

MAURITIUS FOURTH NATIONAL ASSEMBLY

FIRST SESSION

Debate No. 20 of 2009

Sitting of Tuesday 30 June 2009

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

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MAURITIUS

Fourth National Assembly

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PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Prime Minister's Office -

Certificate of Urgency in respect of The Additional Remuneration Bill (No. XV of 2009).

B. Ministry of Finance and Economic Empowerment -

- (a) The Annual Report of the Development Bank of Mauritius Ltd for the year 2008 (In original).
- (b) The Analytical Report of the Household Budget Survey for the year 2006/2007.

C. Ministry of Social Security, National Solidarity & Senior Citizens Welfare & Reforms Institutions -

The Annual Report on the Probation and After Care Service for the year 2007.

D. Ministry of Health & Quality of Life -

- (a) The Central Health Laboratory (Fees) Regulations 2009 (Government Notice No. 61 of 2009).
- (b) The Public Health (Infectious or Communicable Diseases) (Amendment) Regulations 2009 (Government Notice No. 62 of 2009).

ORAL ANSWERS TO QUESTIONS
SWINE INFLUENZA A(H1N1)

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Minister of Health and Quality whether, in regard to the swine influenza (A(H1N1)), he will state –

- (a) if a first case has been confirmed in Mauritius;
- (b) the testing facilities available locally;
- (c) the screening done of incoming passengers onboard planes, and at disembarkment;
- (d) if Government has ordered vaccines which have recently started being produced;
- (e) the special arrangements made *vis-à-vis* the high-risk countries, and
- (f) the measures Government proposes to take for those proceeding on the forthcoming Hajj pilgrimage.

The Minister of Health and Quality of Life (Dr. R. Jeetah): Mr Speaker, Sir, I take it that the hon. Members referring to the influenza A (H1N1). The Influenza of virus A(H1N1) is primarily a pathogen found in pigs. Occasional human infections by the virus have been identified previously. However, there has been a mutation of the virus which has facilitated transmission amongst human beings. The new virus has been named Influenza A(H1N1). At the beginning, the human to human transmission of the new virus was sporadic. Recently, a more sustained human to human transmission is being observed in the American continent. Clinical symptoms are similar to seasonally influenza, namely fever, cough, body ache, sore throat and difficulty in breathing due to severe lung disease. Following the outbreak of the disease in Mexico and the USA and the sustained human to human transmission, the World Health Organisation (WHO) has raised its level of pandemic alert to phase 4 on 26 April, 2009 and phase 5 on 29 April, 2009 (on a scale of 1 to 6, phase 6 being pandemic period). As at 29 June, 2009, a total of 70,893 laboratory confirmed cases of influenza A(H1N1) has been detected in more than 110 countries.

With regard to part (a), Mr Speaker, Sir, the reply is in the affirmative. It is an imported case I must press, it is an imported case. It concerns a tourist who came from France and Mr Speaker, Sir,

there is no foyer in Mauritius. Throat specimens of the passenger and his companion were taken at the hotel and sent to Virology lab on the same day. The specimens were subsequently sent to the WHO reference lab in London on 20 June 2009. Results from London received on Saturday confirmed by PCR technology, the presence of Pandemic A (H1N1) virus in specimen from the tourist and the absence of Pandemic A (HI N1) in specimen from his companion. The results of the samples therefore validate and confirm the result of the local health lab. On 29 June a medical officer visited both passengers, they are well and have been allowed to move about. None of the close contacts or passengers from the same flight has developed any symptoms of influenza. Mr Speaker, Sir I wish to stress that this is an imported case. The fact that he and his companion are and all contacts have been detected, traced and managed correctly testifies to the robustness of the emergency preparedness plan which has been elaborated ever since the threat of the disease was announced by WHO. As regards part (b) of the question, Mr. Speaker, Sir, I wish to confirm that the testing facilities are available locally and the testing meets international standards. In view of emerging diseases like influenza, my Ministry has taken two proactive steps in advance. First we have procured a state of the art technology for testing influenza viruses by the use of a thermo cycler device and the technique of Polymerase Chain Reaction that is (PCR). The PCR is a highly sensitive test that allows a single molecule of the virus to be detected in any sample. This technique uses an enzyme called Taq Polymerase that amplifies the target sequence base on the molecular structure of the virus. The amplified gene product of the virus is then detected in real time and results can be obtained within the same day. We have the probes to detect specific sequence of the novel H1N1 virus and other variant viruses including seasonal influenza viruses. I am pleased to inform the House that our results have been confirmed and validated by the WHO Collaborating Centre for Influenza in London. Thus, now we have joined the group of countries with world class laboratory facilities. Secondly, I am pleased to inform the House that we have recently recruited an expert in molecular biology who is an internationally acknowledged scientist with the field track record in influenza detection based at the University of Essex, in England.

Mr Speaker, Sir, regarding part (c) of the question, I wish to inform the House that all general measures of surveillance have been reviewed. In fact, all Incoming Passengers arriving in Mauritius are screened both at the Airport and the Port. All planes arriving at the SSR International Airport are boarded by Medical and Health Officers accompanied by Health Inspector in line with International

Health Regulations. In fact, I have to highlight that the Health Personnel at the Airport has been increased as follows -

Medical Health Officers from:	1 to 11
Health Inspectors	: 8 to 24
Nurses from	: 2 to 10

On board the Doctor and the Health Inspector carry out a visual screening of the passengers and also obtain information from crew members about any abnormal health condition noted on board on any passengers during the flight. The Health Declaration Form duly filled in and submitted by the Aircraft Commander is verified on board and collected.

Upon disembarkation, the passengers are screened in the arrival lounge by the Health Personnel for detection of any Flu like symptoms. Any passenger detected with such symptoms is referred to the Health Post for further investigation and management.

Furthermore, a Thermal Scanner purchased through the WHO Office has been installed at the Airport as from 09 June 2009. It detects cases with temperature above 38° c.

Mr Speaker, Sir, a New Health Declaration Form has also been introduced as from 07 May 2009. It is distributed on board to all Incoming Passengers including those on transit as well as for crew members.

As at 28 June 2009, 1429 planes and 170,925 Incoming Passengers have been screened. Of these, 97,174 passengers coming from countries where cases have been notified by the WHO, have been put under surveillance.

Concerning part (d) of the question, I am advised that the development and production of a vaccine takes six to nine months.

Developed countries have embarked on making the vaccine as of May 2009. Developed countries have made advance purchase agreements for bulk purchase with manufacturers.

WHO has guaranteed supply of vaccines at reduced cost for developing countries in case of a severe pandemic. Therefore, there is no vaccine at the moment we are speaking.

As regards part (e) of the question relating to “The special arrangements made *vis à vis* the high risk countries”, I am informed that: the World Health Organisation has not

recommended any travel restrictions or closure of borders, but has recommended the reinforcement of basic hygienic practices to all travellers.

In Mauritius there has been an extensive sensitisation campaign involving all stakeholders.

In addition systematic surveillance activities have been reinforced at ports of entry.

In this respect a daily update of the countries at risk is being disseminated to all parties concerned.

Mr Speaker, Sir, as regards measures which Government proposes to take for those proceeding on the forthcoming Hadj pilgrimage, it has to be noted that according to internationally agreed protocol, WHO has not recommended any travel restriction related to the outbreak to Influenza A(H1N1) virus.

However, if there is a change in the situation, Government will take measures according to guidelines which may be issued by WHO or any other International Authorities.

Moreover, Government proposes to take the following additional preventive measures for pilgrims going for Hadj –

1. In collaboration with Islamic Cultural Centre to organize sensitization programme for the pilgrims.
2. To strongly advise and appeal to the pilgrims not to take Tamiflu as preventive measures except strictly on medical advice.
3. To advise the pilgrims to be vaccinated against seasonal flu vaccine if new vaccine is not available at the time for Hadj season.
4. Strict surveillance measures on all pilgrims on their arrival.
5. Meningitis vaccine is provided free of charge to all pilgrims since last year.

Mr Bérenger: Mr Speaker, Sir, if I can start with the first case which has been confirmed in Mauritius. I listened carefully to the hon. Minister, of course. Do I take it, therefore, that this person - and his companion - was not spotted at the Airport, went through the thermal cameras

and so on, went to his hotel, settled down there? Am I right in saying that, after all this happened, it is that person who got in touch with the health authorities and not the other way round?

Dr. Jeetah: Mr Speaker, Sir, part of the suggestion of the Leader of the Opposition is true, that is, the person didn't have the symptoms because there is an incubation period and the thermal imaging device is set up at 38 degrees. If the temperature was less, it would not have been detected because there would not have been any symptoms. Now how did we detect the case, Mr Speaker, Sir? We have a preparedness plan where we have worked with l'AHRIM, where in each hotel there is a health worker who knows whom to contact in case there is a problem and this is where the operation started. Once the situation was known we immediately and promptly took action and we contained the disease.

Mr Bérenger: Well, it is very disturbing. It is now confirmed that he went through the thermal scanners and so on, settled down in his hotel and he himself contacted the health authorities. I understand that arrangements have been made in at least two hospitals for that case. Once somebody has been identified as carrying the symptoms, to be isolated, this gentleman and his companion have stayed several days in a hotel. Am I given to understand that this is going to happen again, that when other cases are spotted, they will be allowed to remain three, four, five days in hotels and not in the hospitals that have been prepared for them? If that is the case, has Government given due consideration as to what effect that can have on tourists generally as they become aware that they have been staying in a hotel where there has been one case and possibly if that is going to be repeated in other hotels as well?

Dr. Jeetah: Yes, Mr Speaker, Sir, I would like to congratulate and thank the hon. Leader of the Opposition for pointing out that this is a national issue and we should not create too much panic in the population. We should not be alarmist. There are 10 countries that have been affected by this disease and to reassure the Leader of the Opposition, I would like to refer to Algorithm 6 – alert and response for (A(H₁N₁)) at the community level. We have a set of protocols to deal with situations in various scenarios, for example, what would we do if there were a case in a high rise building or in a school etc.? We have worked out various scenarios and it is well documented through established protocols. We have enlisted the services of an epidemiologist together with WHO and we have *un plan qui est bien rodé, M. le président*. We had a simulation exercise where we looked at our strength and also at our weaknesses to make

sure that we have a plan that works. Each and every person knows exactly what he or she is supposed to do in any *cas de figure*.

Mr Bérenger: My question is simple. There has been one case where somebody who has been checked having the virus, has been allowed to stay several days in a hotel and I am sure other tourists were not aware of that. My question is: will that be allowed to happen again if other tourists come and are identified as carrying the virus? Will they be allowed to stay in hotels or other place or will they – I won't use the word "quarantine" - be kept separate from tourists, from the local population especially in prepared hospitals?

Dr. Jeetah: Mr Speaker, Sir, for this particular case, the person was kept in a separate bungalow. We are well aware of how contagious this can be and everything that needed to be done was done and this person - I am given to understand - was a case with very mild symptoms. It was a mild case. I would not interfere in the work of doctors. I have a team of doctors looking at the situation and I can only go by their advice.

Mr Bérenger: I move to the second part of my question: are we equipped and staffed adequately to conduct full proof tests in Mauritius? I heard the Minister said that this is the case. Is he confirming, therefore, that we have all the staff including virologists that are required to carry out those tests? I try to obtain the technicalities of what the Minister has said, that is, the new equipment that we bought and so on. I noted that in Qatar, for example, a few days ago, they had, through the World Health Organisation, obtained testing kits that allow them to conduct Swine Flu test and get results within three hours. Are we talking about the same kind of equipment?

Dr. Jeetah: This is a very sophisticated equipment called the PCR, Polymerase Chain Reaction which exactly detects the specific type of virus. We have a world expert with us, with the equipment, who could actually detect this virus. As I said, our result has been validated by a WHO lab in London. I can assure the House and the community at large that we do have technology and the personnel that can take care of the testing for the A(H1N1) locally.

Mr Bérenger: As far as the screening on board and at disembarkment of passengers is concerned, including the aviation staff and so on, I listened to the hon. Minister and I read what he said elsewhere, that every passenger disembarking is checked. Is everybody checked through

this thermal camera or imager? Is it the case? Because my information is to the contrary, that not everybody goes through this thermal camera or imager.

Dr. Jeetah: Unfortunately, the hon. Leader of the Opposition does not get the right information. I can assure the House that every passenger goes through this thermal imaging device. It is equipment that everybody, including the crew has to go through. I am not sure what the hon. Leader is getting at. I can give the assurance, Mr Speaker, Sir, I have been to see it myself over a simulation exercise, that every passenger has to go through and we have trained personnel who are actually monitoring incoming passengers. In fact, they have to do calibration of the equipment every so often to ensure that it is recording the correct temperature.

Mr Bérenger: The hon. Minister referred also to whatever screening is done on board the plane after it has just landed. I am sure that the hon. Minister will agree with me that confidence building is of the essence here. I have received comments not only from tourists, but also Mauritians coming in. What takes place when it has landed is that one or two Health Officers come, walk up and down the aisle, look at people and go away. In a way, we have become the laughing stock of a lot of people. What are exactly those health officers who come on board meant to do? Can't we do things differently so that instead of having the kind of reaction which I have met with it, in fact, builds confidence?

Dr. Jeetah: Mr Speaker, Sir, this very morning I had a conversation with the hon. Vice-Prime Minister and Minister of Tourism and we discussed this issue. I have to explain to the House and to the hon. Leader of the Opposition that we are in an alert 6, that is, there is a world pandemic situation and we rely a lot on tourism. My Ministry has taken every step that is required to ensure that we have the situation under control. We have this new form that passengers need to fill, so we are making sure that there is somebody who is taking cognizance of these forms and ensuring that there is nobody ill in the plane. I do take the point of the hon. Leader of the Opposition and I have also received many emails and suggestions from people who have had a phone call asking of their state of health. We have taken a certain number of actions and these would be reviewed in time. The question is not to create un *espèce de psychose*, but we have to make sure that we have a system which is effective. It is putting a lot of pressure on my Ministry, I can ascertain the House, but we are doing everything to have the situation under control.

Mr Bérenger: As far as the ordering and purchasing of vaccines is concerned, the Minister knows - and he has said it, I think - that mass production has started of the vaccine against swine flu. But the point is that the rich countries have pre-ordered massively and that, therefore, the World Health Organisation is worried sick, if that is the expression, that now that the southern hemisphere winter comes, the danger is down here in the south, that the rich ones would have kind of jumped the queue and will have purchased all that will be available. I understand that Government is relying on guarantees given by the World Health Organisation that there will be a stock available, but can't we place an order? We are not amongst the big ones, but can't we place an order? I know it has been looked into. How much will it cost, can we afford it? This is vital. Can we have details about what guarantees the World Health Organisation has given that the poor countries that are hit will have vaccines available?

Dr. Jeetah: This is a case of hedging here. I can reassure the hon. Leader of the Opposition that for prevention against Avian flu, my predecessor managed to get more than 1.5 million doses of Tamiflu and we have started the procedure to procure more Tamiflu. With regard to this vaccine, there is nothing available at the moment, but we are continuously discussing with the WHO and we will take the decision as and when required, I can reassure the hon. Leader of the Opposition.

Mr Bérenger: The hon. Minister himself mentioned Tamiflu. Indeed, on the 26 May, he informed us that in an attempt to reach the 25% norm set by the World Health Organisation, we were going through emergency procurement facilities to get the required amount of Tamiflu. Can I know where matters stand?

Dr. Jeetah: I understand the process is in place, Mr Speaker, Sir, I do not have the details, but it is being taken care of. But I can guarantee the House that we have doses that can treat 160,000 potential patients.

Mr Bérenger: Is the Minister sure about what he just said, or is it to be divided by ten? It is not that we have so many doses for more than a million people but that we have so many doses that have to be given ten times to one individual, that is, we must divide that figure by ten?

Dr. Jeetah: 160,000 people represent about 13% of the population; this is what I mentioned and that makes up 1.5 million doses. So, the amount that we have for the population is for 160,000 patients to be treated at the moment with the current stock.

Mr Bérenger: Tamiflu is being used not as a vaccine, as we all know, I am sure, but it helps when cases are detected. I am sure the hon. Minister is aware that these last hours, the first case of resistance to Tamiflu has been identified in Denmark and that, therefore, they had to switch to another drug which is called Relenza. Is it available in Mauritius or are we taking measures that in case we meet with that kind of problem, we have this second leg drug available?

Dr. Jeetah: In fact, Mr Speaker, Sir, it is Zanamivir inhaler and my Ministry has made provision to procure 500 treatment courses in case somebody contracted a resistance. But here, I would like to make an appeal to the population that this is not a drug that we can take as a preventive measure. It has to be taken upon prescription by a doctor and a person utilizing Tamiflu should make sure that he or she takes the full course. One should not stop taking the drug if one starts feeling that one is getting better.

Mr Bérenger: The next part of my question is related to what I call high risk countries. Can we know which countries had been identified for us in Mauritius being given geographically where we are and the airline connections in our region or right up to Europe? Can we know whether an exercise has been carried out to identify in the case of Mauritius which are the highest risk countries?

Dr. Jeetah: In fact, Mr Speaker, Sir, I am not making any distinction between one country to another. We are taking the guidelines of the WHO and I've got a list here. For example, Argentina we have had as at 24 June 2009, 82 passengers who have been screened and I can go on like this - Mexico, Indonesia, and so on. I can circulate this document and everything is being monitored. Of course, the countries that have had a largest number of cases are the United States, Mexico, Canada, Australia, UK and Spain, but every passenger coming from any of these countries that have been declared having had this disease are being surveyed and followed up to make sure that we detect any sign or any symptoms of A(H1N1).

Mr Bérenger: The hon. Minister himself has just mentioned Indonesia. Is he aware that, apart from the measures which he has mentioned, and which other countries are taking, for example, in the case of Indonesia, they have decided now to ask passengers coming in from what they have identified as high risk countries to wear masks for a minimum of three days?

Dr. Jeetah: Mr Speaker, Sir, I would like to reassure the hon. Leader of the Opposition that we are using every advice that we obtain from WHO. There is no such suggestion at the moment, and I do not propose to do anything other than go by WHO guidelines.

Mr Bérenger: I come to the last part of my question, that is, the measures Government proposes to take for those proceeding on the forthcoming Hajj pilgrimage. Again, just a few seconds ago, the Minister took the attitude that we go all the way with the World Health Organisation, we do not do anything which they do not recommend, which they do not prescribe. But there are special cases. Will the hon. Minister agree with me that we have to do all we can, so that we do not meet with any trouble in the case of Hajj? Because it is a sacred religious duty. Can I ask the hon. Minister whether he is aware that, for a number of weeks already, Government and religious authorities, especially in Egypt but also in Saudi Arabia, have been preparing and making proposals how to deal with the situation *comme* the Hajj pilgrimage?

Dr. Jeetah: I am sure they must be taking care of all this. Mr Speaker, Sir, WHO is not an entity that works on its own. We are party to the decisions taken by WHO. We have our representatives here. So, I am sure that they must be working out a protocol. As I have answered, we will go by international established protocols to do whatever has to be done, to make sure that we protect the community who would be participating in Hajj pilgrimage.

Mr Bérenger: I am sure that, on both sides of the House, we want to be as careful and helpful as possible concerning the Hajj pilgrimage. Is the Minister aware that, in Egypt, a few days ago, the health Minister came out with a statement, saying that even quarantine might be required for the Hajj pilgrims? That would be something very, very difficult and tough. Have we looked into that, have we looked into what the Egyptian authorities have mentioned, and how do we react to that?

Dr. Jeetah: Mr Speaker, Sir, should Egypt take any decision, like they have decided to eradicate all pigs in their country, is a matter of choice for the country. But, I would like to reassure the hon. Leader of the Opposition that we go by the guidelines of WHO, because WHO is, after all, the apex organisation that can best guide us.

Mr Soodhun: Mr Speaker, Sir, the Minister mentioned about the scan placed at the airport. I would like to know whether the Minister is aware that now a new temperature scanner has been introduced in Singapore, Hong Kong and China for all passengers travelling, and this does exist. It is nearly the same as the single manometer - that does not cost a lot - and easily detects whether there is a case of fever. I would like to know whether the Minister is ready to consider - I have checked this morning with the Chinese Embassy; it does exist, and is not expensive - introducing such type of temperature scanner for all passengers and not only tourists, as there is risk for all people and not only for the tourists.

Dr. Jeetah: Mr Speaker, Sir, if we are talking about the AH1N1 virus, we have obtained a scanner that has been provided by WHO. We are using the best equipment that has been available by the authorities in this field.

Mr Bérenger: I am sure that the hon. Minister is aware that, by the tone that we have put questions and obtained answers, we wanted to get maximum information out to the country. We have had this first case, and what has happened has happened, and I will not come back to it. Will the hon. Minister agree with me that there is need to fine-tune and, as from now, whether somebody is identified at the airport or later on at the hotel or elsewhere, other arrangements will have to be made?

Dr. Jeetah: Mr Speaker, Sir, I did explain that we have a plan that has taken all the *cas de figure* possible, and we are going according to documents to make sure that each and everybody knows what he or she has to do. Very often, I must say, one is in a situation of panic when one does not know, when one does not have a plan. So, it is not a question of managing by crisis or whatever. We have got a plan, we have got the best experts and, here, I would like to seize the opportunity to thank all the doctors and all the staff members who have worked towards making this plan effective. Today, we are in a situation where we are in control, and it is not as if we have to run like headless chicken, as it could be if we did not have this plan.

Mr Speaker: Time is over! I will exceptionally allow a question from Rodrigues.

Mr Spéville: Mr Speaker, Sir, the hon. Minister has just said that all disembarking passengers fill in this yellow form, which I have a copy, and that it should be collected at the airport by officers of the Ministry of Health. So far, having travelled quite a few times, I have

not seen a single counter for the officers collecting these forms. Can the hon. Minister inform the House why this has not been done?

Dr. Jeetah: Mr Speaker, Sir, just to reassure the hon. Member, as at the 29, that is, yesterday, we have had 181,787 passengers and crews screened, out of which 94,876 were put under surveillance and 87,767 passengers and crews were visited. 170 were sent to medical post and 133 were seen by my RPHS, that is, the Regional Public Health Superintendent. I can give every detail. One could not get all these figures if one was not controlling.

Mr Speaker: Questions addressed to Dr. the hon. Prime Minister. The Table has been advised that Parliamentary Question No. B/654 has been withdrawn, and also that Parliamentary Question No. B/668 in regard to the advertisement of gambling will be answered by the hon. Vice-Prime Minister and Minister of Finance. Hon. Hanoomanjee!

MRS F. R. – FLIC-EN-FLAC POLICE STATION - STATEMENT

(No. B/648) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River) asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if one Mrs F. R., had given a statement to the Flic-en-Flac Police Station last year regarding an alleged case of an unknown person having introduced a poisonous substance in her daily intake of medicines and, if so, indicate the –

- (a) immediate actions taken, and
- (b) outcome of the inquiry carried out thereinto.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, on 31 March 2008, at 1710 hours, one Mrs M. F. R., aged 50, and residing at Avenue Carriere, Morcellement De Chazal, Flic en Flac, made a declaration at the Flic en Flac Police Station, to the effect that, on the same day, at about 0900 hours, whilst she was opening an Aloe Vera juice bottle, which she usually kept in a plastic container in her fridge, she detected a strange smell from it. She suspected her husband of having mixed an unknown strange substance in the juice bottle, on account of their continued strained relations.

A police enquiry was immediately initiated into the case. On the same day, the Police proceeded to her place and secured the plastic container, which was forwarded to the Forensic Science Laboratory for examination on the following day.

I am also informed that, on 03 April 2008, a report from the Forensic Science Laboratory to the Police confirmed the presence of a toxic insecticide identified as Dursban.

On 10 September 2008, a statement was recorded from her husband and the latter denied having mixed toxic substance to the juice bottle. Instead, he stated that his wife had made false allegations to strengthen the divorce case that she had filed against him.

On 07 November 2008, the case was classified by the Police for insufficient evidence. I am further informed that, following the receipt of a letter dated 06 May 2009 from the lawyer of Mrs M. F. R., the Commissioner of Police instructed the Assistant Commissioner of Police, Western Division, to conduct a further Police enquiry into the case. On 21 May 2009, the premises and dwelling place of her husband were searched, but nothing incriminating was found. The Police enquiry was still underway when Mrs M. F. R. was found dead at her place at Stanley on 13 June 2009.

Mr Speaker, Sir, in view of the circumstances surrounding the case, I have decided that the matter be referred to the Human Rights Commission, which will enquire and report as to whether there has been any act or omission or failings on the part of the Police, which may have been prejudicial to any person.

Mrs Hanoomanjee: Mr Speaker, Sir, the hon. Prime Minister just said that the report from the FSL was received on 03 April and a statement was taken from the husband on 10 September. If I am not right, maybe, the hon. Prime Minister will correct me, but, why is it that Flic-en-Flac Police Station took so long to have a statement from the husband?

The Prime Minister: In fact, that is why I said that there seems to be an undue delay here, Mr Speaker, Sir. Although the husband said that the deceased lady had - he was accusing her - purposely put this on; there was insufficient evidence. There is a long history of complaints here, Mr Speaker, Sir, which starts in March 2007 and where the Police did not find any evidence. For example, in October 2007, she waited a bit more than one year to say that her

husband tried to poison her with 60 pills. I suppose this is what an inquiry will detect, because each of them was accusing each other, trying to put the blame on the other. I suppose that could explain it, but I cannot say that is why I said the Human Rights Commission should investigate in it and they should explain the delay.

