The Deputy Speaker: Thank you. Hon. Aadil Ameer Meea!

(7.05 p.m.)

PLAINE VERTE – RED ZONE – WORK ACCESS PERMIT

Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East):

Thank you, Mr Deputy Speaker, Sir. The issue I am raising tonight is addressed to the hon. Prime Minister and it is in relation to the red zone which was imposed in Plaine Verte, which is found in my constituency. The issue is some persons have applied for a permit so as to be able to leave and enter the area for professional reasons, and as we are aware, GN Notice No. 933 of 2021, Clause No. 4 gives the Commissioner of Police under Section 3 of the Quarantine Act the power to issue the permit. So, my request to the hon. Prime Minister is to convey to the Commissioner of Police so that people of Plaine Verte in *zone rouge* could get their permits as soon as possible.

The Deputy Speaker: Thank you. Hon. Deputy Prime Minister!

The Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism (Mr S. Obeegadoo): If I may venture, Mr Deputy Speaker, Sir, to inform the hon. Member that the red zone principle is being applied very strictly and WAPs or Special Permits are not being dished out upon the mere asking. So, it is really in very exceptional circumstances that those would or are being considered. But, I will nonetheless communicate the request to the Prime Minister.

The Deputy Speaker: Thank you. Hon. Lobine!

(7.07 p.m.)

RIVERSIDE, PHOENIX - WASTEWATER PROBLEMS

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you, Mr Deputy Speaker, Sir. My request is addressed to hon. Lesjongard, Minister of Energy and Public Utilities. It concerns the region of Riverside at Phoenix hon. Minister. With regards to frequent waste water problems, with frequent blockages, I have met with the inhabitants and they are of the view that since the advent of Le Valentina Mall, they are facing serious problem of blockages. Very often, they have to meet huge expenses to do the needful. Can I request the hon. Minister to request to the WMA to conduct a survey so that we can be sure

whether it is because of Le Valentina Mall or whether the system itself is saturated. There is an on-going project at Le Valentina Mall which is on the other side of Phoenix of River Side, if WMA could do the needful in this particular case, hon. Minister.

The Deputy Speaker: Thank you. Hon. Minister, please!

The Minister of Energy and Public Utilities (Mr G. Lesjongard): Thank you, Mr Deputy Speaker, Sir. I thank the hon. Member for raising this issue which seems to be causing inconvenience to the inhabitants of that region. I will convey the request to the WMA and I will report back to the hon. Member. Thank you.

The Deputy Speaker: Thank you. Hon. David!

(7.08 p.m.)

MASA - COPYRIGHT FEES

Mr F. David (First Member for GRNW & Port Louis West): Merci, M. le président. Ma requête de ce soir s'adresse au ministre des Arts et du Patrimoine culturel et fait suite à l'incompréhensible coup de massue reçu par les artistes et la MASA à travers une correspondance de son ministère en date du 1^{er} juillet 2021 et qui annonce, *I quote* –

«Following representations from the artistic community, the Ministry is keeping on hold the application of the copyright fees regulations 2020 pending certain amendments being made. »

Puis-je demander au ministre d'éclairer la Chambre et surtout la communauté des artistes sur les véritables raisons derrière ce véritable coup de frein à l'application des nouveaux tarifs sur l'utilisation de la musique et qui devaient soulager le fardeau financier des artistes et celui de la MASA.

Merci.

The Deputy Speaker: Hon. Minister, please!

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Mr Deputy Speaker, Sir, I thank the hon. Member for this question. *Ce coup de frein, effectivement, c'est en raison de certaines représentations qui ont été faites par les artistes eux-mêmes* and the letter is very clear. It is that we are bringing certain amendments to the regulation and these amendments will certainly very soon be in application and the copyright fees will be a reality. In any event, *ce coup de frein* is as result of, as I said, representation made by artists and not

later than today itself, I met senior members of the artist community and we are discussing. So, very soon these new fees will be applicable but with amendments that tally with suggestions and recommendations made by the artist community. Thank you.

The Deputy Speaker: Thank you. Hon. Deputy Chief Whip, wait! You have been raising your hand for quite a while.

(7.10 p.m.)

MIDLANDS - FOOTBALL PLAYGROUND - LIGHTING PROBLEM

Mr S. Dhunoo (Third Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. My request tonight is addressed to the Vice-Prime Minister, hon. Dr. Husnoo. The matter I wish to raise tonight concerns the football playground of Midlands. The lighting of the playground is not working because recently with the heavy rainfall, water has damaged the panel which has caused a short circuit. I have been on site with the inhabitants and Councillors and I have noted that the panel is in a place where it is not covered and it can be accessed easily by anyone on the field which may represent a danger. We also have a clock room there, I would request the hon. Minister, if he could use his good office to inform the Electrical Department of the District Council to do the needful to move the panel from the site of the football playground and place it in the clock room, in a safer place, where it will not be affected by rain nor it can be accessed by anyone easily. Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Minister, please! Who shall take the request?