Mrs Hanoomanjee: One last question, Mr Speaker, Sir. Can the hon. Prime Minister say whether the lady was under a protection order at the time that she was killed?

The Prime Minister: There were different protection orders given to her, in fact, Mr Speaker, Sir. On 09 March 2007, she attended Rose Hill District Court and an application for a protection order was lodged, but in the presence of her husband. She was granted a six-month protection order and the husband did not object. And then again, on 15 September 2008, she attended Rose Hill District Court to apply for a new protection order. She was granted an interim protection order up to 22 September 2008 and the case had been fixed for 21 August of this year. But, my understanding, Mr Speaker, Sir, is that even though she had a protection order, from time to time, they were at the same place.

STUDENTS – CRIMINAL CASES

(No. B/649) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to criminal cases in which students have been involved, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, over the past two years, indicating –

- (a) if inquiries have been carried out thereinto, and
- (b) the number of cases which have been prosecuted.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that 126 criminal cases have been reported to the Police involving students as offenders for the period July to December 2007, 241 cases for 2008 and 181 cases for period January to 25 June of this year. In all these cases, the Police have conducted inquiries.

Out of the 548 abovementioned cases -

- 62 cases have already been prosecuted;

- 73 cases are pending before the Courts;
- 112 cases have been classified after an inquiry;
- in 30 cases, the advice of the Director of Public Prosecutions (DPP) is awaited, and
- an inquiry is ongoing in 271 cases.

Mr Bodha: Mr Speaker, Sir, the hon. Prime Minister will agree that this is disturbing because it is one case every day. May we know what happens, if after the enquiry the student is being found guilty? Have there been cases where the student has been expelled?

And my second question is, Mr Speaker, Sir, whether there is something which is being done at the level of the parents, the Police, the institution and psychologist, in fact, to address this issue at the level of the students in each and every institution?

The Prime Minister: There are different cases where parents have been called and even there is a case where the parent has asked for the transfer of a student and the needful has been done. Again with the parents, some of the students have received psychological assessments and also there has been a case where the student has been released on bail. There are cases where they have to present themselves to Police Station because it appears that they were involved in many cases.

Mr Bodha: May I ask the hon. Prime Minister what is the proportion of boys and girls as regards the offences?

The Prime Minister: I do not have a breakdown in terms of boys and girls, Mr Speaker, Sir. Today, boys and girls behave in a very similar way.

Mrs Dookun-Luchoomun: May I ask the hon. Prime Minister whether any of the retailers of liquor have been booked?

Mr Dulloo: Are we still on B/649?

Mr Speaker: Yes, B/649!

Mr Dulloo: May I ask the hon. Prime Minister whether he has information with him as to the number of cases that were dealt with and disposed of by pre-trial mediation?

The Prime Minister: Mr Speaker, Sir, there are 62 cases which have been prosecuted, 73 cases are pending from other courts, 112 cases have been put aside and in 30 cases we are waiting for the advice of the DPP; an inquiry is going into 271 cases.

Mr Guinness: Can I know from the hon. Prime Minister whether he has any information with regard to these 126 cases and whether any of these cases has any relation with alcohol consumption?

Mr Speaker: The next question is on alcohol consumption.

STUDENTS – ALCOHOL CONSUMPTION

(No. B/650) Mr N. Bodha (First Member for Vacoas & Floreal) asked the hon. Prime Minister, Minister of Defence and Home Affairs whether, in regard to the cases in which students were found consuming alcohol, over the past two years, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, indicating if inquiries have been carried out thereinto and the measures taken to address the issue.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that during the period January 2007 to 25 June 2009, the Police has established five cases involving students found consuming alcohol and two cases involving students found under the influence of alcohol. All the seven cases are still under Police inquiry.

As regards the measures taken to address the issue, Mr Speaker, Sir, we all know that the problem of alcohol among students is becoming a cause for concern for all of us, for the society at large and to tackle this long prevailing problem, among students, including minors, there is a need for concerted efforts by all stakeholders, including the parents. In this regard, the Police, the Ministry of Education, Culture and Human Resources, the Ministry of Health & Quality of Life and the Ministry of Women's Rights, Child Development & Family Welfare have taken a series of measures which I will enumerate -

- (a) first of all, the *Brigade des Mineurs* is carrying out regular patrols near points of sale of alcoholic drinks, particularly at places where students are most likely to be found;

- (b) since January 2008, a new policing strategy is being implemented by the *Brigade des Mineurs* jointly with the Child Development Unit whereby crack down operations are being conducted throughout the island. 377 crack down operations have already been carried out;
- (c) the *Brigade des Mineurs* is also carrying out awareness campaigns in schools, colleges, youth clubs, youth centres, socio-cultural institutions on the need to protect the students from consuming alcohol and for them to know what are the dangers;
- (d) through the Police Public Partnership meeting and the public is being encouraged to report and provide information on any suspected activities concerning the sale of alcohol to students or consumption by them;
- (e) at the school level, students are being sensitized through Health Clubs on the harmful effects of alcohol and I should say disciplinary actions are taken against students who are found consuming alcohol within or in the vicinity of school premises. As I mentioned earlier, Mr Speaker, Sir, some of these students also receive psychological support and counseling after consultation with their parents; and
- (f) the Ministry of Health & Quality of Life has promulgated the Public Health (Prohibition on Advertisement, Sponsorship and Restriction on Sale and Consumption in Public Places of Alcoholic Drinks) Regulations on 01 March 2009; this with a view to prohibiting advertisement and sponsorship, and to restricting the sale and consumption of alcoholic drinks in public places. The Ministry has also conducted a series of awareness campaigns targeting the students, the shop owners and the retailers on the provisions of the new Regulations.

Mr Bodha: Mr Speaker, Sir, may I ask the hon. Prime Minister, whether the five cases which have been mentioned, include a case in the north where young girl students were involved and were found drunk before an outing? And what has been done in that particular case?

The Prime Minister: We are not trying to pinpoint, Mr Speaker, Sir, because we are talking of children who are at school. Sometimes when students are young, they do all sorts of things. So, we have not actually tried to see which case, but I am sure they are involved in that.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he could elaborate on measures that are being taken by the concerned authorities to control the sale of alcoholic drinks, specifically in hypermarkets and supermarkets?

The Prime Minister: On supermarkets and hypermarkets, there is not much that we can do, except what we have mentioned here, Mr Speaker, Sir. People also have to be responsible and they are not allowed, for example, to sell to minors and if the parents buy, they have to be very careful. But we are taking all the measures that we have mentioned, including the ban and the advertising. As you know, we have now prevented people from drinking on the streets in the vicinity where sale is being done and this has been very positively welcomed by the public in general. We are also looking at whether we should not start clamping down on the number of points where they are actually selling liquors.

MBC – STAFF - OVERTIME ALLOWANCES - JULY 2008 TO APRIL 2009

(No. B/651) Mr P. Jhugroo (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the staff of the Mauritius Broadcasting Corporation who have been paid overtime allowances amounting to more than Rs50,000, over the period July 2008 to April 2009, he will, for the benefit of the House, obtain from the Corporation, information as to a list thereof, indicating in each case –

- (a) the respective grade, and
- (b) amount of money paid.

The Prime Minister: Mr Speaker, Sir, the information requested by the hon. Member is being compiled and will be placed in the Library.

Mr Jhugroo: Can I ask the hon. Prime Minister whether this information have already been compiled and not tabled today?

Mr Speaker: I am sorry! The Prime Minister has answered it is being compiled.

(Interruptions)

Please, sit down! The hon. Member has to trust the answer which has been given by the Prime Minister. He has said that the information is being compiled. Once it is compiled, it will be laid on the Table of the Assembly.

Mr Jhugroo: Mr Speaker, Sir, I have got compiled information today. I am tabling one for the National Assembly and one for the Prime Minister. It is already compiled. I have got one supplementary question.

Mr Speaker: I am sorry! According to our Standing Orders, the purpose of putting a question is to obtain information. If the hon. Member already had the information, his question would not have been admissible.

(Interruptions)

Let me inform the hon. Member that, according to our Standing Orders, questions are put to obtain information; questions are not put to give information. If the hon. Member had the information, he has to keep it and when the hon. Prime Minister will lay the information, then he will compare and come back.

(Interruptions)

Order, now!

Mr Jhugroo: I have got one supplementary question on this issue.

Mr Speaker: Let me see if the point is admissible.

Mr Jhugroo: Is the hon. Prime Minister aware that some *protégés* at the MBC have obtained overtime more than a quarter million rupees for that period?

The Prime Minister: This is precisely why I told the hon. Member that the information is being compiled because that information is actually false.

Mr Jhugroo: How can the hon. Prime Minister explain that the driver of the former Director-General of the MBC, who has been involved in four accidents - as mentioned by the

hon. Prime Minister in this House - having a basic salary of Rs9400 per month, has obtained an amount of Rs280,810.79 for that period as overtime? That is an average of...

Mr Speaker: The hon. Member has put his question; he must let the hon. Prime Minister answer it.

The Prime Minister: Again...

(Interruptions)

Mr Speaker: No, no, I am sorry! The hon. Member has put his question. He must let the hon. Prime Minister answer it. The hon. Member cannot explain or make comments at Question Time.

The Prime Minister: That is why I say to the hon. Member, with all due respect, that I think the figures that he has got are wrong. That is why we are actually compiling it, because I saw some of the figures that they gave me and they are incorrect. In fact, he will be surprised to know what the figure is actually.

Mr Speaker: I will not allow any question on that line of questioning. Let the information be tabled. The hon. Member will compare with what he has got. If the information does not tally, then he can come back to the House.

(Interruptions)

Mr Jhugroo: On a point of order, Sir. As both of us are paid by public money, you are doing your job, I am doing my job.

Mr Speaker: This is not a point of order!

Mr Jhugroo: Let me ask my supplementary question on this issue.

Mr Speaker: This is not a point of order. I am sorry! The hon. Prime Minister has answered, twice the hon. Member has put questions on information that he has got and his information is wrong according to the Prime Minister. I will not allow any questioning on that line. Wait for the information to come, then the hon. Member will compare with what he has got and then he will come to the House if it is not correct!

MBC - PEPSI HUNGAMA PROGRAMME –MAB REPORT

(No. B/652) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the inquiry carried out by the Management Audit Bureau on the organisation of the Pepsi Hungama Programme, he will –

- (a) state when the report was submitted to his office, and
- (b) for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, if it will consider avoiding the organisation of similar programmes, pending any decision to be taken in the light of the report.

The Prime Minister: Mr Speaker, Sir, with regard to part (a) of the question, the report was received at my office on 16 June 2009. I wish to remind the hon. Member that in reply to Parliamentary Question No. B/587 last week, I did inform the House that I took the personal initiative to ask the Management Audit Bureau to enquire into the alleged cases of mismanagement in the organisation of the “Pepsi Segá Hungama” Programme.

Insofar as part (b) of the question is concerned, I have impressed upon the new Director-General of the Mauritius Broadcasting Corporation to ensure that programmes to be organised by the Corporation should meet public expectations while adhering to all the principles of transparency and accountability and for the optimum utilisation of human and financial resources, without an iota of wastage of such resources.

Mr Bhagwan: Can I know from the Prime Minister whether one of the direct outcomes of this report, the mismanagement of the whole issue of that programme has resulted into the resignation of the Director-General?

The Prime Minister: This is part of the answer.

Mr Bhagwan: This very important person has stated that he formed part of the team of the Prime Minister and he is now *reste sur la touche*. Can I know from the Prime Minister whether this gentleman is still around the private office of the Prime Minister and working for him?

The Prime Minister: I am sorry! The hon. Member is talking about the former Director-General of the MBC?

(Interruptions)

But the former one was never part of the team here.

Mr Bhagwan: He has stated publicly that he was one of the persons. He has done promotion campaign, public relation, etc. Can I know from the Prime Minister whether this gentleman who has resigned as Director-General of the MBC/TV is still around working for the Prime Minister as adviser or something else?

The Prime Minister: I think there is a misunderstanding here, Mr Speaker, Sir. My gist of my reading of it is that, since my hon. friends of the press have not given me enough coverage, he is balancing it out to correct certain misinformation. But he has never been a team in my office here, he was at the MBC.

Mr Bhagwan: I have still some supplementary questions.

Mr Speaker: I have allowed three supplementary questions.

Mr Bhagwan: People have the right to know.

Mr Speaker: Please, one second! The number of Supplementary questions that can be asked is at the discretion of the Speaker. Once I am satisfied that the matter has been sufficiently ventilated, I will not allow any further questions. So, I am asking the hon. Member now that I have listened to the answers, I will give him permission to ask another last question.

Mr Bhagwan: With due respect to you, Sir, I am also accountable to the people and also to the population.

Mr Speaker: I know, but I have to apply the Standing Orders.

Mr Bhagwan: Yes, I know. The Prime Minister has mentioned the new Director-General, we have a lot of experience with that gentleman, he has been formerly Director-General of the MBCTV. Can I know from the Prime Minister – I am using the same term which has been used – if we have not *sappe dans caraille tombe dans difé*?

Mr Speaker: I will not allow this. I am sorry! The hon. Member will have to come...

(Interruptions)

Mr Bhagwan: Can I rephrase my question, Sir?

Mr Speaker: The question is about the Pepsi Hungama, it has nothing to do with the new Director-General.

Mr Bhagwan: I was coming for next time, but the Prime Minister has mentioned the new Director-General. This is why I am asking.

(Interruptions)

Mr Speaker: Order! Order!

Mr Bhagwan: Can I know from the Prime Minister whether clear directives will be given to the new Director-General in preparing the news and the programmes which will go through the TV and that due care will be given as far as public funds would be involved?

The Prime Minister: I do not think the hon. Member has to tell me. I am well aware of it. As he says himself, he was at the MBC before. If I am not mistaken, it could well have been there in the period 1991. I am not sure. But obviously, you know him very well and I do not think I have to remind him on this.

MBC – ADVERTISING - FEES

(No. B/653) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to advertising on television, he will, for the benefit of the House, obtain from the Mauritius Broadcasting Corporation, information as to the amount of money received as fees, since 2005 to date.

The Prime Minister: Mr Speaker, Sir, I am informed by the Mauritius Broadcasting Corporation that from 01 July 2005 to May 2009, the Corporation has collected revenue from advertising on television as follows -

<i>Financial Year</i>	<i>Amount</i>
2005 – 2006	Rs 148,627,995
2006 – 2007	Rs 134,871,525
2007 – 2008	Rs 167,784,499
2008 – 2009 (as at May 2009)	Rs 163,684,142

Mr Bhagwan: Mr Speaker, Sir, the Prime Minister replied to one of my supplementary as far as the item publicity is concerned, that the MAB was asked to look into that aspect also. Can I know from the hon. Prime Minister whether he has received any recommendation from the MAB following what he said in Parliament concerning that particular item of award of publicity at the MBC/TV?

The Prime Minister: In fact, in the January 2009 report on the review of the financial situation of the MBC, the MAB has recommended that the MBC should tap the advertising market and they think they might achieve a growth of 20% during the year if they do this more and sustain that achievement in later years.

Mr Bhagwan: Concerning the same item, some invisible arrangements were made by the previous Director-General with some particular firms or organisations. There is air time and TV time. Can I know from the hon. Prime Minister if the present Director-General of the MBC/TV will be given one of the assignments to look again into the whole issue of publicity at the MBC/TV?

The Prime Minister: I am sure he is going to do that, Mr Speaker, Sir.

Mr Jhugroo: Mr Speaker, Sir, can the hon. Prime Minister inform the House how many firms or companies still owe MBC regarding advertisements and what measures have been taken to recover these bad debts?

The Prime Minister: I do not think I have it here, but it is my understanding that some firms still owe the MBC and steps have been taken for them to pay whatever they owe.

Mr Gunness: Mr Speaker, Sir, I will come again with that owing amount because according to the MAB Report, at table 3.10.2., it seems that the tendency for debtors of advertising is increasing. In 2005 it was Rs32 m., Rs36 m. in 2006/2007 and the report says that the tendency is increasing. Can I know from the hon. Prime Minister what real measures are being taken to get all these arrears?

The Prime Minister: That's what I said. The new management will look at what they have to do. I think steps have already been taken for the arrears to be paid. There is a review of the management just now. They will have to look into it.

TRAFFIC BRANCH - POLICE RIDERS – HELMETS

(No. B/654) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Riders posted at the Traffic Branch, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the frequency at which they are provided with helmets, indicating the date on which they were last issued with same.

(Withdrawn)

MBC – STAFF –MAB REPORT

(No. B/655) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to staffing at the Mauritius Broadcasting Corporation, he will state if he has taken cognizance of the report of the Management Audit Bureau on the review of the financial situation of the Corporation, dated January 2009, highlighting that the Corporation is overstaffed and, if so, obtain from the Corporation, the remedial measures that will be taken.

The Prime Minister: Mr Speaker, Sir, I have taken cognizance of the report of the Management Audit Bureau submitted in January 2009 on the Review of the Financial Situation of the Corporation.

I am informed by the MBC that the MAB Report has already been the subject of discussions at Board level and consultations are ongoing with Heads of Departments/Divisions regarding manpower requirements for the proper discharge of the functions of the Corporation.

Mr Speaker, Sir, in reply to PQ B/525 at our sitting of 16 June 2009, I informed the House that I have already impressed upon the MBC the imperative need for the Corporation to make optimum utilization of human resources. In this connection, I expect the new Management of the Corporation to look in depth into the matter.

Mr Guinness: Mr Speaker, Sir, according to the conclusion of the MAB report, it is recommended that a human resource audit should be undertaken to identify wastages and essential and optimal level staff to run the organisation. Can I know from the hon. Prime Minister whether this human resource audit is actually being carried out?

The Prime Minister: As the hon. Member knows there is a new Director-General at the MBC. The management members of the Board are being reviewed. So, they will look into the matter.

Mr Guinness: Mr Speaker, Sir, the former Director had in his possession for nearly one year a report on Evaluating Human Resource effectiveness. This report pointed out the various shortcomings, for example, burning need of sustained human resource intervention, there are no effective recruitment and selection processes to attract. Can I know from the hon. Prime Minister whether he has worked on it and what he did with that report during that one year?

The Prime Minister: He is not there anymore for me to ask him questions, Mr Speaker, Sir. But the hon. Member can put the question to the new Director and I will see what he says.

Mr Bhagwan: Mr Speaker, Sir, one of the causes of the financial problems at the MBC/TV – I won't say *les fonds ont été dilapidés* – is that people have been recruited massively for doing nothing. We have witnessed that situation. In one press conference, there are 15

people coming just to look around - I do not know *si c'est pour faire de l'espionnage* or whatever. Sometimes, there are four drivers ...

(Interruptions)

Mr Speaker: The hon. Member must hurry up. Time is running over.

Mr Bhagwan: Can I know from the hon. Prime Minister whether one of the priorities of the MBC/TV, at least, is not to sack people? Because there might be poor people who have been recruited innocently. Directives should be given that those who have not been working and without any qualifications should be taken as a priority instead of those poor persons.

The Prime Minister: Mr Speaker, Sir, in fact, I am glad to hear that four people cover your press conference. 15 people! Only two people come for me. So, the hon. Member is getting better coverage than me. It won't be right to say that X, Y or Z are not doing anything. At the same time, he says that we should sack, but sack selectively. In fact, we should be glad they are paying Rs100 because they asked for an increase which I turned down.

Mr Bérenger: Mr Speaker, Sir, we have been talking about two reports therefore. One, going back to January this year and the other one more recent the Hungama saga and other sagas and we are given the assurance by the hon. Prime Minister that there will be a new start, that the new Director-General is going to study these two reports and so on. We would wish to be able to compare how he performs with what is in those reports. Can I ask that the two reports be placed in the Library?

The Prime Minister: I think the first report is already in the Library from what I understand; because I see all the hon. Members have the report on the financial situation. Hon. Guinness has the report.

(Interruptions)

The hon. Member probably has the second report as well! But the report, I must say, Mr Speaker, Sir, contains both findings and recommendations. The findings are being examined in-depth by my office in the context of the remedial action that we want to take including, I should say, disciplinary action against those who have behaved improperly and acted improperly. There

are recommendations that are also being studied by the report including implementation of what they want to do and recommendations in the sense of good governance and transparency and all this. I think a process of disciplinary proceedings is going to take place, Mr Speaker, Sir. We are going to implement the process of recommendation if the new Director and the Board think they should do it. Therefore, I think, at this point, it would not be in order for me to put this internal working document on the Table. Let them do their work and then we will see.

Mr Speaker: Time is over! Next item!

ROAD DEVELOPMENT AUTHORITY - ENGINEERS – VISIT TO EGYPT

(No. B/672) **Mr M. Dowarkasing (Third Member for Curepipe and Midlands)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether he will state if senior officials of his Ministry have recently travelled to Egypt and, if so, the reasons therefor.

Mr Bachoo: Mr Speaker, Sir, two Engineers of the Road Development Authority travelled to Egypt between 18 and 21 May 2009 to finalise the bid documents for the Port Louis Ring Road Phase I from Montebello to Guibies Project.

Mr Dowarkasing: Can I know from the hon. Minister whether this displacement of engineers was approved either by the Board, the Permanent Secretary or the Minister himself?

Mr Bachoo: Mr Speaker, Sir, in fact, the decision was taken by the RDA in consultation with the Chairman of the Board because the Board did not meet on that week.

Mr Dowarkasing: Mr Speaker, Sir, does the hon. Minister find it a normal practice for officials of the RDA to travel and meet consultants abroad to finalise documents?

Mr Bachoo: Mr Speaker, Sir, that is one of the rare cases, in fact, because we are going at a very accelerating speed and there has been considerable delay in the implementation of this project and repeated reminders were sent to the consultant. It was at the last minute that the consultant agreed that two experts from my Ministry could be delegated to them so that they can have a final look at the documents before submitting to the Central Procurement Office. That is an exceptional case that we have had, but it is not always the case.

Mr Dowarkasing: Mr Speaker, Sir, the hon. Minister, in his reply, has just stated that various reminders were sent to the consultant because he was not abiding, I am sure, by the terms of the contract. Does he intend to take any actions against the consultant on the basis that he has not been conforming to the provisions of the agreement?

Mr Bachoo: In fact, we were on the point of taking decision against the consultant. If, let us say, we had terminated the contract, Mr Speaker, Sir, then we would have to go through the whole lengthy procedures of another seven to eight months to appoint one consultant. That is the reason why we had given him a last chance and I am ready to table a copy of the letter which we had sent to the consultant.

BOOLAKY LANE, MIDLANDS – DRAINS CONSTRUCTION AND RESURFACING

(No. B/673) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Minister of Environment and National Development Unit whether he will state if the National Development Unit has made provisions for the construction of drains and resurfacing at Boolaky Lane, Midlands, and if so, indicate the date on which works are likely to start and, if not, why not.

Mr Bundhoo: Mr Speaker Sir, I have been advised by the Grand Port/Savanne District Council that -

- (i) the public road which runs over a length of 250 mts is partly damaged and requires resurfacing and maybe the whole road may require resurfacing;
- (ii) a request was made by the Council on the 28 April 2009 for the extension of Boolaky Lane in Midlands by 50mts;
- (iii) I have also to inform the House that there is no drain along Boolaky Lane.

The NDU consultant has been instructed to carry out a survey along Boolaky lane, Midlands to assess the problems. Upon receipt of the proposal from the consultant, immediate consideration would be given for the implementation of the project.

Mr Dowarkasing: I thank the hon. Minister for responding quickly to this request. May I know the time frame for a report from the consultant?

Mr Bundhoo: I would think within the next three weeks probably or even less.

MUNICIPAL COUNCIL OF CUREPIPE - REFUSE COLLECTORS - RECRUITMENT

(No. B/674) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the Refuse Collectors, he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to the number thereof recruited since 2005 to date, indicating if –

- (a) the posts were advertised and, if so, the dates thereof;
- (b) interviews were carried out, and
- (c) he will table the respective address of the recruits.

Dr. David: Mr Speaker, Sir, I am informed that refuse collectors had been recruited by the Local Government Service Commission on behalf of the Municipal Council of Curepipe.

However, Mr Speaker, Sir, with your permission, I wish to refer the hon. Member to the various replies I made in the recent past to Parliamentary Questions on similar issues namely B/796, B/1029, B/1138 and B/493 wherein I informed the House that since appointments and promotions in the Local Government Service fall under the sole responsibility of the Local Government Service Commission which is an independent body, it would not be proper to provide the requested information.

Mr Dowarkasing: Mr Speaker, Sir, may I, at least, know from the hon. Minister whether he has been advised if those posts were advertised and interviews carried out? I think that information can be given to the House.

Dr. David: Mr Speaker, Sir, appointments and procedures are the responsibility of the Local Government Service Commission.

Mr Dowarkasing: Mr Speaker, Sir, can I request the hon. Minister to find out from the Local Government Service Commission whether those posts of the Refuse Collectors were advertised and he can inform the House at a later stage?

Dr. David: No, Mr Speaker, Sir.

INTERNATIONAL AGENCIES – LOAN AGREEMENTS

(No. B/675) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the loans contracted by Government with international agencies or private bodies, since 2005 to date, he will state the number thereof, indicating in each case the –

- (a) amount thereof;
- (b) interest payable, and
- (c) reasons therefor.

The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen): Mr Speaker, Sir, since January 2005, Government has signed 19 loan agreements with foreign international financing agencies and Governments. Government does not borrow from private bodies.

The international financing agencies from which loans have been raised are the International Bank for Reconstruction and Development, i.e., the World Bank, the African Development Bank, the Arab Bank for Economic Development in Africa and *Agence Française de Développement*. At bilateral level, loans were from the Government of China and Government of India.

With respect to parts (a) and (b) of the question, details in respect of each of the 19 loans are being tabled. The House may, however, also wish to note that all copies of deeds of loans raised by Government are regularly tabled in the National Assembly as and when they are signed as prescribed in the Public Debt Management Act.

Mr Speaker, Sir, these are long-term development loans of 15 years maturity and above. They also include grace periods of up to 5 years. These loans have been raised to finance capital development projects or for General Budget Support.

Mr Dowarkasing: Mr Speaker, Sir, replying to a Parliamentary Question in the House, the hon. Prime Minister stated that Government, for the year 2007/2008, had the intention to raise loan amounting to US\$182 m. and about 60% of that loan will come from China. Has that been materialised and can we know the amount that has been taken on loan from China?

Dr. Sithanen: As I said, I am going to circulate the reply, Mr Speaker, Sir, for the nineteen loans. I see from China in 2005, it y a 40 million Yuan; in 2006/2007: 30 million Yuan and 20 million Yuan, 30 million Yuan and then the major one which is 580 million Yuan in 2007/2008; this is basically for the sewerage project, Mr Speaker, Sir.

Mr Dowarkasing: Can we know from the hon. Minister whether we have contracted any loan from the World Bank recently?

Dr. Sithanen: I think so. The latest one, Mr Speaker, Sir, from the World Bank is USD100 million which is a development policy loan-budget support in May 2009, but it has not been disbursed yet.

Mr Dowarkasing: Can I know from the hon. Minister why we have borrowed USD100 million where initially it was envisaged to borrow only USD30 million from the World Bank?

Dr. Sithanen: I have explained that in a previous question, Mr Speaker, Sir, that we are front-loading some of these amounts in order to give support in case the situation deteriorates but, up to now, the situation has not deteriorated.

Mr Dowarkasing: I have a last supplementary, Mr Speaker, Sir. The hon. Minister just recently in Cape Town stated that our economy is not in danger. Can I know why we are contracting so many loans when he, himself, stated publicly that our economy is not in danger?

Dr. Sithanen: We are not contracting loans; it is just a precautionary measure that we have taken. In fact, we have to make sure that should the situation deteriorate, we have access to this funding. Up to now, the situation has not deteriorated. On the contrary, for the first quarter reserves have improved, Mr Speaker, Sir, and the deficit on the current account of the balance of payments has come down. But, *gouverner c'est prévoir!*

FÉDÉRATION CANINE CENTRALE – DOGS BREEDING

(No. B/676) Mrs S. Hanoomanjee (Second Member for Savanne and Black River) asked the Minister of Agro Industry, Food Production and Security whether he will state if the *Fédération Canine Centrale* is recognized by his Ministry for dealing in pure breed dogs in Mauritius and, if so, indicate –

- (a) when was the authorization issued, and
- (b) table copy thereof.

Mr Faugoo: Mr Speaker Sir, the *Federation Canine Centrale* is not recognised by my Ministry.

Mrs Hanoomanjee: Mr Speaker, Sir, is the Minister aware that the *Federation Canine Centrale* is already substituting itself as an authority because this is reflected in a note of meeting where the MSPCA Board decided that pedigree certificate will be issued by that federation?

Mr Faugoo: I am not aware, Mr Speaker, Sir.

Mrs Hanoomanjee: Will the hon. Minister look into this? This is serious because the public pays a substantial amount of money to get a pedigree certificate. Is the Minister aware or has he been briefed that already in March - as far back as March 2007 - the MSPCA Board had agreed that with regard to pedigree certificates and to the dog show that income and expenses will be shared equally between the FCC and the MSPA?

Mr Faugoo: Mr Speaker, Sir, the *Federation Canine Centrale* is registered with the Registrar of Association. If there is any problem whoever is facing, be it a dog owner or a dog breeder, they should complain to the Registrar of Association. Any association is free to carry out any business so far it is legal. What is happening between MSPCA and the Federation is none of my business.

Mrs Hanoomanjee: I beg to differ, Mr Speaker, Sir, because when it comes to income of the MSPCA then, I believe, MSPCA is concerned as well as the Minister of Agriculture. Can the Minister say whether he is aware that out of eight members of the *Federation Canine Centrale*, six of them are sitting on the Board of the MSPCA and one is a staff of the FCC? Has the

Minister been briefed about this? Is he aware that the Chairperson of the MSPCA is himself the Chairperson of the FCC and they are dealing with *chiot de race* resulting in the fact that they are putting themselves as an authority because all the members are equally members of the MSPCA?

Mr Faugoo: I am aware of who are the members of the MSPCA, but I am not aware of who are the members of the Federation, Mr Speaker, Sir.

Mrs Hanoomanjee: Can the hon. Minister then say whether he would be agreeable, because there is definitely a conflict of interest, money is involved, the FCC is taking money from the public for the issue of pedigree certificates, the FCC has been diffusing false news and giving the impression that they are the authority, that there is conflict of interest. Can the Minister say whether already the FCC has not discredited itself from being an authority, that is, having a certificate from the MSPCA or from the Ministry that it can issue Pedigree Certificates and, secondly, that immediately the Board of the MSPCA has to be dissolved because there is definitely conflict of interest?

Mr Faugoo: As I said, Mr Speaker, Sir, FCC is registered with the Registrar of Association. If there is conflict, if they are charging any fees and they are not allowed to do so, complaints should be made to the Registrar if they are acting outside the scope of their business. I am not defending FCC, all I am saying, it does not fall under my purview. What falls under my purview is the MSPCA. Section 24 of the MSPCA Act allows them to get affiliated to any, body, corporate or any association which are dealing in the same business. If there is any conflict, I am going to look into it and then take decisions.

Mr Bodha: May I ask the hon. Minister whether the issue of pedigree certificate falls under his purview?

Mr Faugoo: I did not get the question, Mr Speaker, Sir.

Mr Bodha:: Whether the issue of pedigree certificate and its genuineness fall under the Minister's purview?

Mr Faugoo: It does not, Mr Speaker, Sir. The DVS is not responsible for giving any pedigree certificate nor has MSPCA the expertise to give pedigree certificate. Any association

registered or any association which has the requisite knowledge or expertise can give if it is not illegal though its credibility and acceptance is questionable.

Mr Bodha: May I ask the hon. Minister how do we supervise the grant and the genuineness of the pedigree certificate? Because we know today that it is a lucrative market and it has become a scandal. Is the Minister prepared to look into the matter and to see whether we should review the law, to see that pedigree certificates are granted by an authority and that they are genuine?

Mr Faugoo: First, we need to make regulations or amend the law, Mr Speaker, Sir, which will ultimately allow the parent Ministry to supervise and regulate such activities. We do not have any law at present and the Member was the Minister there, he knows it well.

Mr Bhagwan: Is he aware that the Ministry has received lot of representations concerning the issue raised by the hon. colleague? People have been asked money and if you are not a Member of that organization you have lot of problems at the MSPCA.

Mr Faugoo: We have received only one written complaint so far, Mr Speaker, Sir, and we are looking into it.

Mrs Hanoomanjee: Mr Speaker, Sir, I do not think that it is because we have not received complaints that the matter should not be dealt with speedily. But does the Minister find the urgency of coming with the appropriate legislation as it is done in other countries? They've got a Pedigree Act. Does not the Minister feel that there is an urgency to come with this Act and also that the FCC having dealt with illegal situations already finds it in a situation that it cannot be authorized to act on behalf of the MSPCA?

Mr Faugoo: We are already in consultation with the State Law Office, Mr Speaker, Sir, and we are working out on regulations.

Mrs Dookun-Luchoomun: May I ask from the hon. Minister whether he does not think that we should also look at the ethical aspects of breeding programs? Does he not think that we should from now on see to that breeding programme as done within international norms?

Mr Faugoo: It forms part of the regulations.

At 1.00 p.m. the sitting was suspended.

On resuming at 2.30 p.m with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Bodha does not seem to be in attendance. We go to the next question, please.

**AMBASSADORS/HIGH COMMISSIONERS AND TRADE ADVISERS –
OVERSEAS MISSIONS**

(No. B/678) Mr P. Jhugroo (Third Member for Port Louis North and Montagne Longue) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to each of the Ambassadors/High Commissioners and Trade Advisers posted in the Mauritius Embassies or High Commissions, he will state the number of overseas missions they have undertaken since their respective appointments, indicating in each case –

- (a) the countries visited and duration thereof;
- (b) the composition of the delegation;
- (c) the amount of money spent in terms of air tickets, *per diem* and other allowances, and
- (d) the purpose of each mission.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question. The information sought for is being compiled and will be thereafter tabled. I, however, wish to mention that as regards part (c) of the question – air tickets *per diem* and allowances are disbursed according to set practices.

Mr Jhugroo: Mr Deputy Speaker, Sir, can I know from the Acting Minister when this information will be compiled and tabled because very often we do not get the information. If there is any difficulty do let me know!

Dr. David: Well, Mr Deputy Speaker, Sir, this is the standard answer which has been given here in this House for the past ten years.

The Deputy Speaker: Next question, please!

PHOENIX /BEAUX SONGES LINK ROAD

(No. B/679) Mr P. Jhugroo (Third Member for Port Louis North and Montagne Longue) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the road linking Holyrood to Beau Songes, he will state if Government will consider the advisability of resorting to compulsory acquisition of land for the purpose thereof, in order to help solving the traffic congestion problems in these areas.

Mr Bachoo: Mr Deputy Speaker, Sir, there is no project as such to link Holyrood to Beau Songes. However, Government has a project to link Phoenix to Beau Songes in order to alleviate traffic congestion problems mainly in the area of La Louise.

Bids for the construction of the Phoenix-Beau Songes link road were received in May 2009 and the Central Procurement Board has approved the award of the contract to A & J Maurel Construction Ltee.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether he would consider the possibility of getting this road tarred or compulsorily acquire this particular road linking Holyrood to Beau Songes? Holyrood to Beau Songes road is used and will help a lot to alleviate the traffic in the surrounding of La Louise as well because it will allow people from Vacoas to reach Beau Songes very easily.

Mr Bachoo: Mr Deputy Speaker, Sir, first of all this is a private road and we must obtain permission. I have the feeling that we may not obtain permission and we are looking into the possibility. Let us start with this programme – the Phoenix to Beau Songes Road and then we will try to negotiate with the Sugar Estates. If that is possible, I won't be having problem having the road tarred.

Dr. Hawoldar: Mr Deputy Speaker, Sir, as we are aware during the negotiation between the Prime Minister and the representative of the MSPA, it was said that land will be made available to Government for infrastructural purposes whenever required. Would he kindly consider taking this road and asking the Sugar Producers Association whether they would be prepared to seek that land for Government to take over this road?

Mr Bachoo: We are looking into this possibility and we may start negotiations as earlier as possible.

Mr Ganoo: Since the Minister has mentioned the Beau Songes–Phoenix link road and he has given some information to the House, can I ask him at what time there were problems about private owners' building and the *tracé* of this road? Has this problem been solved?

Mr Bachoo: In fact, that explains the reason why it has already been awarded - if I am not mistaken. The award has been made, but we have not been able to complete section 8 of the compulsory acquisition because of certain problems which we are facing. That is why we are trying to divert a little bit and that's taking some time.

The Deputy Speaker: Thank you. Next question, please!

NOISE POLLUTION - REGULATIONS

(No. B/680) Mrs M. Martin (Second Member for Curepipe & Midlands) asked the Minister of Environment and National Development Unit whether, in regard to noise pollution, he will, for the benefit of the House, obtain from the *Police de l'Environnement*, information as to the measures taken to ensure that the environmental regulations are abided by, especially, in the residential areas.

The Minister of Health and Quality of Life (Dr. R. Jeetah): With your permission, I shall reply to this question.

My Ministry in addition to the Ministry of Environment and National Development Unit, the Police and the Local Authorities are empowered to take actions under the Environment Protection Act, EPA 2002.

As regards measures taken to ensure compliance with the Environmental Regulations, I am informed that -

- (i) Five sound level meters have been acquired to effect noise monitoring exercise throughout the country.
- (ii) All complaints received are attended to. Where it is established that there is noise pollution, a warning is issued followed by a Programme Notice, Enforcement Notice and Prohibition Notice where required as per provision of the Act in case the noise pollution persists.
- (iii) In view of increasing number of noise complaints occurring during weekends, my Ministry has set up a flying squad to attend to noise complaints outside office hours. The

flying squad consists of one Senior Health Engineering Officer and one Health Engineering officer who are on call every week.

Furthermore, the said team is conducting noise surveys on Friday and Saturday nights to monitor noise more particularly from discotheques, nightclubs and bungalows. In this respect, my Ministry is working in close collaboration with the Ministry of Environment and NDU and the Police. Their assistance is being sought as and when required based on the nature of the complaints.

- (iv) I am also informed by the *Police de L'Environnement* that preventive patrols are undertaken every week ends in the Northern, Central and Western part of the island, especially during odd hours so as to reduce and control noise pollution.
- (v) Moreover, regular meetings of Environment Liaison Officers Committee and the Environment Coordination Committee are held to coordinate the efforts of all the enforcing agencies regarding environmental matters including noise pollution amongst others.

Mrs Martin: I thank the hon. Minister for his answer. Is he aware that regulations regarding noise pollution differ from one local authority to another and can we, therefore, find some way in which to harmonise these regulations so as to have a more holistic approach to this problem?

Dr. Jeetah: Mr Deputy Speaker, Sir, I will look into the matter.

Mrs Martin: The Minister also mentioned several measures that are being taken in order to prevent noise pollution. Can we know how far these measures have been effective?

Dr. Jeetah: If the hon. Member wishes to know of the number of complaints, I have figures I can circulate.

Mr Jhugroo: The hon. Minister just mentioned special patrols. Can I know how many persons have been fined for noise pollution since January 2009?

Dr. Jeetah: Mr Deputy Speaker, Sir, we have received 208 complaints out of which 76 were justified and 5 notices have been served. I am also informed that eight contraventions have been established by the *Police de l'Environnement* from January 2009 to 25 June 2009.

Mr Bhagwan: Mr Speaker, Sir, one of the problems concerning noise pollution which the public is facing is motor cycles, with or without silencers, which at night create lots of problems. Has the hon. Minister liaise with his colleague, the Minister of Public Infrastructure, responsible for the NTA, to amend the regulations and also request the Police to take action concerning these motorcycles without silencers or with half of the silencers?

Dr. Jeetah: Mr Deputy Speaker, Sir, I did mention that there are regular meetings. I will pass on the message to the Committee.

Mr Jhugroo: Can I ask the hon. Minister how many patrol units there are? How many people are working there and how many vehicles are attached to these units?

Dr. Jeetah: Mr Deputy Speaker, Sir, we have one Chief Sanitary Engineer, two Principal Health Engineering Officers, five Senior Health Engineering Officers and ten Health Engineering Officers.

Mrs Martin: The hon. Minister also mentioned just before that he had figures regarding the number of complaints and the number of arrests and actions consequently taken. Most often it is after complaint has been made that the Police tries to find out whether or not there has been noise pollution. May I know from him whether the Police could not act on its own in known areas, especially in residential areas, where such problems can occur at known times and known periods; that they can go and, at least, try to find some way to address the issue so that the other inhabitants live in peace?

Dr. Jeetah: Yes, Mr Deputy Speaker, Sir, I did reply that, in view of the increase in noise complaints, we have created a flying squad which is looking into the matter and it is collaborating with the *Police de l'Environnement*, with my colleague from Local Government and the Ministry of Environment and NDU.

Mrs Martin: Would the Minister agree with me that a flying squad is not enough to cover the whole country and, therefore, perhaps he could consider increasing the number so that it would cover adequately the problems that are being faced?

Dr. Jeetah: I see what the hon. Member is getting at, Mr Deputy Speaker, Sir, but I'll have to do with the resources that we have available.

TOWN CENTRES – PATHWAYS & PEDESTRIAN FACILITIES

(No. B/681) Mrs M. Martin (Second Member for Curepipe and Midlands) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to pathways and other pedestrian facilities in town centres, he will state if consideration will be given for rendering them more user friendly, particularly for people with physical impairment and parents with baby carts.

Mr Bachoo: Sir, one of the main objectives of the Ministry in terms of safety for the general public is the provision of footpath along both rural and urban main roads. Special consideration is being given to persons with physical impairment like those on wheelchairs by providing ramps in lieu of steps to access to these footpaths.

Infrastructure for pedestrian facilities are being provided taking into consideration the space available along the roads.

In certain footbridges and underpaths across the Motorway, ramps have been provided with gentle gradient for physically impaired persons and parents with baby carts to easily cross the Motorway.

In town centres consideration will be given to extend such facilities wherever possible at pedestrian crossings and signalized crossings.

At signalized crossings, push buttons are provided at accessible height for physically impaired persons moving on wheelchair.

Mrs Martin: May I ask the hon. Minister, Mr Deputy Speaker, Sir, whether in places where those pathways already exist and no provision made for these facilities for handicapped people, he can find those places out especially in my Constituency where there are a lot of them? Can he try and see whether these can be addressed quite quickly?

Mr Bachoo: I would request the hon. Member to submit me the list of any area where she feels there is need and, as I have just mentioned, it all depends on the space available. We will do the needful.

Mrs Martin: There are a number of other things as well which could be done to help, not only ramps. Can the Minister see, especially with regard to people with eyesight problems and blind people, whether bippers could be applied and could be put on crossing equipped with traffic lights so that the people suffering from blindness can be, at least, helped into crossing the road?

Mr Bachoo: In fact, we have installed a few such traffic lights and, in the near future, we are going to increase the number. But we have a dozen more than that.

Mr Bhagwan: *Je voudrais parler de l'état des trottoirs. Je prends en exemple le centre de Rose Hill.* The main road, for example, at Quatre Bornes, falls under the responsibility of the Municipality of Quatre Bornes and the Ministry of Public Infrastructure. The Municipality takes also taxes from the shops – the Eight Schedule or whatever tax. Finally, the problem is that nobody has these footpaths repaired. When you go to the Municipality, they say it falls under the responsibility of Highway Authority or the Road Authority. When you go to the Road Authority, it says it is the Municipality. I'll ask the Minister to go and see *l'état des trottoirs dans le centre de Rose Hill*. People go to banks, to the post office. I think it is a shame for modern Mauritius and I won't speak about Quatre Bornes and other areas. I think there is a real problem concerning the repairs and upgrading of these footpaths. Can I, at least, request the hon. Minister to have a site visit at the centre of Rose Hill?

Mr Bachoo: The hon. Member has never raised this issue to me earlier, but I can assure him that I'll look into the problem and a solution will be found.

SPORTSPERSONS -- NATIONAL & INTERNATIONAL LEVELS - INSURANCE COVER

(No. B/682) Mrs M. Martin (Second Member for Curepipe and Midlands) asked the Minister of Youth and Sports whether, in regard to the sportspersons performing at the national and international levels, he will state if Government will consider the advisability of making it compulsory for them to be covered by an insurance in case of injury, to be partly or fully subscribed by their respective federation.

Mr Ritoo: Mr Deputy Speaker, Sir, the contracting of an insurance by sports Federation to cover athletes performing at national and international levels is already compulsory. In fact, Rule 2(d) of the Third Schedule of the Sports Act provides for every sports federation to “arrange for insurance cover against possible accidents by its licence holders and official during training and competitions’.

Moreover, in major games abroad, such as, the Indian Ocean Games, African Games, *Jeux de la Francophonie* and Commonwealth Games, my Ministry contracts an additional insurance cover for each member of the delegation from the time of departure until his/her return to Mauritius.

I also wish to inform the House that, in case of injury, athletes are taken care of by the Sports Medical Unit of my Ministry or are referred to the Government hospitals, depending on the seriousness of the injury.

Mrs Martin: Can I ask the hon. Minister whether this insurance also covers training outside the buildings and facilities offered by the Federation for these sportspeople as well?

Mr Ritoo: The insurance covers for the sports activities only not outside; on training grounds and the competition.

Mrs Martin: In case those sportspersons who are affiliated with the federation follow also training, but outside the facilities provided by the federation, does this insurance cover that also? Because we know very well that some sportspeople do training outside the hours that are provided to them because of restrictions often due to professional constraints. They do it outside the officially provided facilities as well and many have spoken to me and told me that they could be exposed to injuries. Does this insurance cover that situation?

Mr Ritoo: As soon as they are the license holders of a specific sports discipline, they are supposed to be covered.

Mrs Martin: May I know from the Minister whether this insurance covering injuries covers up to any amount?

Mr Ritoo: Well, as an example, let us say for the Mauritius Athletics Association, the insurance that they have with the insurance company covers an injury of Rs75,000; for death, it is Rs100,000 and for loss of luggage it is Rs10,000 per person.

Mrs Martin: The Minister is, I am sure, well aware that most of the time when a sportsman performing at such a high-level has an injury, it may very well cost much more than Rs75,000 in terms of health and facilities that he could need in order to get well again. So, how does the Ministry or the federation propose to help those sportspeople in case the bill becomes a little bit more than expected?

Mr Ritoo: Well, we can talk to the Sports Federation so as to increase the amount for injuries.

Mr Bhagwan: I wanted to add to that question, Sir. These high-level athletes whenever they perform and get medals they are remunerated by Government as they represent the State of Mauritius - at least in certain cases. I think the duty of the State is not only to give reward medals or even cash gifts when somebody has a good performance at international levels, but also to take care of the expenditure and to have a follow-up following the injuries afterwards.

Mr Ritoo: Normally all the athletes who have performed very well at international levels are being rewarded by cash prizes and they are also being taken care of. For example, a recent case is that of Mr Bruno Julie who was given a house. This is an example of how we try to reward certain athletes and they even get jobs. We try to intervene and other facilities like getting a job as well in certain companies.

Mr Bhagwan: I do not know if the hon. Minister understood my point. We all know that they receive cash prizes, but the problem is whenever they sustain injuries, sometimes they get Rs500, Rs1 m. and also medical follow-ups.

Mr Ritoo: We can look up this matter, Sir.

Mr Spéville: Can I ask the hon. Minister how many athletes who were performing at national level have been now disabled?

Mr Ritoo: I do not have the list of athletes who have been injured while performing at national level, but if the hon. Member comes with a substantive question, I'll give an answer.

Mr Jhugroo: Hon. Minister, can I know who is the last athlete or sportsman who was given a job?

The Deputy Speaker: No, that question is not allowed, it has got to do with insurance here.

Mrs Martin: Mr Deputy Speaker, Sir, I have a last question. I would like to ask the hon. Minister whether when we speak of sportspersons it also includes the people from *handisport*. May I know whether they should not be given a special insurance coverage since they are already disabled persons and, in case of injury, that might prove a little bit more difficult for them and whether a new scheme could not be found in order to help them as well?

Mr Ritoo: The handicapped people are also being insured. Fortunately, they have never been injured, but only those who are in good health who are being injured. We have got special insurance even for the handicapped people participating in international sports discipline.

VIEUX GRAND PORT – NAVAL BATTLE - COMMEMORATION

(No. B/683) Mrs M. Martin (Second Member for Curepipe & Midlands) asked the Minister of Education, Culture and Human Resources whether, in regard to Vieux Grand Port, he will state if Government has engaged into discussions with interested parties, with a view to commemorating the naval battle that took place thereat and, if so, the outcome thereof.

Dr. Bunwaree: Mr Deputy Speaker, Sir, in 2006, Government had set up a Ministerial Committee under the Chairmanship of the Vice-Prime Minister, Ministry of Tourism, Leisure and External Communications to look into the preparations of the commemoration of the bicentenary of the Naval Battle of Grand Port in 2010. I was a Member of the Ministerial Committee and, subsequently, I chaired an Organising Committee to work out the detailed proposals for activities to be organised for the occasion.

Regarding the question of discussions with interested parties, yes, Mr Deputy Speaker, Sir, we have had wide consultations with a good number of stakeholders, both local and foreign,

including the French Government, the St. Malo authorities and many Embassies in Mauritius to enlist their participation for the commemoration of the bicentenary of the Naval Battle of Grand Port in 2010. The list of stakeholders is too exhaustive to mention them by name. Furthermore, I have personally invited suggestions from the public at large through the press. I have received a number of proposals and many of them have been taken on board to make this historic event a resounding success.

A website in respect of this event will be launched shortly. The recommendations of the Organising Committee which had been approved by the Ministerial Committee were agreed by Government on 05 June 2009 and were made public on the same day.

May I inform the House that the activities will be scheduled over a few months in 2010, and will coincide with the FIFA Soccer Cup to be held in South Africa, during which period we believe a number of extra tourists are expected to visit Mauritius. We would also wish the commemoration to bring us extra tourism mileage, especially at this difficult juncture.

Different sub-committees are working on individual activities and a Steering Committee under my chairmanship will steer the whole project. I welcome suggestions from the hon. Member, as well as other Members of the House who could be interested in this national project of importance.

Mrs Martin: I thank the Minister for his answer. I would certainly give him suggestions with regard to that. But, I wanted to ask him whether the Steering Committee which he has mentioned will take that into account and would be an umbrella organization to help all the other sub-committees? Has it already been put in place, if yes, may we know how it is going to proceed?

Dr. Bunwaree: We are in the process of putting it in place. In fact, the core group has already been set up. And, of course, as and when if we have to enlarge, we will.

Mr Bérenger: This is going to be an event of historical dimension. Have there been any changes in the Organisation Committee? Can we know as at now who is the chairperson and the members?