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Deputy Speaker, Sir, the Member gave advance notice about this and I have taken note about it. I am going to discuss it. It is very dangerous the way it is now, with the panel, so I have to discuss with the Chief Executive to make sure that the panel is transferred to a place where it is safe for everybody.

The Deputy Speaker: Thank you. Hon. Ittoo!

(7.11 p.m.)

RÉSIDENCE MANGALKHAN - FOOTBALL GROUND - LIGHTING PROBLEM

Mr A. Ittoo (Third Member for Vacoas & Floreal): Merci, M. le président. Ma requête s'adresse encore une fois au vice-Premier ministre et ministre des Collectivités

locales, de la Gestion des catastrophes et des risques. Cela concerne aussi un problème de *lighting* par rapport au *football ground* de la résidence Mangalkhan. J'apprends à travers la mairie et le maire, Hans Marguerite, qu'il y a un problème de lumière mais ce qui manque, ce sont les équipements, notamment les lumières elles-mêmes et le panel. Donc, cette requête est au niveau du ministère, s'il peut *use his good office* pour accélérer le *procurement* de ces items qui manquent à la municipalité. Merci.

The Deputy Speaker: Thank you. Hon. Vice-Prime Minister!

The Vice Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Deputy Speaker, Sir, I will look into the matter and try to expedite things.

The Deputy Speaker: Thank you. I think it is the last one? No, we have two more. Let the lady have it. Hon. Ms Anquetil!

(7.12 p.m.)

VISITATION RIGHTS - ESTABLISHED PROTOCOL

Ms S. Anquetil (Fourth Member for Vacoas & Floréal): Thank you, Mr Deputy Speaker, Sir. Ma requête s'adresse à la ministre de Ministre de l'Égalité du Genre et du Bien-être de la Famille.

(Interruptions)

The Deputy Speaker: Order! Let us hear it. Address to me, I will listen!

Ms S. Anquetil: Depuis quatre mois, aucun protocole n'a été mis en place pour remplacer les droits de visite des enfants placés par des appels vidéos. Actuellement, malgré le déconfinement, les droits de visite ne sont toujours pas autorisés et la raison avancée par le ministère, c'est la reprise partielle des classes. Je fais un vibrant appel à la ministre pour une reprise des droits de visites avec effet immédiat, sachant que les contacts entre les membres de la famille et les enfants placés sont indispensables pour que le retour dans la cellule familiale se passe dans des conditions normales.

Je vous remercie, M. le président.

The Deputy Speaker: Thank you very much. Hon. Minister!

The Minister of Gender Equality and Family Welfare (Mrs K. Koonjoo-Shah): Mr Deputy Speaker, Sir, I thank the hon. Member for raising her concerns in the House

today. I would wish to reassure the House that there is indeed an established protocol for ensuring that children who are in places of safety do have visitation rights and these are according to a section of the law of the Child Protection Act. But, concerning the request that you have put forward to the House, I will take that into consideration, have a look at what you have suggested and what is currently being practised and report back to you. Thank you.

The Deputy Speaker: Thank you. Hon. Ms J. Bérenger! I noticed you even without your hon. colleague trying to direct me towards you.

(7.14 p.m.)

HENRIETTA - PLAYGROUNDS - POOR CONDITION

Ms J. Bérenger (First Member for Vacoas & Floréal): Merci. Ma requête s'adresse à l'honorable ministre des Collectivités locales. J'aimerais attirer son attention sur l'état déplorable des aires de jeux dans la région d'Henrietta. Maintenant que les enfants peuvent s'aérer et profiter éventuellement des équipements et des espaces qui sont mis à leur disposition, malheureusement la quasi-majorité d'entre eux sont impraticables et aussi peuvent être dangereux pour leur sécurité. Donc, je lui demanderai de bien vouloir prêter attention. Merci.

The Deputy Speaker: Hon. Vice-Prime Minister, please!

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Deputy Speaker, Sir, I will discuss this with the Chief Executive and will try to sort it out.

The Deputy Speaker: Thank you very much. I think everybody had a chance for one question. Good weekend!

At 7.16 p.m., the Assembly was, on its rising, adjourned to Tuesday 13 July 2021 at 11.30 a.m.