Dr. Bunwaree: The Organising Committee was set up by the Ministerial Committee. In fact, I am chairing the Organising Committee. Insofar as members are concerned, I will have to look into that and then I can submit the names and later lay on the Table of the Assembly. But, I am chairing it myself.

Mr Dowarkasing: Mr Deputy Speaker, Sir, in the same breath, would the hon. Minister consider the fact of upgrading the historical spots in Ferney, which is the neighbouring village specially regarding the first landing station of the Dutch and where the first sugar cane were grown?

Dr. Bunwaree: In fact, a survey has already been carried out and all the locations have already been identified and with the help of the Vice-Prime Minister and Minister of Tourism there is a programme of upgrading of many of these sites going on.

Mr Rucktooa: The hon. Minister just said that we have an exhaustive list of parties. Is the French Government participating to the maximum?

Dr. Bunwaree: Yes, even financially.

Mr Rucktooa: Mr Deputy Speaker, Sir, in the battle there was a winner and a loser.

The Deputy Speaker: Put the question, hon. Member!

Mr Rucktooa: The question is: In commemorating this Naval Battle, will there be any problem with our relationship with the French Government?

Dr. Bunwaree: In order not to allow confusion to reign in the Assembly, I have to remind the hon. Members that the Naval Battle of Grand Port was the one and only battle which was won by the French in the Napoleon era and Mauritius was taken over a few months later by the British in another attempt. So, there is no problem with the French Government. In fact, they are most happy that we are organising it here and they are even participating financially.

Mr Bérenger: May I take that point? That was a very special naval battle. I know of no other naval battle throughout the world where guns were firing on British ships from the shore and the hills. So, there was a winner and a loser, *mais bien serrer lé course là*. So, I hear a lot of bias in favour of the French. Granted they won that and it is on *l'Arc de Triomphe* more or less

the only naval battle. But I think we should take on board our UK friends also, I do not think we should be that biased in favour of France and of the French authorities.

Dr. Bunwaree: I thank the hon. Leader of the Opposition for putting this question. In fact, I mentioned in my reply that many embassies - I did not say the French embassy only - have been contacted and are still involved in the project and UK is one of them. So, let me give the names of the embassies, that is, the countries that are going to be involved because over and above the battle, we are extending it to all people who came to Mauritius in those days. So, we have France, of course, United Kingdom, India, China, Australia, Mozambique, Pakistan, South Africa, Senegal, Seychelles, Madagascar, Egypt, Oman and the Netherlands.

Mr Bhagwan: Can I know from the hon. Minister who is the coordinator at the level of Government or the Ministry for this project? Mauritius will be organising that event. I think the image of the country should be preserved. If you'll have somebody with his image especially of lots of things of the past, so, we'll appeal to the Minister to have the right person with a clean image.

The Deputy Speaker: The question is quite clear, hon. Bhagwan.

Dr. Bunwaree: Mr Deputy Speaker, Sir, I mentioned in my reply that a website is going to be launched shortly where all the information will be obtained, but the coordinating person is the Director of the Culture Division of my Ministry.

The Deputy Speaker: Thank you. Last question hon. Martin.

Mrs Martin: Thank you, Mr Deputy Speaker, Sir. Can I ask the hon. Minister whether he has any idea of the cost of this commemoration and who is going to bear the cost as well?

Dr. Bunwaree: Well, the cost is being worked out. In fact, it will cost some money but there will be some way. Tickets will be sold to tourists when they are going to visit the places because we are going to have exhibitions. We are going to have, in the programmes, the reconstruction of an old town of Grand Port, an old town of St Malo. So, they will have to come and visit; there will be film shows also. So, there will be some revenues also. I do not think we are going to have problems on that aspect.

PONT COLVILLE, MONT ORY – FOOTBRIDGE - CONSTRUCTION

(No. B/684) **Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether in regard to the construction of a footbridge at Pont Colville, Mont Ory, he will state where matters stand.

Mr Bachoo: Sir, bids were invited for the construction of a footbridge at Montagne Ory in December 2008 on a “*Design and Build*” basis. Unfortunately, no bid was received.

New bidding documents are being finalised to include the construction of a footbridge at Montagne Ory and Bell Village near Food Cannery Ltd. on Motorway M1. Tenders are expected to be launched in mid July 2009.

Dr. Ramloll: Mr Deputy Speaker, Sir, I have one supplementary question to the Minister regarding this bridge. In fact, as my colleague, I had set the same question before and the reply was the same. But, I have a suggestion to make for consideration. If instead of the footbridge, there could be a passage by the side of a small temple presently. There is enough space and there is a *tracé* already for the road which goes to Les Guibies. I would like to know whether that can be exploited.

Mr Bachoo: That possibility was looked at, and, in fact, the technicians of my Ministry have opted for the footbridge.

BOIS CHÉRI, MOKA – FOOTPATH - CONSTRUCTION

(No. B/685) **Mr S. Dayal (Second Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, Land Transport and Shipping whether in regard to the construction of footpath at Bois Chéri, Moka, running towards Roseline Cottage, Moka, he will state where matters stand.

Mr Bachoo: Sir, the Road Development Authority is investigating into the possibility of extending the footpath along Bois Chéri Road (B47) running towards Roseline Cottage, Moka. However, the project will involve land acquisition as the road is narrow and is built-up on both sides.

My Ministry is initiating action for land acquisition procedures in that regard.

Mr Dayal: Mr Deputy Speaker, Sir, I would like to impress upon the hon. Minister to speed up matters because, in fact, it is a busy road and there is a school nearby.

Mr Bachoo: Mr Deputy Speaker, Sir, normally land acquisition takes a bit of time and we have already initiated action.

MONT ORY, MOKA – RETAINING WALLS - CONSTRUCTION

(No. B/686) Mr S. Dayal (Second Member for Quartier Militaire & Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether in regard to the proposed construction of retaining walls on both sides of the road at Mont Ory, Moka, leading to the Highway, he will state where matters stand.

Mr Bachoo: Mr Deputy Speaker, Sir, a study carried out by GIBB (Mauritius) Ltd in 2004 estimated the cost of construction of the retaining walls on both sides of the road at Rs25 m. The Road Development Authority will implement the project according to availability of funds.

I am informed that officers of the RDA visited the site last July and confirmed that there is no risk of landslide as at now. But having said that, we are looking into the possibility of doing some work, not on the whole plot but we are to start, let's say, by steps.

MOTOR VEHICLE EXAMINATION CENTRES - PRIVATISATION

(No. B/687) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, Land Transport and Shipping whether in regard to the project for the privatisation of the motor vehicle examination centres, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if same will be implemented and, if so, where matters stand.

Mr Bachoo: Mr Deputy Speaker, Sir, the privatisation of the motor vehicle examination centre ranks high on the agenda of Government. In fact, as far back as 2006, in the Budget Speech, mention was made regarding the process of vehicle testing at the National Transport Authority with the possibility of contracting out such services to accredited private operators.

However, the privatisation of the motor vehicle examination centres requires a review of the Road Traffic (Construction and Use of Vehicles) Regulations which dates back to 1952.

The amended Road Traffic (Construction and Use of Vehicles) Regulations which incorporate recent developments in vehicle construction and design have already been worked out and submitted to the State Law Office for vetting. Concurrently, the Road Traffic (Examination of Vehicles) Regulations which would provide for the grant of licences for the establishment and operation of private examination centres have also been forwarded to the State Law Office, for vetting.

I am informed by the State Law Office that both sets of Regulations, which are interlinked are being finalised.

I am personally following up the matter.

DOMESTIC VIOLENCE – CASES REPORTED – 2005 TO JUNE 2009

(No. B/688) Mr S. Soodhun (Fifth Member for La Caverne & Phoenix) asked the Minister of Women's Rights, Child Development and Family Welfare whether in regard to domestic violence, she will state the number of cases reported to her Ministry, since 2005 to date, on a yearly basis, indicating in each case the number of protection and occupation orders issued.

Mrs Seebun: Mr Deputy Speaker, Sir, the number of cases of domestic violence reported to my Ministry for the Year 2005 to date are as follows -

Year 2005	-	1036 cases
Year 2006	-	1041 cases
Year 2007	-	1948 cases
Year 2008	-	2246 cases

and as regards 2009 – 979 cases of domestic violence have been reported up to now.

With respect to the above cases a total of 1428 protection orders and 46 occupation orders have been issued.

Mrs Labelle: Mr Deputy Speaker, Sir, from the figures just given by the hon. Minister, we see that the trend is on the increasing side despite the various programmes and sensitisation programmes that have been held. May I ask the hon. Minister whether in view of this increasing trend, she will make an evaluation of these programmes and maybe we'll have to revisit the programmes that have been carried out for the past five years?

Mrs Seebun: Mr Deputy Speaker, Sir, to some extent, the hon. Member is right that the trends are on the increase. But this is so because of two reasons –

- (i) maybe there are more victims of alcoholism, and
- (ii) more people are engaged in extra marital affairs.

These are the two reasons why there are more victims of domestic violence.

(Interruptions)

This is not something to laugh about, it is very serious. The Ministry is also encouraging more and more people to come and inform the Ministry of cases of domestic violence through our hotlines. Up to 2007, we had only one single hotline: 119 and since 2007, we have two: 139. So, more cases are being reported and we are intervening. This is why you see the figures are on the high side.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the Minister just said that 'perhaps there may be' and she has given two reasons. I think domestic violence is such an important issue that we should not say 'perhaps'. Doesn't she think that now an in-depth study is warranted, at least, to have an insight of why the problems are on the increase?

Mrs Seebun: Mr Deputy Speaker, Sir, this is the reason why last year we came up with our National Action Plan to find out the causes as well as to develop solid strategies to combat domestic violence. Out of our 18 programmes, 9 have already been implemented.

Mrs Dookun-Luchoomun: May I ask the hon. Minister whether she does not consider it high time to have a proper evaluation done for all strategies that have been applied till now? I am not saying that there is a problem, that it has to be solved overnight, but there seems to be a problem that, in spite of the many measures that have been taken up till now, the trend is still on

the rise. There must be some problem and there is a need for an in-depth survey. She has mentioned two factors. Can I ask the hon. Minister whether she has carried out a survey which has come up with a result that there is an increase in extra-marital affair which is leading to such problems?

Mrs Seebun: Mr Deputy Speaker, Sir, we are certainly revisiting some of our programmes and making it more aggressive.

Mr Varma: The hon. Minister gave the figures concerning the cases of domestic violence. Could the hon. Minister inform the House how many of these concern married couples and how many of these concern people who are cohabiting?

Mrs Seebun: Unfortunately, I do not have those figures, but we can give it to the hon. Member at a later stage.

Mr Bérenger: Mr Deputy Speaker, Sir, it can be one of two things. Some Members, including the Minister, seem to take it for granted that there is an increase. It can be either an increase in cases or an increase in reported cases, because people are more motivated, are supported and so on. Can I ask the hon. Minister whether she should not give due consideration to what hon. Mrs Hanoomanjee has said? Because it can be that there is an improvement, but more reported cases or it can be that things are deteriorating and Government's actions will depend. Can I also ask the hon. Minister to see to it whether there cannot be an in-depth study to try and allocate responsibility?

Mrs Seebun: Mr Deputy Speaker, Sir, we intend to carry out an in-depth study. I was waiting for our Action Plan to be completed, but this can be done simultaneously. We will probably manage if we certainly feel the need for an in-depth study.

Mrs Hanoomanjee: The Minister has said that there are about 1,428 Protection Orders which have been issued. Does the Minister have information on the number of cases where women have been either battered again or killed in spite of the fact that Protection Orders have been issued?

Mrs Seebun: As from the year 2005 up to now, there has been a breach to an extent of 1,469; concerning death, it is four, in spite of having a Protection Order.

Mr Dowarkawsing: Normally, domestic violence is more prone towards women. Has any case been reported where men have been victims of domestic violence? Can we know the number of cases?

Mrs Seebun: Mr Deputy Speaker, Sir, in 2005, 54 men have been battered; in 2006: 65; in 2007: 227; in 2008: 287 and in 2009: 149. Even this is on the increase.

(Interruptions)

The Deputy Speaker: Order, please!

Mr Soodhun: I think on this issue, it is as if we are having a discussion *à part*. This is not good. The fact the hon. Minister herself agrees that there is a substantial increase, I would like to know - it not only giving the report or just to amend the programme - what concrete measures have been taken to decrease the number, what actions should be taken immediately and whether this is because of poverty?

The Deputy Speaker: Did the Minister get the point?

Mrs Seebun: Mr Deputy Speaker, Sir, even the hon. Member is aware of all the actions undertaken on the whole island to combat domestic violence. We are vigorously carrying out our premarital programme and our marriage enrichment programme and also *zéro tolérance* to discourage people from consuming alcohol which is the root cause of domestic violence. However, I am tabling all the measures to combat domestic violence undertaken currently by my Ministry.

**PROFESSOR BASDEO BISSOONDOYAL COLLEGE, CENTRAL FLACQ -
INDUSTRIAL DISPUTES & ALLEGED MALADMINISTRATION**

(No. B/689) Mr G. Gunness (Third Member for Montagne Blanche & GRSE) asked the Minister of Education, Culture & Human Resources whether, he is aware of the existence of industrial disputes and of allegations of maladministration at the Professor Basdeo Bissoondoyal College, Central Flacq, and, if so, will he state if he will now consider the advisability of setting up a fact-finding committee to look thereinto.

Dr. Bunwaree: Mr Speaker, Sir, I am advised that complaints received regarding the Management of Professor Basdeo Bissoondoyal College have been investigated into by the PSSA and are being dealt with at that level, in line with existing rules and regulations.

I am also informed that the Manager of Professor Basdeo Bissoondoyal College has submitted complaints to the PSSA against eight members of his staff requesting that disciplinary proceedings be instituted against them. Accordingly, Boards of Discipline, as provided under the PSSA Board of Discipline Regulations 1988, have been set up to hear the cases.

Disciplinary proceedings have been completed in the case of one of the eight teachers and he was inflicted two weeks' suspension but the Management has not implemented the sanction determined by the Board of Discipline. However, it has terminated his employment as from 01 July 2009. The PSSA has requested the Management of the college to review its decision and inform the Authority accordingly at latest by 30 June 2009, that is, today.

As regard the other seven officers who have been suspended from duty, PSSA is dealing with the disciplinary proceedings and in the light of the findings and of the outcome, action will be taken as appropriate. This matter has been raised in the course of discussions I had with the UPSEE Union and is being followed up closely.

Mr Guinness: I think there were four different occasions. Since 2007 cases of mismanagement are repeating themselves. Now we see the case where somebody has been suspended for 10 days, but the manager decides to terminate the employment of that gentleman. Is that particular case not sufficient to set up a Fact Finding Committee so as employees, everybody who wants to go and talk can talk freely so that we clear the air?

Dr. Bunwaree: I do not think this justifies the setting up of a Fact Finding Committee, because the Disciplinary Committee has showed already that this member of the staff has done something wrong and has been sanctioned. But, of course, the manager has been asked to give his explanation and to do the needful, because he has not gone according to the legislation.

Mr Bérenger: The hon. Minister is a gentleman and normally fair play. Will he agree with me that enough is enough? This has been going on for years. I think it is not exaggerated to talk of terrorism. The employees are terrorised, prevented from coming forward, victimized

and we've just had the latest example. Will the Minister agree with me, a Fact Finding or any kind of committee or Commission of Inquiry, if it is not held in camera, and chaired by somebody in whom the employees can have confidence, for years this will go on? Will the hon. Minister look seriously into it?

Dr. Bunwaree: Yes, Mr Deputy Speaker, Sir. I think the thing is to take action, because supervisors have been going to the schools. They have agreed that there are certain problems and this is what they have concluded. Now the time has come to take action and we are liaising with the State Law Office to see what is the best course of action to take.

Mr Gunness: Can I know from the Minister whether he is aware, for example, that in the master time-table which the college has to submit to the PSSA, the PSSA Inspectors have seen deficiencies where nearly hundred of fictitious periods were included in the master time-table which were submitted in March this year? Is the Minister aware of that particular fact?

Dr. Bunwaree: I must say very frankly, I am not aware of that. I will look into it. But I met UPSEE two or three days ago and this was not raised in the course of the meeting.

Mr Gunness: Is the Minister again aware that these seven office attendants who have been suspended, are the same employees who were asked to work on Saturdays up to 5 p.m.? I put questions previously to Minister Gokhool and he said that instructions were given to the manager to abide by the PRB regulations. Is he aware that because these employees refused to work up to 5 p.m. they have been suspended?

Dr. Bunwaree: As the hon. Member says they are the same persons, then, the Disciplinary Committees are ongoing.

Mr Varma: Could the hon. Minister inform the House whether there has been any request from the employees for the setting up of a Fact Finding Committee?

Dr. Bunwaree: No, Sir.

Mr Gunness: The Minister is saying no. Can I know from the Minister whether UPSEE in the recent past on several occasions has not requested for the setting up of a proper Fact Finding Committee?

Dr. Bunwaree: Mr Deputy Speaker, Sir, I met UPSEE two or three days ago and this was not mentioned.

Mr Guinness: Can I know from the Minister whether he is aware, and if he can give me, the number of educators who have been refused vacation leave, travel grant, passage benefit, and car loans? Even the PSSA approached the manager to approve these car loans for the teachers who are entitled to, but the manager refused systematically. Is he aware of that?

Dr. Bunwaree: Mr Deputy Speaker, Sir, I have given instructions that, in any case, when the management is not able to justify the problems that are cropping up, then PSSA has to take action and go accordingly.

Mr Guinness: Can we know concretely - not at the level of the PSSA because for the PSSA we know; for the supervisors, we know what happens when they go there - at the Ministry's level, what the Minister is proposing to clear the air so that, at least, these people can work in a decent condition and not as if with a butcher?

Dr. Bunwaree: I won't go along the lines of the word mentioned by the hon. Member. As I have said, there is a problem there. In fact, the supervisors of the PSSA have reported that there is some truth in what is being said. But, of course, there are so many other things that are said for which there is no evidence. We are looking into the matter. The Ministry is trying to see in which way we can solve the problem, because this is a college where the manager has been for a long time and he's got his way of doing things. But, of course, we have to inform him - we have already been informing him - that he has to go according to regulations, and the PSSA is there to look into that. The Ministry is going to see, with the help of the State Law Office, what is the best course of action, as I mentioned.

DOUBLE HULL VESSEL - PURCHASE

(No. B/690) Mr G. Guinness (Third Member for Montagne Blanche & GRSE) asked the Minister of Public Infrastructure, Land Transport & Shipping whether, in regard to the project for the purchase of a double hull vessel, he will state -

- (a) the names of the persons who attended the meeting held between his Ministry and the Chamber of Commerce and Industry in 2007;

- (b) if the conditions in relation thereto were discussed at that meeting, and
- (c) if he will table copy of the -
 - (i) minutes of proceedings of the meeting, and
 - (ii) final report of the feasibility report of the said project.

Mr Bachoo: Mr Deputy Speaker, Sir, the meetings being referred to were chaired by the Deputy Prime Minister who was also then Minister responsible for shipping. The meetings were attended by a few Ministers, namely the Vice-Prime Minister and Minister of Finance & Economic Empowerment, the Vice-Prime Minister and Minister of Tourism, Leisure and External Communications and the then Minister of Industry, Small Scale and Medium Enterprises, Commerce and Cooperatives, representatives of the Mauritius Shipping Corporation Ltd., the Board of Investment, the Mauritius Chamber of Commerce and Industry, the State Trading Corporation and representatives of the Ministry of Finance & Economic Empowerment, and of my own Ministry. The meetings were more a forum set up at the level of the Ministry to brainstorm and exchange views about the way forward regarding the implementation of the recommendations of the Consultant, namely Maritime Logistics and Trade Consulting.

Discussions were not held about the allocation of contract or conditions to be attached thereto. In fact, discussions centered around the modalities for implementation of the Consultant's recommendations.

Insofar as part (c) of the question is concerned, I wish to inform the House that the Consultant carried out a due diligence exercise before coming up with his findings and recommendations. His report constitutes a feasibility report. I am right now arranging for a copy of this report to be placed in the Library of the National Assembly.

Mr Guinness: Last time, the Minister categorically said that, out of six, only one firm expressed interest. Does the Minister maintain that position?

Mr Bachoo: I maintain that six offers were received, and that one was the most genuine. This is what I mentioned.

Mr Bérenger: On 16 June, I asked hon. Minister Gowressoo to table copies of the letters which the Mauritius Chamber of Commerce and Industry sent to its members - it's on record. On the same day, the hon. Minister replied that only six firms showed interest. Will the hon. Minister table copy of the correspondence through which those six firms showed interest? Secondly, he said that when a formal invitation for expressions of interest was sent to them on 04 March 2008, so and so was the only one to submit a responsive proposal. Can we have also a copy of the two documents which were called for expressions of interest?

Mr Bachoo: I am going to submit it, because I do not have it with me right now.

Mr Guinness: Can I know from the Minister whether a well known international company based in Cyprus, namely Star Maritime Ltd, in joint venture with Mauritius Shipping Corporation - I stress well: Mauritius Shipping Corporation - submitted an offer to the Ministry of Public Infrastructure on the due date, that is, 28 March 2008, as per the requirement of the tender document? Can the Minister confirm?

Mr Bachoo: No. In fact, Government, in October 2007, had ruled out entirely the participation of Mauritius Shipping Corporation in the project, because the Mauritius Shipping Corporation could not raise the required level of investment. Secondly, the joint venture which was proposed by the company Star Maritime Ltd, represented in Mauritius by Abdoolah & Sons, wanted to enlist the participation of the Mauritius Shipping Corporation and wanted to get 75% of equity in the venture. But, in fact, the decision of Government was to go for local companies. How can we accept 75% of foreign partnership with Mauritius Shipping Corporation when Government has decided that it has to be excluded from it?

Mr Guinness: When the meeting was held with the Chamber of Commerce and Industry, subsequently the Chamber of Commerce and Industry wrote to its members. Obviously, for somebody to be interested in a particular project, he must know the conditions. So, was the condition of a 15-year contract sent to all the 400 members? On what terms and conditions will they be allowed to buy it?

Mr Bachoo: I am not aware of the contents of the letter.

Mr Dayal: Mr Deputy Speaker, Sir, can the hon. Minister state to the House whether Star Maritime is part of ETA Star Holdings and, if so, whether the same ETA received a contract to the tune of 330,000 tons of cement from the STC? Can he say whether the commitments were honoured and if, in the contrary, whether the performance bond was forfeited?

Mr Bachoo: In fact, they could not honour even the contractual obligations which they had with the State Trading Corporation, as a result of which even the bids were confiscated. For us to trust such a company, I do not know what could be the end result if we are going to entrust them the responsibility of providing us with petroleum products.

Mr Guinness: In the letter which was sent by the CCI, it was said that members who are interested in the equity participation are invited to submit their contact details to the Chamber for onward transmission to the Ministry. Can the Minister state whether, for all the six firms, there was onward transmission through the CCI or was it directly to the Ministry?

Mr Bachoo: I am going to check up this information. Even the hon. Leader of the Opposition has asked me about two documents. I will look into it, because I am not aware of that.

Mr Guinness: Can I know from the Minister whether, actually, there is any enquiry going on in this particular case?

Mr Bachoo: I have read from the press, as all of us; that's all. I do not have anything else to add.

DENTAL COUNCIL – ELECTION & COMPOSITION

(No. B/691) Mr G. Guinness (Third Member for Montagne Blanche & GRSE) asked the Minister of Health & Quality of Life whether, in regard to the Dental Council, he will state the-

- (a) date on which the election of the Council was held, and
- (b) composition thereof, indicating the names of the three persons appointed by him thereat.

Dr. Jeetah: Mr Deputy Speaker, Sir, concerning part (a) of the question, I am informed that the last election of the Dental Council of Mauritius was held on Saturday 28 March 2009 at the seat of the Dental Council of Mauritius at Floreal, under the supervision of the Electoral Supervisory Commission.

Mr Deputy Speaker, Sir, as regards part (b) of the question, and with your permission, I am tabling the composition of the Dental Council for the period May 2009 to April 2012.

Mr Gunness: Mr Deputy Speaker, Sir, the election was held on Saturday 28 March and as per the law it is said the Minister shall within 21 days of the receipt of the results of the election published in the Gazette the composition of the council. Can I know from the hon. Minister whether this was done within the 21 days, if not why and when was it published?

Dr. Jeetah: Mr Deputy Speaker, Sir, a member of the council raised this matter and the council requested advice from the State Law Office. Mr Deputy Speaker, Sir, allow me to read the advice of the State Law Office. I quote –

“The purpose of publishing the results of the election in the Gazette is to inform the public who are the members of the council. This office is of the view that the non publication of the results within the delay prescribed, that is, it was not published within the delay, is not a ground for rendering the election void accordingly. The present composition of the Dental Council is legally in order.”

Therefore, Mr Deputy Speaker, Sir, the point raised by the members of the council have been addressed.

Mr Gunness: My question was not on the advice of the State Law Office. As per the law, it says: “the Minister shall within 21 days publish.” My question was whether it was done in that period of 21 days, if not, why and when was it published in Government Gazette? It is so simple.

Dr. Jeetah: I have replied, Mr Deputy Speaker, Sir. I have to look into the date of application and I will submit it to the House.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, can I ask the hon. Minister whether the council has had a first meeting up to now?

Dr. Jeetah: I understand they are going to have a meeting this week. It is from memory, Mr Deputy Speaker, Sir.

Mr Gunness: Can I know from the hon. Minister whether the election of the Chairman of the Dental Council has not taken place because of the non publication of the list in the Government Gazette?

Dr. Jeetah: Mr Deputy Speaker, Sir, the hon. Member ought to listen. I have given the details of the State Law Office and this is in order. This would take place in the next council meeting.

Mr Gunness: Mr Deputy Speaker, Sir, there are three persons who were nominated by the Minister or the Board. Can we get the names of the three persons?

Dr. Jeetah: I was going to table, Mr Deputy Speaker, Sir. They are Mr Baichoo Biswanuth, Mr Boodhoo Veyush Kumar, *Maitre* Rama Rodnay.

Mr Gunness: Mr Deputy Speaker, Sir, is the hon. Minister aware that the Registrar informs his Ministry that for the past two years the same Mr Boodhoo who was a member for the last council absents himself almost in all meetings? How is it that the hon. Minister who was informed by the Registrar that somebody was not attending the meeting, appoints the same person again to sit on the council?

Dr. Jeetah: Mr Speaker, Sir, I am not aware that Mr Boodhoo did not attend all the meetings. That certainly cannot be true.

Mr Bérenger: The law is the law for everybody including me or the hon. Minister. The law said that the hon. Minister should have published something within a delay. In his reply he sidetracks. The hon. Minister said that the State Law has said that the election is not null and void. Fair enough! But out of due respect to this House, the law is the law. The hon. Minister should tell us what prevented him from abiding by the law.

Dr. Jeetah: I have replied, Mr Deputy Speaker, Sir that because of administrative procedures there was a delay.

MAHEBOURG VILLAGE – HISTORICAL SITES

(No. B/692) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Minister of Education, Culture and Human Resources whether, in regard to the Mahebourg Village, he will state if appropriate measures have been taken for the promotion thereof, in view of its historical importance and, if so, give details thereof.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

In view of the fact that according to provisions of the Local Government Act, the village of Mahebourg falls under the jurisdiction of the Grand Port/Savanne District Council and also as member of the Inter-Ministerial Committee set up under the chairmanship of my colleague, the Minister of Education, Culture and Human Resources to organise the forthcoming celebration of the commemoration of the Bicentenary of the Naval Battle of Grand Port next year.

I am informed that the Culture Division of the Ministry of Education, Culture and Human Resources in collaboration with the National Heritage Fund has already identified some 20 sites and buildings in the village of Mahebourg in view of their historical importance and in the light of the forthcoming celebration to commemorate the Bicentenary of the Naval Battle of Grand Port next year. A list of these historical sites is being laid in the Library of the National Assembly.

I am also informed that the National Heritage Fund is presently undertaking research on the cultural and historical significance of these sites and buildings which will be preserved and upgraded. Furthermore, the issue of a publication and the production of a documentary film on these sites and buildings are envisaged in the context of the commemoration of the Naval Battle.

MAURITIUS TOURISM PROMOTION AUTHORITY – EMBELLISHMENT PROGRAMME

(No. B/693) Mr Y. Varma (First Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to Constituency No. 12, Mahebourg and Plaine Magnien, he will, for the benefit of the House, obtain from the Mauritius Tourism Promotion Authority, information as to if it is carrying out any renovation or embellishment works on any site thereat and, if so, give details thereof.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Speaker, Sir, I am informed that the Tourism Authority has carried out two projects in Constituency No. 12 -

- (i) cleaning of bare lands next to Blue Bay beach and embarkation point of Pointe Jerome, and
- (ii) renovation and painting of one bus stop in front of the CWA office in Mare D'Albert.

Mr Deputy Speaker, Sir, I wish to add that these two projects have been carried out in the context of an embellishment programme that the Tourism Authority is implementing throughout the island with the objective of enhancing the sustainability of our tourist industry through maintaining the attractiveness of our destination as a clean, beautiful and upmarket tourist destination.

Should the hon. Member have in mind any other similar project in his constituency, I shall be pleased to request the Tourism Authority to look into it.

MAURITIUS FOOTBALL ASSOCIATION – DIRECTEUR TECHNIQUE NATIONAL - CONTRACT

(No. B/694) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Football Association, he will, for the benefit of the House, obtain from the Association, information as to when was the *Directeur Technique National* appointed, indicating if his contract has been terminated and, if so, the reasons therefor, indicating the actions taken for his replacement.

Mr Ritoo: Mr Deputy Speaker, Sir, Mr Marc Collat, the *Directeur Technique National* was employed by my Ministry on contract for a period of one year as from 05 February 2009, with a view to, *inter alia* –

- (i) advise and assist in the development and promotion of football in Mauritius;
- (ii) devise a high level football framework policy involving youngsters;
- (iii) carry out detection of young talents to develop elite football, and
- (iv) assist in the training of football coaches.

On 09 June 2009, Mr Collat informed me that he had received an offer from the *Stade de Reims*, a second division football team in France and that he wished to be relieved of his responsibilities as *Directeur Technique National* in Mauritius.

I have accepted his request as per provisions in his contract.

My Ministry, in consultation with the Mauritius Football Association, has approached the ‘*Federation Française de Football*’ and other international sports federations for the identification of another *Directeur Technique National*.

Mr Bhagwan: Mr Deputy Speaker, Sir, there is need for lots of efforts to upgrade the performance of a national team despite the good job which is being done since the appointment by Mr Patel. Can I know from the hon. Minister whether there has been any recommendation made by that gentleman when he assumed office and whether at the time of his departure he has left any report and whether there is any follow-up which is being done in that particular case?

Mr Ritoo: Mr Deputy Speaker, Sir, Mr Patel is a national coach whereas Mr Collat was the *Directeur Technique National*. Depending upon his responsibilities to carry on all the structures in Mauritius regarding the football promotion, it is obvious that we should have a separate *Directeur Technique National* appointed by the Ministry whereas Akbar Patel is a national coach. He is doing his job coach of the national team.

Mr Bhagwan: Mr Deputy Speaker, Sir, I am asking the hon. Minister whether that gentleman has made recommendation during the short period he has worked. Although a request has been made to the *Fédération Française de Football*, I think it is most urgent that we have a timetable for getting a DTN which will be most helpful. Because of the past record, we are very

much concerned about the future results of our national team and we all know what have been the catastrophic results we have had in the past years. I can say roughly instead of gold medal we have obtained ...

The Deputy Speaker: Thank you, hon. Bhagwan, we have understood your question.

Mr Ritoo: Mr Deputy Speaker, Sir, in fact, the *Directeur Technique National* is not responsible of the performance of the national team. He is here only to do a follow-up. He has recommended people to carry on the work, but we have to look for another DTN because the job of a DTN is completely different from that of a national coach.

Mr Bhagwan: I know that the *Directeur Technique National* has other responsibilities, but the Minister will agree with me that we, Mauritians, are very much concerned, as he is, concerning the future performance of our national team. Our concern is that we should leave no stone unturned to have within the least possible delay a DTN, be it from France, from Germany or from whichever country. I think it is the interest of Mauritius, and we trust the Minister on that.

Mr Ritoo: We expect to get another DTN in a month's time.

RODRIGUES/MAURITIUS - DUTY FREE FACILITIES

(No. B/695) Mr J. R. Spéville (Second Member for Rodrigues) asked the Vice-Prime Minister, Minister of Finance & Economic Empowerment whether, he is aware that passengers travelling from Rodrigues to Mauritius benefit from duty free facilities on the purchase of goods at the Plaine Corail Airport, whereas those travelling from Mauritius to Rodrigues are not eligible therefor and, if so, will he state if Government will consider extending the facilities to the passengers, on arrival in Rodrigues.

The Vice-Prime Minister, Minister of Finance & Economic Empowerment (Dr. R. Sithanen): Mr Deputy Speaker Sir, as the House is aware, by virtue of section 116A of the Customs Act, a special customs regime, applies to Rodrigues - different from the one on the island of Mauritius. This section, which makes of Rodrigues a special Development Zone, was

introduced in the year 2000 by way of the Finance Act. Under this special regime, goods imported for sale in Rodrigues - except alcoholic beverages, cigarettes and tobacco products and furniture - are not subject to customs duty. However, excise duty and VAT are chargeable.

It is for that reason that incoming passengers to Rodrigues Development Zone travelling from Mauritius – which is a domestic flight - are allowed to purchase any goods customs duty-free at the arrival shop at Sir Gaëtan Duval Airport – except for alcohol and tobacco products. As for any imports into the Zone, excise duties and VAT is payable.

As regards passengers travelling from Rodrigues to Mauritius, being also a domestic flight, they are not allowed to purchase any goods at the Mauritius Duty Free Paradise company outlet in the arrival hall of SSR International Airport.

However, the request of the Rodrigues Duty-Free Shop company owned by Airport of Rodrigues, a special derogation has been granted in 2003 to such passengers with a view to increasing the range of activities and turnover of the company investing and operating the Rodriguan airport. Such passengers are given the following facilities on purchase of goods at the Duty-Free Shop located at the departing hall at the Sir Gaëtan Duval Airport in Rodrigues -

- (i) A passenger is entitled to purchase free from customs duty but with VAT, goods of a value up to Rs10,000 if he is over 12 years, and up to Rs5,000, if below that age, in accordance to section 116C of the Customs Act.
- (ii) In addition, passengers over the age of 18 can purchase 1 litre of spirit, 2 litres of wine, ale or beer, and tobacco products not exceeding 250 grams without payment of customs duty and excise duty but have to pay VAT thereon.

The House will thus note that this arrangement has been in place for some six years now and apparently has been working satisfactorily. There is currently no plan for changing such arrangements. But, the situation is being monitored and kept under review in light of ongoing and forthcoming reforms in the customs tariffs and customs regime.

IVTB OFFICERS – VOLUNTARY RETIREMENT SCHEME

(No. B/696) Mr J. R. Spéville (Second Member for Rodrigues) asked the Minister of Education, Culture & Human Resources whether, in regard to the officers of the Industrial and Vocational Training Board who joined the Board, on or about 1994, coming from the Industrial Trade and Training Centre, he will state if Government will consider the advisability of introducing a Voluntary Retirement Scheme for those reckoning more than thirty years of service.

Dr. Bunwaree: Mr Deputy Speaker, Sir, all the staff of the two ex-Industrial Trade and Training Centres (ex-ITTCs), namely those of Beau Bassin and Piton, who joined the IVTB in 1993 are full-fledged employees of the Industrial and Vocational Training Board (IVTB).

I wish to inform the House that, with the setting up of the Mauritius Institute of Training and Development (MITD), through the merging of the IVTB and the Technical School Management Trust Fund, all the staff of the IVTB, including those coming from the ex-ITTCs, will be absorbed by the MITD and will be treated equally.

Mr Deputy Speaker, Sir, the MITD Bill does make provision for staff of both organisations to opt for retirement and be paid pension benefits in accordance with the Statutory Bodies Pensions Funds Act and regulations made thereunder. Those who wish to retire, may, therefore, do so.

The question of Voluntary Retirement Scheme, Mr Deputy Speaker Sir, in this particular situation does not, therefore, arise.

COPYRIGHT ACT - AMENDMENTS

(No. B/698) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Education, Culture & Human Resources whether, in regard to the proposed amendments to the Copyright Act, he will state where matters stand.

Dr. Bunwaree: Mr Deputy Speaker Sir, my Ministry is already in consultation with the State Law Office for the drafting of amendments to the Copyright Act on the basis of recommendations received up to now.

However, a study on the Mauritian Cultural Industry has been commissioned by my Ministry and the University of Mauritius with the support of UNESCO since 2006. The report, which is an outcome of extensive consultations with the community of artists, performers and creators, will be submitted to my Ministry, I understand, today. It is most probable that certain recommendations for proposals will have to be considered while amending the Copyright Act.

This may require further amendments to be prepared or amendments to the amendments already submitted to the SLO.

Furthermore, Mr Deputy Speaker, Sir, in order to ensure compliance to international standards of the Intellectual Property Rights, the Board of Investment has agreed to arrange for the urgent services of an expert from Singapore to expedite matters. All the recommendations will be taken into consideration while finalising the draft amendments to the Copyright Act.

In view of the multifaceted dimensions and complications of the issues involved like Information and Communication Technology, Intellectual Property Rights requirements, use of internet and border control measures, just to mention a few, the amendments will require some more time to be finalised.

I can assure the House that the amendments to the Copyright Act are high on Government's agenda, and we are doing our level best to finalise same within the shortest possible timeframe.

Mr Barbier: Mr Deputy Speaker, Sir, this is not the first time we hear such a speech from the Government side. It's a long time now since the artists are waiting for the amendments to be brought to this Act. I am happy that the Minister has mentioned the IT problem, as we know today we have so much music which is being downloaded from the internet. An artist is having nothing for this type of transaction, if I may express so. Now, it is the moment to give us a time frame, and tell us when finally this Act or amendment will be brought to the House for a debate.

Dr. Bunwaree: Mr Deputy Speaker, Sir, as I mentioned, there are amendments which have already been submitted to the State Law Office. But I must inform the House that I have, myself, questioned many of these amendments when I took office. I just mentioned the complications that can arise, and I do not want to have a *travail baclé*. This is a very, very important issue. I want to go as quickly as possible, but I must be given some indulgence. I am going as quickly as possible, and do a very beautiful piece of work.

Mr Bérenger: I think I heard the hon. Minister say that, probably, today or in a few days, he is going to receive a report from the University of Mauritius on cultural affairs in general, having an impact on the proposed amendments to the Copyright Act. Will this be made available to Members and to artists? It is no top secret, and I think it will provoke a debate. Secondly, I heard that we are receiving assistance from Singapore in such matters. Why Singapore, of all places, when we are dealing with cultural matters?

Dr. Bunwaree: It is not only a question of matters, because the most important part of it is the difficulty that has arisen, I must say, with the problems accompanying the IT and Communication Technology. As hon. Barbier mentioned, this is the real crux of the matter. On the other side, we are waiting for the report on the cultural industry from the University of Mauritius. I do not think this is going to hamper on the work that is in progress, but we believe that when the report will come, there could be important issues that are raised in this report that will have to be taken on board. But, the most important part is coming from the IT matters. So, we are looking into all this, and when the report comes from the cultural industry, I personally would wish to have a whole national debate on that, Mr Deputy Speaker, Sir.

PIG BREEDING - IMPORTATION

(No. B/699) Mr J. C. Barbier (Third Member for GRNW and Port Louis West) asked the Minister of Agro Industry, Food Production and Security whether, in regard to pig breeding, he will state the number of pigs imported to help the breeders who lost their due to the Swine fever and give details thereof.

Mr Faugoo: Mr Deputy Speaker, Sir, as the House is aware, following the outbreak of the African Swine Fever in 2007, a Pig Restructuring Committee was set up to re-launch the pig sector in a more organised and professional manner.

Accordingly, for bio-security reason, reproduction and fattening are now two distinct activities to be carried out on separate farms.

The Mauritius Pig Marketing Cooperative Federation which is actively involved at the level of the Pig Restructuring Committee was entrusted the responsibility for importing animals from South Africa for the re-launching of pig breeding activities. Accordingly, 3000 weaners for fattening and 400 gilts and 20 boars for reproduction purpose were imported in January, 2009 under the supervision of a Veterinary Officer of my Ministry.

The National Empowerment Foundation has facilitated this transaction by providing necessary funding. The Foundation also helped breeders to obtain loan from the DBM for the purchase of the animals.

Twelve breeders have purchased twenty gilts and one boar each for production of piglets. Breeders at St. Martin and Bassin Requin are exclusively engaged in fattening and each of them has, an average, purchased 50 weaners.

As the House is aware, a large number of pigs had to be stamped out during the prevalence of the disease. Consequently, the pig population was reduced from 18,000 to 2,000 heads.

Government has assisted breeders during this difficult period by granting them an income support, pending the re-launch of their activities. The sum disbursed to that effect amounts to some Rs37 m. Moreover, the pig breeders have been given training by AREU and the Division of Veterinary Services on management of farms and bio-security aspects. Furthermore, they are currently undergoing training, in batches on processing and value addition at the *École Hôtelière*.

Mr Deputy Speaker, Sir, following the measures taken by Government the pig population has now increased to 14,700. It is expected that it will reach 18,000 heads by end of

December this year, that is, the same number which was obtained prior to the outbreak of the disease.

Mr Barbier: Mr Deputy Speaker, Sir, piglets imported from South Africa are not given free to breeders and as the Minister mentioned they have to contract loans to purchase these piglets. And I am informed that the price is so high that some breeders are not in a position to afford these piglets. May I know from the hon. Minister the price of these piglets which have been imported from South Africa? And how many pig breeders have been able to take advantage of this facility so far, and whether he will reconsider the price in order to make it more affordable to other breeders in this section?

Mr Faugoo: To start with, Mr Deputy Speaker, Sir, I must say that all these transactions were done by the Cooperative Society which I had just mentioned. But, I have the information which I can pass on to the hon. Member. The cost of the 3,000 weaners was Rs5,225,304; the cost of the 400 gilts was Rs3,470,440 and the cost of the 20 boars was Rs89,528. In fact, there was a subsidy which was given to the pig breeders which amounts to Rs13,740,267 and these piglets were sold for Rs2,000 per unit, one weaner was sold for Rs2,000 whereas the gilts were sold for Rs12,000 each, Mr Deputy Speaker, Sir.

On the question of why they had to resort to import from South Africa, there was a lack of weaners and in order to re-launch this sector it was decided to import weaners from South Africa.

Mr Barbier: May I ask the hon. Minister whether he is agreeable to lower the price so that breeders will be able to purchase these piglets? This is my concern.

Mr Faugoo: As I said, Mr Deputy Speaker, Sir, there was subsidy given to the tune of Rs13 m. It was heavily subsidised and they had to pay only Rs2,000 per piglet.

Mr Spéville: Can I ask the hon. Minister why such an amount of money had to be spent in South Africa for the importation of piglets? And why no consideration has been given to Rodrigues for this purchase? The hon. Minister just gave the cost at which these were bought from South Africa? Why had Government, under the Empowerment Programme, not given

priority to breeders from Rodrigues now that we have a surplus there? Why has this not been done?

Mr Faugoo: I am not so sure that no priority has been given or that no consideration has been given to Rodrigues, Mr Deputy Speaker, Sir. I am sure that they must have considered Rodrigues as well, but the number was limited and so they had to import. The population of pigs was reduced from 18,000 to 2,000 and they had to re-launch in a manner so that they can sustain the industry, Mr Deputy Speaker, Sir. I am sure that they must have considered those which were available in Rodrigues. I am sure that, maybe, the numbers were not sufficient.

Mr Spéville: Mr Deputy Speaker, Sir, if the hon. Minister is saying that he is sure that they must have given consideration to Rodrigues, can he tell the House how many pigs have been imported from Rodrigues during that period of reshufflement for the breeders in Mauritius?

Mr Faugoo: I do not have the figures with me, Mr Deputy Speaker, Sir. As I said, this exercise was undertaken by the Pig Restructuring Committee which does not fall under my Ministry.

The Deputy Speaker: If the hon. Minister could look into the matter and inform the House.

Mr Faugoo: I will definitely look into the matter, Mr Deputy Speaker, Sir.

Mrs Labelle: May I know from the hon. Minister whether presently there is a ban on the importation of piglets from Rodrigues?

Mr Faugoo: There is no ban whatsoever, Mr Deputy Speaker, Sir. There is ban from other countries, because of the Swine Flu, but for consumption purposes there is no ban from Rodrigues.

Mr Bérenger: It is the second time we hear things like that. Before it was the MSPCA and now it is the Pig Reorganisation Committee. He says: 'it is none of my business.' The words he used earlier on.

The Deputy Speaker: May I? Hon. Leader of the Opposition, the hon. Minister said he will look into the matter.

Mr Bérenger: Yes, but I want to know. This Pig Reorganisation Committee falls under which Ministry? It has to fall under one Ministry. I believe that it is his. Is it the case, and if not, which Ministry?

Mr Faugoo: It falls under the Ministry of Finance and Economic Empowerment, Mr Deputy Speaker, Sir.

The Deputy Speaker: A last question, hon. Léopold!

Mr Léopold: The hon. Minister says that there is no ban of importation from Rodrigues. So, can I know from why is it that during the last three shipments from Rodrigues no pigs have been imported to Mauritius?

Mr Faugoo: Mr Deputy Speaker, Sir, I cannot say. All I can say, I can confirm to the House that there is no ban of importation from Rodrigues.

DUMPING GROUNDS & TRANSFER STATIONS - OPERATION

(No. B/700) Mr J. C. Barbier (Third Member for GRNW and Port Louis West) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the dumping grounds and the transfer stations, he will state -

- (a) the volume and quantity of waste transferred thereto over the past four years, indicating the number of trips involved;
- (b) the amount of money spent, on a yearly basis, for the operation thereof, and
- (c) if access thereto is now public.

Dr. David: Mr Deputy Speaker, Sir, I wish to inform the House that the present system for solid waste management consist of a unique sanitary landfill for the island at Mare Chicose and a network of five transfer stations, namely Poudre d'Or, Roche Bois, St. Martin, La Brasserie and La Laura. About 1,200 tonnes of wastes are collected daily and disposed at the Mare Chicose Landfill after transiting through the Transfer Stations, except for the southern part of the island where wastes are collected and conveyed directly to the landfill. All dumping

grounds have been closed as they represented environmental and public health risks. They have been closed as follows -

- La Martinière : December 1997
- Montagne St Pierre : February 1999
- Solférino : June 1999
- Poudre d'Or : April 2000
- Rich Fund : January 2002

As regards parts (a) and (b) of the question –

- (a) The quantity of waste transferred from transfer stations to the Mare Chicose landfill over the past four years is 1,281,288 tonnes and the number of trips involved is 95,985.
- (b) Following open tenders, the amounts of money spent on a yearly basis for the operation of the five transfer stations, including transportation of wastes to Mare Chicose landfill are -
 - Year 2005: Rs19,145,558.
 - Year 2006: Rs 90,911,285.
 - Year 2007: Rs 103,725,701.
 - Year 2008: Rs 124,627,967.

As regards access to the sites, all transfer stations have controlled access, except in the case of Roche Bois transfer station where it is not fenced. The House may wish to note that as part of the upgrading works to be undertaken at the Roche Bois transfer station as from October 2009, a boundary wall will be erected and this will prevent unauthorised access to the site.

Mr Barbier: Mr Deputy Speaker, Sir, being given that we have, some days back, seen in the press that people are digging in waste and rubbish at Roche Bois site, will the Minister consider taking some urgent action so that we may forbid this kind of action because these

people are at risk? We know that this is a health hazard. So, will the Minister take an urgent decision to manage the site so that the public does not have access on these dumping grounds?

Dr. David: Mr Deputy Speaker, Sir, if the hon. Member had listened carefully, I said, firstly, that almost all dumping grounds have been closed since I was there in 1997. Secondly, I said that for Roche Bois we are going to fence it in October 2009. As regards people going at the dumping site, unfortunately, this does not date from yesterday. The hon. Member knows what *robisse* means for people of Roche Bois. It does not date from yesterday or the year before. But we are attending to the problem and, as I said, in October 2009, it will be fenced.

Mr Barbier: At a point in time, this dumping ground was under control and I maintain that. If the hon. Minister has the political will, he will be able to control the situation.

Dr. David: We have the political will and, as I said, in October 2009, it will be fenced. This has never been done before and this is what I am doing.

Mr Bhagwan: Talking about transfer stations, last time, I raised the issue concerning St Martin Transfer Station. We know that there is a project coming for the transfer of La Chaumière Transfer Station. I raised the issue pending the transfer of this station. The problem of St Martin Transfer Station is that it has been visually converted into an open dumping ground. I even said that the operator was not responsible because of the volume of waste. The point that I want to make is that pending the transfer, since I raised the issue last time and since things are getting worse, is there any possibility of study which can be carried out so that, at least, the quantity of waste which is transferred to St Martin Transfer Station could be reduced? Can there be a study, a sort of technical thing or possibility as we do for cyclones, at least, to have a sort of temporary site elsewhere so that the operation of the transfer station be done in such a way that it is not a *cauchemar* as it is for the people of Mont Roches and Roche Brunès regions?

Dr. David: In fact, Mr Deputy Speaker, Sir, the hon. Member raised the point last time, the day it appeared in “Le Mauricien”. I was given to understand that there was....

(Interruptions)

The Deputy Speaker: Order! Hon. Minister, could you please address the Chair? Hon. Bhagwan, can I please have your cooperation? Thank you!

Dr. David: I was given to understand, Mr Deputy Speaker, Sir, that there was a national clean-up campaign and this is why a lot of waste was sent there, but the situation is now under control.

RODRIGUES – MAURITIAN EDUCATORS - REPRESENTATIONS

(No. B/701) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Education, Culture and Human Resources whether in regard to the fringe benefits earned by the Mauritian educators working in Rodrigues, he will state if he has received representations from the Union of Private Secondary Education Employees in relation thereto.

Dr. Bunwaree: Mr Deputy Speaker, Sir, I have received representations not only from UPSEE in Mauritius but also from the Secondary School Teachers' Association of Rodrigues regarding REDCO's decision to rationalise the conditions of employment of Mauritian educators working in Rodrigues.

I had discussions with representatives of UPSEE on Friday last, 26 June 2009 on this issue and I intend to take up the matter with different parties in Rodrigues in the course of my official visit there which starts as from tomorrow.

The ultimate objective is to find a solution to the satisfaction of all parties concerned.

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, may I ask the hon. Minister where matters stand with regard to the reverting back of the REDCO to the Ministry of Education as proposed by the former Minister of Education?

Dr. Bunwaree: Mr Deputy Speaker, Sir, I think there is a question of interpretation of what has been decided by the Executive Council of the Rodrigues Regional Assembly. In fact, the latest is that the matter has been referred to the Commission of Education but, as I said, I am going there tomorrow and I am sure that we will be able to find a solution.

Mrs Dookun-Luchoomun: May I ask the hon. Minister what exactly is the issue, what is *la pomme de discorde* entre le RRA and the teachers?

Dr. Bunwaree: The crux of the matter is that the decision that has been taken seems to affect those educators who have moved to permanent establishment and who have elected domicile in Rodrigues. This is where the problem of interpretation lies. Now, this has to be sorted out because it seems that the Assembly has taken decision for those who have elected domicile in Rodrigues and we are going to look into this matter. We have to define it first and then see who are those people who are going to qualify or not.

Mrs Dookun-Luchoomun: May I take it from the Minister then that Mauritian educators working in Rodrigues who are on a permanent basis and who have not elected domicile in Rodrigues will continue to benefit from the same fringe benefits that they were earning earlier?

Dr. Bunwaree: On certain conditions, because there are many conditions attached. For them it is another category because they can continue on certain conditions, but we are going to thrash out the whole matter tomorrow.

NTC – BUS SERVICE ROUTES - SUPPRESSION

(No. B/702) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Public Infrastructure, Land Transport and Shipping whether in regard to the bus service routes serviced by the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the number thereof that will be suppressed, indicating the measures that will be taken to ensure a service to the bus users affected by this suppression.

Mr Bachoo: Mr Deputy Speaker, Sir, the House would recall that in my reply to PQ B/498 on 26 May 2009, I stated that following the serious financial difficulties being encountered by the National Transport Corporation (NTC), it has been necessary to come up with a Recovery Plan which aims at cost cutting and also at generating extra revenue.

As part of the strategy and measures to rescue the NTC, the latter is proposing to relinquish Road Service Licences on eight routes which involve the operation of some 32 buses. I am informed that these are among the non profitable routes affecting the financial sustainability of the Corporation.

The NTC has, therefore, notified the National Transport Authority (NTA) of its proposal. However, although at loss, it is still continuing to offer its services on those routes until a

decision is taken by the NTA. The more so that the NTA will have to ensure that alternative arrangements are made so that bus services are not disrupted at any point in time.

**CWA - ILLEGAL WATER CONNECTIONS/LOSS OF EQUIPMENT –
INQUIRIES**

(No. B/703) Mr A. Ganoo (First Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether in regard to the inquiries recently carried out in relation to illegal water connections and loss of equipment belonging to the Central Water Authority, he will –

- (a) for the benefit of the House, obtain from the Authority, information as to where matters stand, and
- (b) state the remedial measures Government proposes to take to redress the situation prevailing at the Central Water Authority, in relation thereto.

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Deputy Speaker, Sir, with your permission, I shall answer to this question.

I am informed by the Central Water Authority that with regard to illegal connections, the Anti Fraud Unit of the Central Water Authority has tracked down during the financial year 2008/2009 more than 300 cases of illegal connections around the country. The exercise for identifying illegal connection is still going on. With a view to discouraging illegal connections, the CWA has reinforced its Anti Fraud Squad by increasing its manpower. Regular fraud detection exercise is being carried out.

Mr Ganoo: Can I ask the hon. Minister in the case of the illegal connections, has there been any evidence that employees of the CWA or cadres have been involved in this illicit transaction?

Dr. Kasenally: It is difficult to prove, but I have got good reasons to believe that there are some people interfering from inside. But I am hoping that in due course the anti-fraud squad

has to change its tactic. They cannot operate only between 9 a.m. and 4 p.m. Some of them have been given instructions to operate outside, what I would call, normal working hours.

Mr Ganoo: But how specific inquiries are being conducted in the cases of the illegal water connection and the loss of equipment?

Dr. Kasenally: We just have to identify the areas where we have a high index of suspicion. Of course, we will not be able to catch everybody, but I think the effort must be made and people knowing that we are having, what we call, the fraud squad going on at random, this will act more as a deterrent.

Mr Ganoo: In the case of loss of equipment, can the hon. Minister inform the House what is the value of the equipment?

Dr. Kasenally: I do not have the exact figures, but I think in the last PQ it was mentioned by the Deputy Prime Minister. But even for the loss of equipment, in fact, we had a CCTV installed and strange enough we even saw the face of the guy who was manipulating the CCTV. This was shown even to the Police, but unfortunately the Police took so much time that eventually the Deputy Prime Minister requested the CWA to get a forensic investigator and they were caught and this resulted in their action.

AIR MAURITIUS LTD – FINANCIAL SITUATION

(No. B/704) Mr A. Ganoo (First Member for Savanne and Black River) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, in regard to the Air Mauritius Ltd., he will, for the benefit of the House, obtain from the Company, information as to –

- (a) its financial situation since 31 March 2009 to date, indicating the losses, the “Borrowing and Financial Derivatives”, operating expenses and operating losses for the past year;
- (b) the losses incurred as a result of the hedging transactions for the year 2008-2009;
- (c) the projected hedging losses up to 2010, and
- (d) where matters stand in regard to the proposed sale of its non-core assets.

The Vice-Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Mr Deputy Speaker, Sir, the House will recall that as a listed company quoted on the Mauritius Stock Exchange, Air Mauritius is subject to listing rules as well as to the provisions of the Company Act and the Securities Act.

Listing rules 11.3, in particular, requires that all the sensitive information liable to affect the share price should be given in priority to the Stock Exchange. This is further supported by Section 7 of the Securities Act.

Within this context, Mr Deputy Speaker, Sir, I am not in a position to disclose the detailed information sought in part (a) of the question. However, the first quarter results covering period April to June 2009 will be published by Air Mauritius on or before 15 August 2009 in line with the provisions of the Securities Act.

Mr Deputy Speaker, Sir, it would be pertinent for me to emphasise that the profitability of Air Mauritius is dependent primarily on three factors –

- (i) its operation performance;
- (ii) the Euro Dollar exchange rate as a significant proportion of revenue is generated in Euro whereas most of the companies expenses are incurred in US dollar, and
- (iii) the price of fuel.

These three factors are apparent in the financial reserves of the company for the year ended 31 March 2009, published recently and which revealed –

- (i) a positive operation of performance despite adverse economic environment of €16.2 m.
- (ii) favourable Euro Dollar exchange rate of 1.42, and a loss of €49.9 m. in fuel hedging as a result of the extreme volatility in fuel price during the last months of 2008 and early 2009.

This is in addition to a payment of €15.8 m. to hedge counterparties following the unwinding of 40% of the company hedge portfolio.

Mr Deputy Speaker, Sir, for the new financial year starting 01 April 2009 and as publicly stated by the company, a careful matching of cost with revenue, a favourable rate of exchange between the Euro and the Dollar, of 1.41 today, and the price of fuel trading around US\$72.5 per barrel compare to a low of US\$37 in December 2008 is impacting favourably on both the operation results and the overall debt profile. It would be relevant at the stage to point out that out of a total guarantee of €127.7 m. provided by Government, only 44% , i.e. €56 m., of those facilities are currently being utilised by Air Mauritius.

Mr Deputy Speaker, Sir, with regard to part (c) of the question, I am informed by Air Mauritius that the current price of fuel and the Euro Dollar exchange rate, the projected hedging loss for the financial year ending 31 March 2010 will amount to €40 m.

As regards to part (d) of the question, I am informed that in view of the economic crisis which may impact negatively on asset values, the sale of non-core assets has been postponed. Once, the market recovers and if the situation so warrants, a final decision will taken thereon.

Mr Deputy Speaker, Sir, I would nevertheless like to add that the situation remains volatile and the environment very challenging.

The Deputy Speaker: Thank you, the Table has been advised that PQ B/711 has been withdrawn. Time is over!

MOTION

SUSPENSION OF S.O 10 (2)

The Vice Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval): Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen) rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER**BANK OF MAURITIUS – ANNUAL REPORT – TENDER**

The Vice-Prime Minister, Minister of Finance and Economic Empowerment (Dr. R. Sithanen): Mr. Deputy Speaker, Sir, I wish to refer to my reply to PNQ of Tuesday 23 June 2009 and to the request made by the hon. Leader of the Opposition for the names of the three companies that were awarded the tender for printing the annual report of the Bank of Mauritius.

I am informed that -

- (i) in the first tender exercise, for the printing of the annual report the recommendation was to award the tender to Precigraph Ltd.
- (ii) in the second tender exercise, the recommendation was to award the tender to Daiichi Process (Mauritius) Ltd.
- (iii) in the third tender exercise, the recommendation was to award the tender to Daiichi Process (Mauritius) Ltd for the price of Rs 375.19 per copy for 160 pages. The total costs thus amount to Rs 300,150 for 800 copies.

I understand that Daiichi Process (Mauritius) Ltd has subcontracted the printing to Mac Print Pte Ltd of Singapore.

PUBLIC BILLS*First Reading*

On motion made and seconded the Additional Remuneration Bill (No. XV of 2009) was read a first time.

At 4.19 p.m the sitting was suspended.

On resuming at 4.57 p.m. with Mr Speaker in the Chair

PUBLIC BILL*Second Reading***THE DNA IDENTIFICATION BILL****(No. XII of 2009)***Order for Second Reading read.*

The Prime Minister: Mr Speaker, Sir, I beg to move that the DNA Identification Bill (No. XII of 2009) be read a second time.

Mr Speaker, Sir, it is beyond dispute that the development of DNA profiling is one of the most important and powerful tools available in the fight against crime and terrorism.

It is the only biological technique which permits the positive identification of an individual. This new technology therefore also serves to exonerate innocent persons.

I did say in the House, Mr Speaker, Sir, in response to various Parliamentary Questions that were asked to me that Government will be introducing a DNA identification Bill in the National Assembly as soon as it is ready. I see the hon. lady who has asked the question, I think, a few times.

And I can tell the House, we took the time that we took because while being an essential tool in our fight against crime, it does raise many fundamental questions concerning, for example, the balance we have to make, concerning the right to privacy and the respect for private and family life.

In fact, we had to strike a fair balance between competing interests - on the one hand the public interest - that is, the prevention of crime and also the protection of the rights of the public to be free from crime - and, on the other hand, we had to look at the protection of the privacy of the individual.

Different countries have adopted different approaches to this important issue.

As I said, a lot of detailed work was done and research has gone into this and I wish here to thank all those who worked on this Bill - including the staff from the State Law Office,

Staffordshire University and the Forensic Science Service from the United Kingdom, amongst others. I say this, Mr Speaker, Sir, because many comments have been made on many of these issues that I will mention - issues that we have also addressed - that is why it has taken so long for us to bring the Bill to the House.

We have asked the same questions, we have debated them, we have queried certain aspects, we have looked at how others have answered those very questions and, as I said, after a lot of detailed work we have come up with this Bill. Now the introduction of this DNA Identification Bill must be viewed as part of the array of measures that are being taken by my Government to reinforce law and order in the country.

Mr Speaker, Sir, we are fully committed to take all the necessary steps to consolidate law and order in the country with a view to clamping down on violence, on crimes, on thefts, on other misdemeanours because nothing affects people's quality of life more than crime. We are continuing to focus our efforts to bring down the level of crimes and thefts in Mauritius. In fact, we have noted with satisfaction that the overall crime rate has decreased from 5.4 percent in 2007 to 5.2 percent in 2008. It is a small decrease, but for the first time we have recorded a decrease in the crime rate. In fact, for the first four months of 2009, we have seen a decrease of 11.8 percent in the rate of crime and 7.6 percent in the rate of misdemeanours compared to the same period for 2008, and we hope this decreasing trend will continue.

Mr Speaker, Sir, we are undertaking a complete re-organisation of the Police Force to reinforce its institutional and operational effectiveness in dealing with crime. The legislative framework is also continuously being reviewed to combat criminality in general. Not so recently, the Firearms Act 2006 was passed, the Dangerous Drugs (Amendment) Act of 2008, the Judicial Provisions Act 2008 and the Prevention of Terrorism Act of 2008 were enacted, the one concerning internal obligations. Mr Speaker, Sir, it is clear we are sparing no effort to enhance the capability and professionalism of the Police Force and to provide the necessary tools and resources to enable them to operate in a most effective and efficient manner. In fact, Mr Speaker, Sir, we are continuing the reforms of the Police Force which started during my first mandate. We need to take tough decisions about Police reform if we are going to be genuinely tough on crime and the causes of crime as well. During my first term in office, I started modernising the Police

Force. Amongst other things, we set up the Emergency Response Service, a properly equipped and staffed Scene of Crime Service, a modern Automatic Fingerprint Recognition computer, an independent Forensic Science Laboratory and we have passed the National Human Rights Commission Act. We also started a full training programme for new recruits, a Bsc Police studies for Police officers and a staff development programme for other Police officers to continuously upgrade their skills. As part of the ongoing reform and in order to meet the emerging internal security challenges and to deal effectively with crime, we have recently taken a series of additional measures. These include –

- the structure of the CCID and its mode of operation which has been reviewed to ensure effective crime investigation and detection.
- two new units have been created under the CCID, namely the Cybercrime Unit which did not exist before and the Robbery Squad to combat cybercrimes and larcenies, respectively.
- the activities of the SOCO (Scene of Crime Office) have now been decentralised with the setting up of a sub-unit at Triolet to cover the northern part of the island and the one based at Rose Hill is still there. These arrangements provide for a better response to the scenes of crime. Formerly, as hon. Members might know, the SOCO was based at Rose Hill and it covered the whole island.
- Field Intelligence Officers have been posted to various CIDs with a view of gathering and disseminating information on crime in their respective region as part of the intelligence-led policing strategy.
- Modern techniques are now being used by the Police. The French Government, at my request, provided us with a kit amongst lots of other things. I am just mentioning one, the kit for the portrait robot for identification of suspects. They have also trained the Police for using it and as hon. Members probably know the Police have already helped us in arresting suspects who have now been charged. SOCO has been provided with a Superglue Fuming Apparatus for searching of fingerprint on certain objects and the Labino Ultra Violent Lamp for searching of body fluids. Basic Scene of Crime Kits have

been issued to all Police Stations so that Police officers can respond promptly to scenes of crime and help to provide better protection to the locus of the surroundings so that it does not get contaminated.

- CCTV System has been introduced at Flic en Flac in April of this year and it is being extended as we know to Grand Baie and Port Louis and as I have said to this House, this already has known a tremendous success.

- A new Digital Radio Police Communication System with more than 3000 terminals is also being implemented and will be connected to all units and branches of the Police stations. This will enhance communication and coordination of policing activities and special operations in the country.

- Since 2005, over 140 officers have followed training courses abroad in investigative methods with a view to upgrading their skills again. This is with friendly countries like India, France, the U.K and the USA as well. Various specialised training courses, namely in the fight against money laundering, ballistic, graphology and cybercrime have also been conducted locally by French Police officers.

Mr Speaker, Sir, we are seeing results. Not only has the crime rate, for the first time gone down, but the Mauritian public must have noted how suspects are being arrested in a very short period of time after certain major crimes. This was never the case before. We've heard of so many cases where there has been a crime, murder even - nobody is arrested for such a long time. This is not the case anymore, Mr Speaker, Sir, and this has not happened just by pure chance, it has happened because of the work that we are doing and here I need to thank the Commissioner of Police and his team for their dedicated work. In fact, I think he is doing so much good work that you see articles in the press against him. Usually it is the way it is; he is going nowhere, Mr Speaker, Sir.

Technology change has greatly increased the opportunities for successful policing and crime detection. Increasing use of forensic science is being resorted to in the investigation and detection of crime in many countries and the House may be aware of the initial DNA – what was called DNA fingerprinting technology of the time was introduced in 1984 in the United Kingdom

which was developed by Sir Alec Jefferys of Leicester University. Since then, DNA analysis has caught the imagination of the public. We have heard of so many cases – where the guilty have been caught after so many years in roaming freely, other cases where people had been jailed and spent so many years in jail and found to be innocent afterwards they have been exonerated – all thanks to DNA profiling. There is no doubt about the use that DNA profiling will help us combat crime and terrorism in this country. This technique is based on the fact that DNA – Deoxyribonucleic Acid which is a complex chemical compound found virtually in every cell in the body. It is the agent of transmission of all genetic materials in the cell. Now the genetic information is carried on genes which are found on segments of DNA molecule. I am saying this Mr Speaker, Sir, not to give a lecture as if to the hon. Members, but it is important because sometimes people do not understand it. It is on segments of the DNA molecule. It is in fact, the permutations and combinations of this handful of chemicals that the unique nature of an individual resides. The only exception is for identical twins which have identical nuclear DNA. This is the only exception that we have. Otherwise each individual is different although as humans, as I have said so many times, we share 99.9 percent of our DNA. It is the same DNA. The difference lies only in the 0.1 percent. This is where the variation happens, Mr Speaker, Sir.

Comparison of human DNA molecules does not, therefore, require analysis of the whole DNA molecule. As I said, 99.9 percent is the same, common to all humans. It is on the 0.1 percent variation that we have to focus, and that is sufficiently unique to individuals except, as I said, for identical twins.

The current utility of DNA analysis to the criminal justice system, therefore, arises from comparison of DNA from the crime scene compared to the DNA from a suspect or from a database to determine the relationship between them. It is estimated, Mr Speaker, Sir, that the chances of two individuals having an identical DNA match is one in 33 billion, which means roughly about five times the world population that we have at the moment.

Since the technique has been developed and refined, it is now recognised worldwide that crimes are more successfully solved when DNA is recovered from a crime scene, and the DNA profiles are successfully loaded onto a national database. UK Home Office Statistics indicate that in cases where DNA was recovered, the crime detection rate rose from 26 percent to 40 percent

in 2004/2005. It might be higher now, but I am quoting figures of 2004/2005. Therefore, Mr Speaker, Sir, there is a general consensus that criminal investigation should be more and more evidence-led rather than confession-led. Now and then, there have been complaints that the Police use force to extract confessions from suspects. In fact, it has become the routine now for every suspect to make a confession and then later on, I suppose - I am just saying this - on advice of certain people they are trained and say: no, we have been forced, we have tortured, we have been beaten up to give these confessions. The use of DNA technology and improved investigative methods is the answer to this, Mr Speaker, Sir. It has to be evidence-led better than confession-led. I am not saying that confession won't be used, but it is a better way. That's why we are coming forward with this DNA Identification Bill, which will provide the appropriate legal framework for undertaking DNA tests and to use it as evidence in the Courts.

The techniques of DNA analysis is acknowledged for more than 15 years as offering undoubted and unique advantages to the criminal justice system, ever since, rapid and marked progress has been achieved in using DNA in the determination of innocence or guilt.

Mr Speaker, Sir, coming to the Bill itself, let me comment on the Explanatory Memorandum to clarify one or two issues. The Explanatory Memorandum says at paragraph 1, and I quote, Mr Speaker, Sir -

“The main object of this Bill is to empower the Police, in certain specific circumstances in connection with serious offences, that is, offences punishable by a term of imprisonment or penal servitude but not including contraventions or offences which are punishable by fines only, to take and make use of the DNA samples for the purpose of determining the connection with or involvement of a person with an offence.”

Let me here, Mr Speaker, Sir, elaborate on this, as the issue of exonerating innocent people has been raised by some, including the hon. Leader of the Opposition. The impression is that the Bill is for the purpose of identifying only the guilty and does not address the issue of proving innocence.

It is our view, Mr Speaker, Sir, - and I have looked at it again after comments made - that the words “for the purpose of determining the connection with and involvement of a person in an

offence” means exactly what it says: to determine whether the person is connected, is involved or not with the said offence. Therefore, it includes eliminating the innocent by deduction. That is the whole purpose of the determination; whether there is a connection or not, you can screen out somebody who is innocent.

Furthermore, Mr Speaker, Sir, section 6 further stresses the point in a case of a person who actually refuses to comply with a request for a DNA sample. Then, as you see in section 6, the Police may apply to a Judge in Chambers for such an order, and section 6(2)(b) makes it clear, Mr Speaker, Sir –

"(b) the DNA sample will tend to confirm or disprove the person’s involvement in that offence."

Furthermore, Mr Speaker, Sir, we have also mentioned it here, but it goes without saying that the determination is also to disprove a person’s involvement or participation in a crime, to respond to that comment that was made, some genuine concerns that might be raised.

I should also say another thing here on the Explanatory Memorandum, because some have commented in the press, especially on the definition of serious offence. Some have said that it is too wide, and will cover practically every single offence on our Statute Book except for contravention. We have chosen to go by the definition of serious offence, as it is in our Criminal Code, Mr Speaker, Sir. Criminal code offences, as we know - at least, lawyers will know - include contraventions, misdemeanours and crimes. Here, for a start, contravention does not fall into that net. I must say we discussed lengthily. I know the State Law Office, the officers who were working on this and the Solicitor-General looked at it for a long period of time, whether we should actually publish a list of the serious offences or not. In the U.K, I must say, Mr Speaker, Sir, any recordable offence can be fingerprinted and DNA profiled. You can have your DNA taken for any offence. We have not chosen this path here. On reflection, we saw that if we were going to start to list the serious offences, the problem will be that, first of all, you might miss a new offence that comes into play. As we know, offences change and, therefore, we decided not to have a list, so that we do not tie our hands so to speak and allow for the flexibility at this initial stage. But, just to give a guarantee to the House, if we find that there is a need at a later stage - because there might be some exaggeration or whatever - there is nothing which prevents

us from publishing a list of the serious offences. And, Mr Speaker, Sir, we have to balance also the need to have an effective database system which is, in fact, a crucial part of the intelligence oriented crimes methodology as compared to the traditional Police investigation methods and which have, as I said, attracted lots of criticisms of Police brutality in the past and, at the same time, the need to protect privacy of the individual.

The issue, Mr Speaker, Sir, should also be considered together with all the other safeguards in the Bill, like the limited purpose for which the information can be disclosed, the request which has to be made by a Police Officer of a minimum rank of Superintendent in case of a suspect, the Commissioner of Police in case of a convicted person, and the supervisory jurisdiction of the court, which is still there - clause 11. There is, in fact, Mr Speaker, Sir, no international standards. We have looked at many countries; New Zealand, Australia, UK, France, and many other countries. Some countries like the UK have a very low threshold, that is, recordable offence, as I mentioned, which includes, I must say, minor offences. Others have specified offences. For example, in Norway, they have used specified offences. We have opted for offences that are punishable with imprisonment or penal servitude, but do not include offences punishable by a fine only. In addition, we have reserved the right to have recourse, as I said, if need be, to a prescribed offence which is punishable by imprisonment or penal servitude. It is in clause 2 of the definition.

I do not go into the point raised about research, Mr Speaker, Sir. Some people have mixed it up, having talked about stem cell research and all this. It does not cover this. This will come with a completely separate Bill.

Mr Speaker, Sir, Section 3 (c) provides for a database for unidentified or missing person. At Section 3 (a), Mr Speaker, Sir, we have provided for the establishment of a DNA Data Records which shall contain the DNA profiles which will assist in the investigation of criminal offences, where DNA samples have been secured from the scene of crime or taken from a suspect in accordance with the provision of this Bill. 3 (b) provides for the establishment of a DNA Population Statistical Database for the purposes of statistical interpretation of the results of forensic analysis - I will come back to this in a minute, Mr Speaker, Sir - and I say we will provide for a database for unidentified or missing person. We have provided for the taking,

storage, preservation and destruction of DNA samples. We have also ensured that DNA data is securely stored and remains strictly confidential. Section 6 enables cooperation with foreign law enforcement agencies – this is most important, Mr Speaker, Sir. This is being done across Europe and other countries, United States included, not only to fight international crime, but to fight a new challenge of terrorism as well. And also, we have at Section 7, the establishment of filiation using DNA.

Allow me, Mr Speaker, Sir, to go through some of the key features of the Bill.

Clause 3 of the Bill provides for a Police officer – as I mentioned - not below the rank of a Superintendent of Police to request a DNA sample for the purpose of a forensic analysis from a person, if he has to have reasonable ground; he cannot just go around and say I want to have your DNA profile. He must have reasonable ground to believe that person is or may be connected or associated one way or the other with an offence. If the suspect is a child or an incapable person, the Police officer should obtain the written authorisation of his or her parent.

I wish to stress here, Mr Speaker, Sir, - the rank of the Police officer – not below the rank of Superintendent and further, as I said, he has to have reasonable ground before he proceeds further.

Also he has to see whether there are other ways as you have seen in the Bill where he does not have to go for DNA profile. There are other ways of investigation because this is not the sole way of investigating. It is felt that to compel a person to provide a biological sample for DNA profiling could infringe on his or her fundamental rights; the right to (genetic) privacy, the right to his/her physical/bodily integrity and there is also the privilege against self-incrimination; that is important. We, therefore, have to make a judicious balance of the rights involved. On one side, we have the rights of an individual. On the other hand, we have the right of the State, the duty to maintain law and order, the right of the public to security and safety and also the rights of the victim and his/her close relatives, because they want to see the criminals eventually brought to justice.

In addition, the Police officer has to obtain the consent of that person. As I said, he should consent and here, it is to be noted that the procedure for obtaining consent will have to be

standardised and a form will be prescribed, so as to ensure that the person is properly informed of his rights and he gives, what we call an informed consent. That is, he just doesn't sign a piece of paper and say, I consent; it must be explained to him what exactly we want to do, in other words, informed consent so that it is a valid consent.

As regards a minor or an incapable person, the written consent, as I said, of the parent or guardian is required. Here again, Mr Speaker, Sir, we have followed our criminal procedures – taking a DNA sample for analysis. It is a simple procedure, but nevertheless it is usually in the presence of the parent or guardian. We have not actually spelt it out but that is how it is. We have even gone further that the Police will not automatically request for the sample, but they have to take into account the nature of the offence, the likely degree of involvement of that person and also, if there are other less intrusive but reasonable practical way of linking that person with that offence, then they do not have to go for further sample. Naturally, if a person voluntarily submits himself or herself to the process with a view to disproving his or her involvement, then there is no issue.

Clause 4 provides that the Commissioner of Police may require a convicted person of a serious offence to submit DNA samples for the purposes of Forensic Analysis. Now, any such person who fails to submit a DNA sample when required to do so, shall commit an offence.

These two clauses, Mr Speaker, Sir, raise a very important issue of using DNA as an efficient and effective crime fighting tool. Without a database, DNA can only be useful once the Police have identified a suspect through traditional investigative means. Absence of a database, Mr Speaker, Sir, implies an ineffective investigating tool. We are not using the whole array that is possible for us. It is for each country and different countries have established different forensic database, and this will depend on the profiles that can go into the database. Hence, the persons from whom samples can be taken and the profiles extracted from the samples are then stored in the database. While considering from whom samples can be taken, we have gone again through the different legislations, especially prevailing in Europe and the Commonwealth countries, such as Australia and New Zealand. We have looked at those very, very carefully. The norms, Mr Speaker, Sir, vary from country to country, and using the concept of “margin of appreciation”, as enunciated by the European Court of Human Rights in the case of S and

Marper v/s the United Kingdom, which is the Judgment delivered on 04 December of last year. We have opted for the serious offence standard, with the safeguards which I have just mentioned.

Clause 5 of the Bill deals with the situation where a person unlawfully interferes with or contaminates a DNA sample. Evidence must be preserved and if a person tries to interfere with the enquiry in contravention with the provisions of this legislation, the Police is empowered to use reasonable force to prevent that person to destroy such evidence. And in such cases, the punishment provided on conviction is a fine of Rs300,000 and a term of imprisonment not exceeding five years.

Clause 6 of the Bill sets out that where a suspect does not consent for a DNA sample to be taken from him, the Commissioner of Police or any other Police officer, as may be authorised by him, may apply to a Judge in Chambers for an order for a DNA sample to be taken from that person. This in itself, Mr Speaker, Sir, is a further guarantee that the rights of the individuals are not being unreasonably interfered with, inasmuch as the Police will have to put in an affidavit to satisfy the Judge that the application is appropriate in all the circumstances of the case.

Clause 7 of the Bill provides for a Judge to grant an application for an order for a DNA sample to be taken from a non-consenting person where it is justified in all the circumstances of the case that there is a minimal causal link established with the suspect and where the taking of the DNA sample is in the interest of justice. As I spoke earlier, there is the test of reasonableness involved here, Mr Speaker, Sir. Even here, we have limited the validity of the period. Such an order will be initially valid for a period of 14 days and can be extended by the Judge for a further period not exceeding 28 days.

Clause 8 provides for DNA testing by the Forensic Laboratory in filiation cases. In these cases, an order again is required from the Judge or the consent of the parties to submit to the test.

Clause 9 provides that the DNA sample (other than those to be taken by means of a buccal swab or other non-invasive procedure) should be taken by a registered medical practitioner, a registered nurse or a person having followed an appropriate medical training – at least - employed in a clinic, a hospital or a surgery acting under the supervision of a registered medical practitioner. The DNA samples will be stored and preserved in accordance with

guidelines to be laid down by the FSL. A DNA sample will be destroyed by the FSL as soon as it has fulfilled the purpose for which it was taken or after the final disposal of any proceedings in relation to which the sample was taken, whichever occurs later. The FSL may keep a DNA sample for such reasonable time as may be appropriate for the purpose of research, with the approval of the Minister - in this case the Prime Minister - or the constitution of its DNA Data Records or DNA Population Statistical Database. Again, I want to point out that the purpose, when I say, of research, is not the research that you have in mind. A DNA sample collected at a scene of crime shall not be destroyed unless so ordered by the court. You still always have the supervision of the court there. This is to ensure, for example, Mr Speaker, Sir, that in certain unresolved cases crucial evidence is not destroyed. We have recently the two cases which evidence has been sent now to France – the Dantier case and the Lagesse case. Evidence, which was kept, which has not been disposed of, can now be used again and they are being examined in France especially, Mr Speaker, Sir, because science does not stay stagnant. There is a continuing refinement of the existing DNA technologies which is bound to continue, it is certain it will continue, you will have more efficient techniques which will be developed. Members of the House will appreciate that, with the development of new technologies, crimes which had not been resolved, as I mentioned, 40 or 50 years ago, are now being revisited, hence there is a need to preserve evidence as far as it is possible. As I was saying earlier, Mr Speaker, Sir, it is a balancing act – how long you preserve it, I will come to that as well. At the same time, again - and I want to stress - we have kept the Judiciary as the safeguard against potential abuse, as the destruction of a sample can so be ordered by the Court at Section 11. It overrules all the other provisions.

Clause 10 makes provision for the FSL to keep DNA Data Records consisting of an index of DNA Profiles which is derived from the DNA samples submitted to that institution for forensic analysis and ensure that those data are securely stored and remain strictly confidential, as I mentioned, Mr Speaker, Sir. The DNA Data Records will consist of DNA data derived from the forensic analysis of a person either convicted of an offence following proceedings in which his DNA sample has been adduced in evidence or also of a person not convicted of an offence, but who gives his written consent. However, where a person who is not convicted for an offence,

does not give his written consent, the DNA data derived from the forensic analysis of his DNA sample may be kept as part of the DNA Data Records on the following circumstances –

- where the person has previously been convicted of an offence. That is very important. He might have a previous conviction, or
- where the person has since been charged with having committed another offence which falls in that category.

DNA information relating to convicted offenders will be, of course, kept. In case a person not convicted of an offence who does not give his written consent for keeping the DNA data record, such sample may be kept – we have put here - for a period not exceeding 10 years as from the date of acquittal, stay of proceedings or decision not to prosecute, whatever is appropriate. Such data, I should point out, may be erased from the DNA data records by the Director of the FSL within a period of two years from the receipt of the request from that person. In other words, that person can request: 'I want that data erased' and it will have to be erased within two years. This section has been the subject of many comments, including that of the hon. Leader of the Opposition. First of all, let me clarify a point, Mr Speaker, Sir. When we speak of DNA profile, we must be careful not to mix up as a sample. It is not the sample. The DNA profile is actually extracted from the sample that is taken and it is digitised. In other words, it is nothing more than a sequence of numbers or a bar-code consisting of information of a purely objective character. Why do I say objective character, Mr Speaker, Sir? Because the identification of this DNA profile, which is on the record, can only reoccur in other words. It can only be used if there is a match when it is being looked at either with a DNA profile in the data base itself or matches the DNA profile collected at a scene of crime, otherwise it is of no use. Furthermore, you'll need to be able to understand the technology to make use of it. Mr Speaker, Sir, as I said, it is not the sample that is being kept, it is the DNA profile. And we need a database - the more we have on a database, the more efficiently we can find a match or eliminate a person.

Different countries, as I have said, have taken different approaches to this problem: how long do you keep it? The U.K. is the only country which permits indefinite retention of DNA profiles and it has been criticized for this by the Human Rights Court as being in contradiction with Article 8 of the Human Rights Convention which protects the right of a person to privacy.

There is also the fact that if he has not been proved guilty, why is it being kept indefinitely. They have put different arguments in front of the Human Rights Court which have been but the House of Lords confirmed their decision.

Let us look at other countries, Mr Speaker, Sir. It varies from country to country. For example, some countries have not gone for an indefinite period, they have gone for 10 years. For example, Denmark has gone, as we have here, for 10 years. There are countries which have opted for much lesser period, even one year. In France, the DNA profile is not retained indefinitely but it can be retained for 25 years even after an acquittal or a discharge. Again, I suppose, the reason is that they want to have as much on the database as possible, but it is not indefinite in that case.

We decided not to follow either the U.K or France in this respect, Mr Speaker, Sir. We are now starting a database. We do not have a database, we have very little on the database. At the same time, we have tried to balance again the public interest, the competing interest, the right for the public to find those guilty of crime and to enjoy a life of relative security while, at the same time, eliminating an innocent person as quickly as possible because by doing so, we not only spare him this ordeal of a lengthy criminal investigation, but we also save the State, the Police time and money. But we have to balance this with the importance of protecting privacy and the presumption of innocence. This is the fine balance that we have to look at. As I said, different countries have opted for different reasons may be for different schedules. In UK, it is indefinite; in France, it is 25 years; in Denmark, it is 10 years. In our case, we have not opted for more than 10 years but the person concerned may, as I said, request that his data be erased and this must be done within two years.

Now, we did not decide this just like this, Mr Speaker, Sir, to put two years here. We have looked at many, many cases. I know the officers of the State Law Office have worked for a very long time on this and very often we find from experience of other countries. We have found, for example, a person found not guilty or discharged for lack of evidence – discharge for lack of evidence is different from found not guilty, Mr Speaker, Sir - and then later on found to be connected to another crime which is being investigated. We have seen many such cases in different countries.

As I said, Mr Speaker, Sir, in any case there is the additional guarantee given under Clause 11 whereby the Supreme Court may order the destruction of a DNA sample or the erasure of a DNA profile from the DNA Data Records if it is being used for an improper purpose. Therefore, as I said, Clause 11 confirms an overriding power to the Supreme Court. It derogates from all other provisions of the Act. Some may put it that way, it reserves safeguard for the citizen.

The House will again see, Mr Speaker, Sir, that we have tried to strike the right balance between the rights of the individual and the public interest in ensuring that crimes are resolved through modern intelligence-oriented techniques, through an effective database, rather than limiting it to the traditional techniques of Police investigation. Naturally, we have borne in mind the principles that have been laid down at the recent European Court of Human Rights decision in the case of S and Marper, which I have mentioned earlier.

Clause 12 also provides for the setting up of DNA population Statistical Database, for the purposes of statistical interpretation of the results of forensic analysis.

Mr Speaker, Sir, there are two major factors which affect the reliability of the DNA profiling technology namely population genetics and the statistics concerned with these genetics. As I explained earlier, humans share 99.9 percent of the DNA sequence. It is on the 0.1 percent difference that we focus for the DNA profiling. Some population shows much less variation, in particular, DNA segments, than others. The degree of variation will affect the statistical odds of more than one individual having the same sequence. This is very important, Mr Speaker, Sir. In the UK, for example, some lawyers have made the point that the database concerns too many DNA profiles of people of the African origin or of the Asian origin because they more often probably, according to them, get arrested, stopped and searched.

If 90% of a given population has the same frequency in its DNA pattern for a certain DNA segment, then very little information will be obtained. But if the frequency of a DNA pattern turning up in a population for a particular segment is extremely low, then this segment can serve as a powerful tool to discriminate between individuals in that population. That is very important, Mr Speaker, Sir. Different populations show different patterns in their genotypes due to the contributions made to their individual gene pools over time. I must say that we are still

talking of the 0.1 percent difference, but even in the 0.1 percent it is quite large. Therefore, in analysing how incriminating the DNA evidence is, one needs to ask the question - and it is very important that the question be asked and lawyers will ask this question in court: "Statistically, how many people in a population have the same pattern as that taken from a of crime scene?" That is most important. Is it 1 in 1,000,000? 1 in 100,000? Or, 1 in 10? The establishment of this DNA Population Database which will be based on sampling of a representational proportion of our population will allow for this statistical calculation – in other words, we need, Mr Speaker, Sir, to know how common is a particular genotype in a population. DNA evidence depends on such statistical evaluation otherwise it is of no use, it can be challenged over again. It depends upon the number – if I may be more precise - of matching bands and on the frequency of such matches in the relevant population. That is why we need a national database. I am saying this because I have heard people saying: "Why do they need a database?" It is essential to have a database.

Clause 13 imposes on the Director of the FSL not to disclose any information or data obtained from a DNA sample except to the police or to a court in the course of a criminal investigation or criminal proceedings or to the person from whom the DNA sample was taken or to the Judge where a Judge's order has been issued. Since we are dealing with very sensitive information, the circumstances upon which this information can be released is strictly controlled, and any breach of this clause will be liable to criminal prosecution and the sanction which is Rs 50,000 and imprisonment of up to two years. I will come to that in a minute because it is also an issue that has been raised.

Clause 14 makes provision for a separate database for unidentified and missing persons to be established.

Clause 15 provides for cooperation with foreign law enforcement agencies. As I explained, it is important and essential to combat international crime and terrorism because of the ease nowadays that people can move across borders.

Clause 18 provides for the establishment of guidelines, regulations and protocols for the smooth implementation of the provisions of this Bill. The Commissioner of Police has been given 12 weeks only as from the coming into force of this legislation to implement the

guidelines. It is a short time - 12 weeks -for him to put this up, but it is important, because we want to move quickly forward, Mr Speaker, Sir, if we want to combat crime and terrorism. The point has been raised by the hon. Leader of the Opposition about the absence of supervision. It is a good point. In the U.K there is the U.K DNA Strategy Board, I think, with an ethics group. We looked at it again; we did not feel that there was a need for such a Board or ethics group at this point. Maybe we will need it at some point. I tell you the reason, why, Mr Speaker, Sir.

Unlike the U.K where the forensic service has been privatised with private companies doing this work –I think that I have visited two such private companies in the U.K in the past – here, in Mauritius, there is no such private company, it will be only the Forensic Science Lab. No private company would be able to do this. They will have to answer to the courts and the Minister who is accountable to Parliament to answer questions. So, it is not felt there is no need for a Board at this point but, as the service evolves, if we feel that there is a need to do so, we will do so, Mr Speaker. At this initial stage we do not think it is necessary.

Mr Speaker, Sir, DNA profiling is currently being carried out at the FSL for assisting police investigation. In fact, since 2007, the FSL has been carrying out DNA testing in serious crime cases like murder, manslaughter, rape. The FSL has also been carrying out paternity testing. This piece of legislation will now provide the legal framework for enabling the FSL in carrying out its functions using the full capability of this modern technique of investigation and to produce reports which will be used as evidence in our courts.

We are in the process, Mr Speaker, Sir, of enhancing the forensic investigative capability through the reorganisation of the FSL. The four Forensic Scientists at the FSL involved in DNA testing have already received a two-year training programme in DNA typing methodology at the DNA Academy of South Africa through the South African Police Science Lab. Two of them had further training in the operation, handling and maintenance of the DNA equipment in South Africa itself. The DNA Technical Manager was trained in advanced DNA technology at the *Laboratoire de Police Scientifique de Paris* in September 2007. The Quality Manager followed a short course on DNA facility quality procedures at the FBI Lab of the USA in September 2007. The DNA Project Manager followed a DNA database set-up and management course at the FBI

Lab. in the United States in September 2007, because it is of no use that we have all the equipment if we do not have the people who have been trained to be able to use the equipment.

Moreover, I should say, on his initiative, a gentleman called Mr Ram Gopal who is the Vice-Chancellor of Staffordshire University, we took the initiative. He wanted to meet me when I was passing through London; he wanted to help us voluntarily, not being paid any money. His Staffordshire University is well known for its forensic service lab. He has sent an expert team from Staffordshire. They were here from 23 August to 6 September last year to conduct training programme in the field of forensic science; Forensic Awareness & Importance of Forensic Evidence, how to keep evidence, Expert Witness Training, and DNA Awareness Training/Dealing with Major Crime and Sexual Offences for the benefits of the staff of the FSL and also for the Police Force. Other teams are going to come from the Staffordshire University during the year.

In order to enable the FSL to carry out DNA testing, the appropriate equipment have been acquired such as the Genetic Analyser and PCR system, Strong Dental Micromotor Centrifuge, Agitateur Rotatif, Real time PCR and Quantifier Kit totaling a cost of over Rs8 m. For the implementation of this legislation, a set of protocols have been put in place, namely for crime scene management, evidence recovery, presumptive testing prior to DNA profiling, DNA analysis and for the storage of different categories of samples. Other protocols for interpretation and reporting of DNA results, the construction and the use of a population database for the statistical evaluation of DNA results and for database management are currently being worked out and they will be finished very soon.

Mr Speaker, Sir, in tackling crimes, we have some unpalatable choices to make and we have a balance to make. One balance is liberty and on the other side for the security of the country. There is a need to balance individual rights with the rights of society in the prevention and detection of crime and the victim's rights to have their perpetrators apprehended.

Very often, Mr Speaker, Sir, we forget about the rights of the victims, they too have rights.

The present legislative framework with the taking of DNA profiles and the creation of a DNA database ensures that the advantages for society in operating an intelligence DNA database to fight crime far outweighs the perceived dangers that they may find from use of the genetic information as it is today. As I explained, we have taken some time in the preparation of this legislation as we have dared to take on board the various considerations that have been made.

DNA evidence, Mr Speaker, Sir, is a vital tool for criminal investigation but it is not a substitute for proper police investigation. DNA must be used in conjunction with good police intelligence and investigation, including the use of new technology, as I mentioned, for example, CCTV cameras and all this. We will continue professionalising and modernising our Police Force by improving the training capabilities of the officers and by inducting modern techniques and technology into the Force.

This Bill, Mr Speaker, Sir, ushers in a new era, using scientific technology to fight crime and maintain law and order. It is considered that the enactment of this piece of legislation would further reinforce our fight against crime, in general, and also to combat terrorism. It is expected, Mr Speaker, Sir, as I mentioned earlier, that the crime detection rate which is already for the first time on a downward trend will continue to go down even further.

We must leave no stone unturned to fight crime. We must make sure of all the technologies that are available, that we can use. Those who participate in criminal activity must know that they are likely to be caught with irrefutable evidence and that they will pay the consequences of their act.

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

Mr X. L. Duval rose and seconded.

(5.52 p.m)

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, this is indeed a very important Bill that is before us. It is very important but it has an impact on fundamental freedom of the individual and it is highly technical at the same time.

Of course, we are for the Bill; we are for the use of DNA, the way the hon. Prime Minister has described it. We are for. In fact, DNA profiling has been described as the biggest advance in crime combating since fingerprinting. It is difficult to imagine in the future, and not the distant one, what DNA will allow us to do. Last week, something new came up, today *l'ivoire*, ivory is traded globally in the same illegal manner as drugs and weapons. Fantastic sums of money! And only last week, scientists have used DNA to pinpoint the area of Africa where the smugglers are slaughtering elephants precisely to feed the worldwide illegal ivory trade. This took place last week, they did their work and finally they identified a part of Tanzania near Mozambique as the main area. They thought it was all over the place, they thought elephants were being killed all over the place and then the ivory brought together. No! They managed using DNA to identify a precise area where most of the poaching is taking place. This happened last week and that is why I am referring to it.

What we are doing is very, very important. The piece of legislation before us, on the one hand, allows us - not necessarily this Bill, I am not fully satisfied with the Bill - but DNA, in general, the use of DNA in the way we are discussing it, allows, on the one hand, to better combat crime, but, on the other hand, to free innocent people also. So, we are all for it. I'll make a lot of points but I will make three main points.

One, lopsided, *il y a un déséquilibre*, the Bill is very strong on combating crime but very, very weak on using DNA to free innocent people. That is my first point. Very lopsided, *complètement déséquilibré*, and we can correct that and we should correct that. Secondly, that this idea of keeping the DNA records of people who are found innocent before the courts or are not finally brought before the courts, I do not go along with that at all and I will talk at length on that. That is the second point. And my third point where we are in disagreement is the total lack of supervision and I would tend to say there that the fact that we have one FSL, that will be in charge of everything contrary to what the hon. Prime Minister says, elsewhere you have different private companies. I am not in favour of that, but maybe it is more dangerous, more risky to have one all powerful FSL, Forensic Science Laboratory like the Bill provides and no supervision thereof at all. So, these are the three main points which I will be making.

The first point, I feel sad, after we talked, the Prime Minister got advice that this sentence here, this half paragraph there can be used to free innocent people. That is not the point. The law should provide for the rights of convicted people who want to use DNA technique to prove their innocence, the law should provide for them. Again, it is a coincidence on that first point, I repeat, my first point is that the Bill is lopsided, very strong on combating crime; very, very weak on freeing people who have been unjustly sentenced to jail or even worse hanged, killed. Certainly, there have been cases where people have been executed and then through DNA they are found to be innocent. There has been a case where somebody spent 23 years in jail, found guilty of rape and after 23 years – sometimes I imagine myself, the person knows that he is innocent; he spends 23 years in jail for something he has not done and through DNA he is freed after 23 years.

So, it makes me sad this *déséquilibre*. We could have been strong on both. We could have been very strong on combating crimes through DNA but we could have been much stronger in giving the opportunity to innocent people who are in jail, who have been condemned although innocent to prove their innocence.

Again, it is a coincidence that only last week - it is not just elephants that get involved in DNA but the Supreme Court of the United States also - there was a case brought before the Supreme Court of the United States, because unlike what we have before us here, the law in the United States provides for 46 States and the Federal Government. They all have laws which give convicts access to DNA testing. It already exists at the level of States and even at the Federal Level. That case was to make it a constitutional right. The present conservative Supreme Court struck it down by a decision of five against four, one vote. The idea was to make it a constitutional right in the United States for somebody who is found guilty to have access to DNA to prove his innocence.

Even if that has been struck down by the present conservative, it will come in due course but it already exists in the law, as I said, 46 States and in the case of the Federal Government itself, Mr Speaker, Sir. What I am saying is that we should have provided something like that in our legislation. What an irony, Mr Speaker, Sir, according to my reading, my record, the first case of DNA fingerprinting in a criminal case was to help free and innocent men in Leicester

where, in fact, DNA for criminal purposes started, was discovered. In the same town, Leicester, the first use of DNA fingerprinting in a criminal case, allowed an innocent man to go free. So, I feel we should have provided, and we should provide, in the law that possibility, that right for people who have been sentenced but who wish to prove their innocence through DNA to have that opportunity. That would mean also access to the defence, counter-expertise also, this should be the law. The hon. Prime Minister and myself, sometimes, we do not read exactly the same thing. The hon. Prime Minister said that this DNA business, if I may call it that, is nearly infallible. I got lost with the figures which he quoted, that DNA record/DNA data for two people can be exactly the same in a trillion, billion cases. I'll quote two paragraphs from a report, which I dug out –

“Some scientists have warned that as the database grows, the chances of two very similar profiles, from two different people emerging increase.”

A spokesman from the Forensic Science Service of UK added that –

“the chance of finding two full DNA profiles which appear the same, but are not actually from the same person, is possible, but very slim.”

Not as slim as the hon. Prime Minister said earlier on, but it exists and he quotes that gentleman from the Forensic Science Service of the UK –

“But we are very aware of this. It is not something we have not considered, report of the BBC.”

This is the report by the BBC recently. So, all these reasons, I believe the law should have been much stronger on that part of the DNA positive, that is, the word; access to defence, access to counter expertise, it should be in the law. In countries where DNA has already been used to free innocent people finally, but who had been sentenced by the courts. In UK, Australia, New Zealand, you have what are called innocence projects. I quote –

“Innocence project is one of a number of non-profit legal organisations in the United States, Canada, the United Kingdom, Australia New Zealand, etc., dedicated to proving the innocence of wrongly convicted people through the use of DNA testing.”

In the US until now – it may be increased last week – 232 people have been freed as a result of DNA testing, finding them innocent when they were sentenced for all sorts of things: rape, sexual assault, murder, all sorts of crimes, Mr Speaker, Sir. So, I think we should do it in this law. If we do not do it in this Bill, we should do it as early as possible, provide in the law the rights of people to go to DNA testing to prove their innocence, provide for the defence to have access to data that it needs to prove the innocence of their clients, provide for the right to counter-expertise and encourage the setting up of organisations like the one which have just referred to innocence projects as it exists in a number of countries. So, that's my first point.

My second point is: are we protecting sufficiently individual freedoms, the fundamental right to privacy which is a fundamental right, family life privacy which is very, very important? A first reading – and I said so in public when I made a comment – tended to make me believe that those fundamental rights, those fundamental freedoms are sufficiently protected and the hon. Prime Minister made reference to different parts of the Bill, for example, that it refers to serious offence only, and serious offence is defined in the Bill itself. If somebody who is not yet convicted objects to taking data material, he goes before a Judge, but my learned friends tell that it is *ex parte*. We trust the Judiciary that it will be *ex parte*. Confidentiality is guaranteed in the Bill, offences are created for those who disclose information without due authority. Yes, my first reaction was positive. I acknowledge that there has definitely been an effort to protect those fundamental freedoms in the Bill, but then I quote more at length this judgment of the European Court of Human Rights of December last. I quote that more at length that the hon. Prime Minister has done. December last, 17 judges, from different European countries, sitting at the European Court of Human Rights, gave a very tough and unanimous verdict, striking down what existed then and select this in the UK. I'll quote certain paragraphs but very, very forcefully. What make me sad in this case is that before 2001, it was illegal in the UK to keep DNA records of somebody found innocent. *Un pas en arrière* in 2001, the law was amended and as from then the Police could keep indefinitely DNA records of people found innocent. *Quel pas en arrière!* Let me quote a few paragraphs from this judgment, as I said, unanimous verdict of 17 judges from across Europe. I quote –

“The court found that the police’s actions were in violation of Article 8, that is, the right to respect for private and family life of the European Convention on Human Rights. It also said that it was struck by the blanket and indiscriminate nature of the power of retention in England and Wales; in Scotland it is different. The Judges rule the retention of the two men who had moved the case, of the men’s DNA, quote: fail to strike a fair balance between the competing public and private interests and that the UK Government had overstepped any acceptable margin of appreciation in this regard.”

Very tough words and a unanimous decision of 17 judges and they ordered, I quote –

“The Government should now start destroying the DNA records of those people who are currently on the DNA database and who are innocent of any crime.”

Very strong stuff indeed: ordering that all this be destroyed; people found innocent by the court.

I heard the hon. Prime Minister make reference to the House of Lords, but he made reference in the wrong chronological order. He should have put it the other way round. In fact, the gentleman concerned went to the House of Lords, who gave the blanket authority to Police to carry on and then they went to the European Court of Human Rights, which struck it down in very, very strong language. Of course, this is not the occasion to comment on recent pronouncements of the House of Lords in the Illois cases. The House of Lords is the House of Lords and, therefore, the House of Lords has been severely blamed by 17 Judges of the European Court of Human Rights. But the Brits are *têtus*. They came back, not with the blanket indefinite keeping of DNA records. They provided that, for serious crimes, serious offences and so on, the DNA records could be kept for 12 years and in the case of minor charges - because we are talking of innocent people, of course - for six years.

Mr Speaker, Sir, I referred earlier on - and I quoted that sentence to the hon. Prime Minister on the phone – to that gentleman who discovered - I won’t say invented because he discovered - DNA use for criminal crime combating purposes, Professor Sir Alec Jeffreys - nothing to do with Jeffrey Cox, of course. When he learned that having been found guilty - if that is the expression - by the European Court for Human Rights, still the UK Government was dillydallying, proposing that the DNA records be kept for 12 years and so on, the same DNA

fingerprinting pioneer, Professor Sir Alec Jeffreys, made the following comment, which I find very courageous and very strong. I quote him –

“It seems to be as about as minimal a response to the European Court of Human Rights judgement as one can conceive”.

Stronger stuff still, he continues –

"There is a presumption not of innocence but of future guilt here, which I find very disturbing indeed."

Very strong stuff! I admire this gentleman who has discovered that *bebête* - if I can say so - that DNA thing, and who comes out as strongly against what the powerful UK Government is trying to do. Very strong! Because, indeed, the idea is to keep the DNA records of somebody in case he does something wrong in the future. And these are the words: "There is a presumption not of innocence, but of future guilt here which I find very disturbing indeed." Now, of course, the men concerned are going to go to the European Court for Human Rights again. It is inevitable. So, there, it's 12 years and six years. Here, in the Bill that is before us, *petite amélioration*, it's ten years and two years; that is, the Police can keep the DNA records of somebody found innocent for 10 years and, if that person objects, then he goes to the Supreme Court to obtain a decision that these must be destroyed within two years. I am not a lawyer; I do my homework; I talk to some of the best legal brains, and they tell me that, until today, our Supreme Court has gone by the judgements of the European Court on Human Rights. So, I told the hon. Prime Minister that we are taking a risk. Somebody might very well go before the Supreme Court, and if it is legally the case and that our Supreme Court goes along with the European Court on Human Rights, we are looking for trouble. So, that is why I requested that we take time on that. There is every possibility that there is a constitutional point there. When we say that DNA records of people who have been found innocent can be kept for 10 years, it is clear that there is a strong possibility of a constitutional case there. I would request that we reconsider that point very, very seriously.

My first point was *ce déséquilibre en faveur de* combating crime and not allowing innocent people to be proved innocent.

My second point is that we are looking for trouble; we are going against the unanimous judgement of 17 European Judges of the European Court on Human Rights.

My third point is the total absence of any kind of supervision, any kind of possibility of the alarm bell ringing. There is nothing and, as I said, we do not have 1, 2, 3, 4, 5 private companies but one FSL (Forensic Science Laboratory) that will be responsible for everything, collecting, keeping, using, giving to the Police everything without any kind of supervision. This DNA thing can go very far! Sometimes moral issues, important issues crop up, and I've heard the hon. Prime Minister make mention of that - I have the figure somewhere; I won't look for it. Do you know what the end result has been finally with regard to DNA collection in the UK, keeping records of innocent people? 15% - I am quoting from memory - of the innocent people DNA records being kept, belong to black people. So, you have very serious moral, sociological issues that crop up, and you can't have the FSL responsible for everything; keeping, using, giving to the Police, with that bias which it inevitably has in favour of Police, of the prosecution. Whereas, with experience - I could take the example of other countries - in the UK, you have three different layers of supervision. There is the UK National DNA Database Strategy Board, which sits, reviews and advises Government. On that Strategy Board, there are two representatives - they are not policemen; they are members of the public - of the Human Genetics Commission, which is a permanent body that exists in the UK. The Human Genetics Commission is a non-departmental public body that advises the UK Government on the ethical and social aspects of genetics.

This includes genetic testing, cloning and other aspects of molecular medicines apart from the use of DNA to combat crime. Our British friends did not rest satisfied with the existence of therefore National DNA Database Strategy Board with two members from the Human Genetics Commission sitting on that. More recently, they have added a second layer of supervision. They have created the National DNA Database Ethics Group which is an Advisory Non Departmental Body established to provide independent advice on ethical issues to home office Ministers and to the Strategy Board which I have just referred to. So, we have two layers of supervision. And we have had a third layer of supervision being given that there is a Standing Select Committee of the House of Commons, the Science and Technology Select Committee

which - especially when there are polemical and controversial issues - looks regularly at this whole issue of DNA and the use thereof, Mr Speaker, Sir.

These are the three main points which I wanted to make. To appeal to Government that we take time, we see what we can do now and not just say, alright, let's set this up, let's vote this and then, if required in the future, we will do this and that. Both the hon. Prime Minister and myself have talked mainly about the use of DNA to combat crime. I have talked at length; the hon. Prime Minister has talked briefly on using DNA to free innocent people who have been sentenced. I mentioned this issue of helping our elephant friends - what came out only last week. But, DNA is very helpful on other issues as well, missing persons, which is included in the Bill. It is important because people remain as missing persons, with the family going through very difficult moments. *Etablissement de maternité ou de paternité* in that case. Filiation as we call it – *recherche en paternité* – is very important also. In the UK, even combating injustice in immigration matters. We had thousands and thousands of cases pending in the UK that could not be settled and families could not be reunited, children would not be let in and so on for years. Thousands of cases have been settled recently, Mr Speaker, Sir. This is a very important Bill. The use of DNA in combating crime, in freeing innocent people and in many other ways *est un grand pas en avant*. That is why we welcome this Bill, we are for it, but we think that it should be and it could be improved.

Before concluding, I heard the hon. Prime Minister make reference to new equipment that we have obtained for the Forensic Science Laboratory, training that has taken place. It is very good, but my information is that there is a lot still to be done both in terms of modern equipment, state-of-the-art equipment, but also training of staff to implement the Bill that is before us today. I had the opportunity, whilst working on this Bill, to go back to a report that was produced by an expert from the UK, the Horswell Report of 1997. When you read anew the report, you see that a lot of things which he recommended in 1997 are still to be either done or completed. Therefore, as the hon. Prime Minister said, it is not just a matter of voting a Bill; we should vote a Bill which is as complete and as fair as possible, but also of giving to the Forensic Science Laboratory the required equipment and staffing.

I thank the hon. Prime Minister for having given us one extra week to consider this Bill. We have put that additional week to good use. But I am still not satisfied that myself and all those who have something to say - sometimes I am very worried by the absence of reaction by this or that organisation, I won't point a finger at anybody, but sometimes I get right. For two weeks now, this Bill has been *dans l'actualité*, and yet, at the level of different bodies which should have reacted, there has been no reaction. In a way, it is frightening, but we should give more time. We will hear different speeches. The hon. Prime Minister, the hon. Leader of the Opposition and others have spoken. I think it is a good thing that we have a full Second Reading. The Standing Orders provide that, after Second Reading, when Third Reading has taken place, we can still, if the hon. Prime Minister or any Member considers that there are certain points that need to be considered *à tête reposée* through a Select Committee, we can do that.

When listening to the hon. Prime Minister, I talked to him the other day and I listened to him today, it is a good thing that both sides have placed this Bill above party politics completely. It is a very important Bill. I would request the hon. Prime Minister, when we finish the debate to give due consideration to the possibility of referring to a select committee. The Bill having been read a second time - not for an indefinite period, not for twelve years, not for two years even, but for a few weeks and then the Bill would return to the House.

Thank you, Mr Speaker, Sir.

(6.28 p.m.)

The Minister of Housing & Lands (Dr A. Kasenally): Mr Speaker, Sir, I am very pleased this afternoon to see that there has been so much conversation on this Bill between the hon. Prime Minister and the hon. Leader of the Opposition who has expressed, in fact, his satisfaction to a certain extent about certain aspects of the Bill. And as he said it is, I won't say he use the word 'lopsided' but that the Bill concentrates more on the conviction of criminals rather than on respecting the rights of the individual. But as the hon. Prime Minister quite rightly points out, he has been trying to get a balance between the two. We have to steer a middle course in such a matter while respecting the rights of the individual and his privacy, we have also to cater for the safety and right of the victim who has been sometimes very savagely dealt with.

I will come further towards the end of my speech about other points raised by the hon. Leader of the Opposition.

Mr Speaker, Sir, with the unraveling of the double helix structure of the DNA and the genetic code by Prof. Watson and Crick of Cambridge who were subsequently awarded the Nobel prize, a major scientific breakthrough was achieved in the field of molecular biology. It has opened a wide array of diagnostic and therapeutic procedures for mankind.

I pay tribute and congratulate the hon. Prime Minister who has invested a lot of time and effort into bringing this Bill forward today and, in fact, he has spent a lot of time discussing it not only among the colleagues and the Members of the State Law Office and the Police and other experts but has also consulted the Leader of the Opposition, as we have come to know this afternoon. Since he has re-assumed duty as Prime Minister, he had endeavoured to modernise the Police Force and render it more efficient. The force had been provided with all modern facilities to that effect and the results are obvious and all these measures are paying handsome dividends.

The Bill, when enacted, will provide yet another effective tool to combat crime and bring culprits to justice. DNA is the basic building block that makes up the genetic material determining each person's heredity and individual identity. The two helix proteins are joined by four amino acids, the sequence of which determine our hereditary and is able, as the Prime Minister quite extensively explained, gives us our unique identity. It has been used to fingerprint individuals. As I said, each person's DNA is different from that of every other person, except for identical twins. It has been hailed as a law enforcement blue print for charging and dismantling the world of criminality. There has been a vast improvement in DNA technology in the last decade allowing samples of genetic code to be lifted from degrading sources at the scene of crime. A piece of hair, a drop of blood, sweating material, you can imagine, a piece of skin scraped at the site of crime can be lifted and this requires expertise techniques which obviously our forensic scientists probably are well versed now. These complementary functions demand adherence to the highest analytical standards possible to protect both public safety and individual rights.

The introduction of the DNA Identification Bill is a milestone event for Mauritius as it reflects the Government's commitment to improving all aspects of the criminal justice system

and maximising the potential of scientific evidence. This Bill, as we have been told, is also proof of the Government's vision of shifting from the traditional confession based evidence to scientific evidence.

Since 2005, Government has invested massively in the development of the DNA Unit of the Forensic Science Laboratory and with the introduction of the DNA Identification Bill, the Forensic Science Laboratory will have reports admissible on courts of law and a database that will hold DNA profiles of criminals and missing or unidentified persons.

The Bill empowers two stakeholders of the criminal justice -

1. The Police with the collection of biological samples, and
2. The Forensic Science Laboratory with the processing, storage and statistical interpretation of the DNA results.

The criminal justice system now relies heavily on DNA based evidence. All over the world, thousands of people have been convicted of various crimes with the help of DNA evidence, and hundreds of wrongfully convicted people have been exonerated. The Bill put forward by this Government highlights the importance of its silent but faithful witness in fighting crime.

Since the first National DNA database was established in 1995 in the United Kingdom, DNA database around the world have revolutionised the ability to use DNA profile information to link crime scene evidence to perpetrators. The majority of European countries now have either National DNA database or are in the process of implementation.

Overall, the idea behind DNA database is to make criminal intelligence more proactive, efficient and organised on the one hand and to reduce miscarriages of justice on the other hand. As the saying goes – “Justice must not be done but it must be seen to be done as well”.

The establishment of an effective DNA database requires time and full cooperation between the forensic science laboratory, law enforcement community and Government policy-makers. The investment is worth the effort to society and especially victims of crime. The effectiveness of the DNA database will grow as the size of the database gets larger.

The DNA database setup under this Bill will store two types of profile -

1. The DNA profiles of those convicted for serious crimes, and
2. The DNA profiles of unidentified or missing person

This Bill, as you can see, has been tailored-made for Mauritius and, as the Prime Minister said, he wanted to restrict it because we have other States. Not all the States, even in the United States they have got a common policy. In New York, in fact, they have just changed the law recently to include almost everybody. In fact, every new born has got his cord blood taken for DNA typing. Whereas other States do not take everybody's blood, but for all those who are obviously convicted of serious crimes or have been condemned and also teenagers who have been involved in certain misdemeanours. The idea is that these petty crimes eventually deteriorate these perpetrators to commit major crimes and with the use of that it has been found that many tough criminals have got a record of petty crimes in their late teen and eventually, unfortunately, deteriorate to become hardcore criminals. The whole idea about all this is to protect society while also, to a certain extent, respecting the fundamental rights of the individual.

The Bill makes provision that this database, as the Prime Minister has said, can be used to locate suspects in violent crime cases that would otherwise have never been caught. The Bill makes provision for DNA results to be in line with international norms. Perhaps, the greatest concern when dealing with DNA samples is its ethical aspects.

(Interruptions)

I think this was a hidden thing in my pocket for quite some time.

An individual control over the body is the most basic foundation of any form of privacy right. Routine harvesting of genetic material quite rightly raises the question of privacy rights violation. Of additional significance is the fact that potential scientific therapeutic and economic importance of information may provide by their body fluids or tissue samples is difficult, if not impossible, to ascertain in advance, as scientific progress in genetic engineering is proceeding at a terrifying speed.

What seems impossible today may become easily achievable tomorrow with the unlocking of the genetic code and establishment of the genomes. Hence this precludes any truly informed consent. In fact, it is impossible to give informed consent and explain to the individual to what extent the samples he is providing can be made use of. Much concern has been raised about the use of DNA profiles other than Forensic Identification. The DNA Identification Bill clearly addresses the ethical issues. Within the Bill, provision is made as regards interference/tampering made with the biological sample under investigation; authorisation for collection of samples; the storage and preservation of DNA samples and destruction of DNA Samples or erasure of DNA profiles.

Mr Speaker, Sir, Mauritius has got a limited population of 1.2 million. I think it is important that we have a database, so as to be able to have, what we call, enough critical mass to be able to identify potential culprits or criminals who have otherwise been unable to be tracked down. There is also the question which the Leader of the Opposition has dealt lengthily upon. As he said, he is very much concerned about the rights and privacy and the Human Rights Commission of the European court has actually struck down the laws currently applicable in the UK.

In fact, human rights question is a very sensitive issue, especially in the West and in Europe. In fact, in the United States you have got a permanent commission which is looking after the rights of convicted criminals. They are making sure that they are treated properly and their rights are respected. In fact, there are certain lawyers also who specialised into innocent people who have been either not yet convicted or have been staying in jail some as far as 12 years, because there have not been overwhelming evidence against them. But they have used DNA and there are certain professors and experts in genetic who are specialising in that and have rendered justice to people who have been either innocently convicted or are waiting to be convicted.

Sometimes there is a legal period after which somebody cannot be kept, and we have had the Department of Justice filing a case against unknown individuals. This is to bypass the law so as to make sure that eventually these people are in case they have got DNA identification to be brought to law. But then we are a very small country compared to the United States, to the

European Union and this is a start in our endeavour to combat crime. As the Leader of the Opposition has said, he read a report in 1997, nothing was done. In fact, the problem in Mauritius is, we keep on talking, we will say we will do that and eventually we end up because we have to go through so many steps doing nothing. We are thinking only about one aspect of it, others want to think about the other aspects as we have seen here. It is about the individual, the victim of crime and there is the right of the individual. We have to strike a fair balance. I would not go with the Leader of the Opposition that we have been so lopsided that we are leaning heavily on the victim of crime and not really for the rights of the individual who has committed the crime or may have been convicted on wrong premises. But life is a matter of choice, Mr Speaker, Sir, we are here to protect the innocent, to protect the rights of the citizen and it is crucial that we start somewhere. We are embarking on a new venture and as the Prime Minister has said he is open in future to improve on this Bill. Rome was not built within a week - I put it in a week because we are not so ambitious. There is this question of whether the Director of the Forensic Science Lab will be the guardian and keep of all these database. I think we have to find a compromise somewhere. Unfortunately, in Mauritius, we do not have all these layers of experts in genetic, in genetic engineering, in law, especially law pertaining to conviction by DNA. Eventually we hope to build up these institutions, but for the time being, to start with, we have the Director and he or she will be somebody very competent and as the Prime Minister has said, there will be safeguards as we develop. We do not have many forensic scientists in this country. We do not have a university where there is forensic science which is taught. There is need to have this – what we call - critical mass before we can put a body on top of the Director of the Forensic Science Lab. We must start somewhere and build up on it. We may have many new technological innovations as possible, but there is also the human element which is extremely important. I'll refer here not only to the Forensic Scientist who will have to come up with genetic evidence from the minutest or even micro-cellular material, but also to our Police officers who are striving hard and use their sharpest acumen to bring criminals to justice.

I think that it is important that those two are complementary. We cannot lie on one. It is a combined effect of science and the flair of the Policemen, but we must also be very careful because criminals are also on the cutting edge of new technology too. There are stories of

deliberate contamination of the crime scene and convicts exchanging saliva to contaminate buccal samples, that is, samples which you get by the swabbing of the internal cheek. There is also a story, you know, on how to confuse - where somebody confused the scientist and the Police. There is a story of an incarcerated rapist who sent a sample of semen to a friend, convinced her to apply it to her body and report a rape in an effort to discredit his own DNA identification. That is why, we may have the science, but we must also have *ce qu'on appelle des policiers chevronnés*.

Now I come to certain points of the Leader of the Opposition. On the whole he has been very complementary to the Prime Minister, but I have followed him since I came to Mauritius in 1976. He can be very, very pleasant at times, but there is also that little thing which he keeps away and he never gives everything; probably, this is one of his tactics. He has quoted extensively from the latest magazines. Obviously, he is a hard worker as he has been going on over, I suppose, the Internet and getting all the information, but some of them may not be applicable to Mauritius. We are a small State and we do not have a House of Lords with eminent people like the Lord Justice or the European Court of Justice. We are prepared to learn and I think we are on the learning curve now once this Bill goes on, we will build up on our experience and we will learn from our mistakes. Some people never make mistakes as I would quote in my own previous field where I was: "The surgeon, who never operates, never makes a mistake and never kills." This is one of the things, but this Government is genuinely concerned about the rate of unsolved crimes. We want to protect our people genuinely and I am sure that Members of the House here will come up with new ideas, but I would appeal to everybody that we give this Bill a chance. We are a buoyant democracy and we shall learn from our experience of how this Bill works and we will improve upon that.

Mr Speaker, Sir, thank you very much.

Mr Speaker: I did not want to interrupt the hon. Minister while he was speaking although his cellular phone did stop him. I think that I will have to remind the hon. Members that when they enter the Chamber they must make sure that their telephones are switched off. I hope to get the cooperation of all the Members!

(18.53)

Mr P. Jugnauth (First Member of Quartier Militaire and Moka): Mr Speaker, Sir, I did not have the opportunity of having prior discussions with the hon. Prime Minister on this Bill, but as the hon. Minister has said, we are a buoyant democracy and I am happy to say that the Opposition and the Government speak on and off. Probably, I should speak about it provided the Prime Minister would be willing to have discussions in the future.

Let me, first of all, say that the presentation of this DNA Identification Bill is, of course, most welcome in the sense that a legislative framework is now being provided to take and make use of DNA samples for the purpose of determining the connection with or the involvement of a person in an offence and, more particularly, when it comes to a serious criminal offence. The proposed legislation, if properly supported by appropriate regulations and enforced judiciously, will definitely complement the existing legal provisions dealing with criminal offences and place Mauritius in the league of countries that are updating their legal arsenal to effectively deal and combat, I would say, the increasing number of complicated and serious crime cases.

Earlier I heard the hon. Prime Minister mentioning about figures that the criminal rate is decreasing. I have no doubt to question the figures that the hon. Prime Minister has mentioned. It is a small decrease, but still it is nice and positive. It is good to see that there is a decrease, but without being political about it, I believe that throughout the different Governments there has been a number of really atrocious and very serious crimes whereby we have seen so many people who have, of course, not been caught and not even been arrested for investigation. This is a very good thing and I have no doubt also that this proposed legislation will also have a dissuasive effect as potential offenders and criminals will keep at the back of their mind the increased probability of being caught through scientifically established evidence. Because all these time we have had, unfortunately, I have to call it the archaic way of investigation by the Police.

Mr Speaker, Sir, I am sure that yourself you are aware of so many pieces of evidence that could be gathered and used in a case but, unfortunately, because we do not have the proper techniques and technology, therefore, cases are not being dealt properly and, on some occasions, through no fault of the inquiring officers. Yet, this results in a lack of conclusion for a number of cases.

I believe that the other aspect of that Bill will also make potential offenders think not twice, but more than twice, because, in the future, they will know that there is going to be new technology and new techniques of investigation and that with the use of science we can come to more accurate results, therefore, better track offenders and criminals.

The DNA identification testing in forensics for the use as evidence in a court of law has, in fact, gained momentum during the last 10 years. DNA evidence has now given a new twist to the way that many crimes are investigated and prosecuted. The use of this technology has served not only to identify and convict many dangerous criminals elsewhere, but it has also served to exonerate many persons who were initially suspected and in a number of cases as we have heard wrongly convicted. So, its effectiveness in establishing the guilt or innocence in complicated and serious cases has been amply demonstrated in a number of countries and that is why we see that a number of countries have already adopted this new technique of investigation.

May I quote that lately in Ohio in the United States of America a person, one Robert McClendon who had spent 18 years in prison, was convicted of a child rape that he always maintained he did not commit was in fact released after DNA profiling on traces of semen that was requested by the Franklin County Prosecutor's Office which established that he could not have been the source of the DNA from the submitted semen stains that were found on the scene of the crime.

In Mauritius the hon. Prime Minister mentioned two cases that I had also in mind. The Nadine Dantier murder case has remained unsolved as at now. The probability of finding the rapist and murderer will, of course, increase provided we are able to have a proper testing done. But there can be no doubt that crimes such as the Dantier case and the Lagesse case which have been committed by people who have so far been able to get away. I suppose that, it is clear that the probability of tracking those guilty persons would be enhanced now with this technique.

However, Mr Speaker, Sir, for DNA testing and profiling to be used as evidence in the court of law, the *sine qua non* condition is to assure the validity and the recognition of the DNA test by a court of law. This technique must be shown to have been properly applied in the particular case, just like any other scientific fields, regulations and uniformity are the keys to building acceptance and validity. Imperatively then, there are norms and procedures that have to be clearly established as per universally prescribed guidelines, practices and protocols. I see at

clause 18 of the Bill that the Commissioner of Police shall within 12 weeks of the coming into force of this Legislation, issue by way of regulations, protocols and guidelines for scene of crime management including the taking, storage and preservation of DNA samples that have been collected on a scene of a crime. Similarly, I note that the Director of the Forensic Science Laboratory shall develop such protocols and guidelines as may be appropriate to ensure the effective forensic procedures as may be required under this legislation. Likewise I shall also note that the hon. Prime Minister himself, may make such regulations as he would think fit for the purposes of this legislation.

Mr Speaker, Sir, the protocols and guidelines to be issued either by the Commissioner of Police or the Director of the FSL already exist as they are of a universal nature. They exist elsewhere not yet here in Mauritius, but they are known guidelines. I mean that when I look at the regulations, the guidelines that apply in so many countries, of course, there are adjustments that have been made depending on the different specificity of the country. But generally, they are of the same nature, they are uniform. When they have been established internationally and they have gained universal recognition, I fail to see why we have not come up with the chain of custody regulations. That could have come – it should not be included in the law of course - as an annex to this Bill. Because this is crucial, we do not have to reinvent the wheel as I have said. Although I admit that in Mauritius, the situation is different; we are coming up with this Bill for the first time. A few adjustments could have been made to what purports in other countries and we could have adapted this chain of custody regulations to adapt to the local context.

I believe that these internationally recognised guidelines and protocols should have been, therefore, indicated by way of annex to this proposed legislation, at least, for information purposes.

Mr Speaker, Sir, without such guidelines and protocols this piece of legislation, of course, will be void. Its coming into force will be meaningless and the very fact that we have included as we do in so many of our Bills - we have not put a date, but we will say that the coming into operation of this Bill will come into operation at a date to be fixed by proclamation. Of course, different dates can be fixed for the coming into operation of different clauses of this Bill; it is a clear indication that without the appropriate regulations and protocols, this piece of legislation will just remain in theory. I sincerely hope that things are accelerated both at the level

of the Commissioner of Police and at the level of the FSL to quickly transform this piece of legislation into an effective tool in resolving serious criminal cases.

Mr Speaker, Sir, DNA testing and finger printing imply a series of practical, logistical, ethical, social and legal issues which if, are left unaddressed and underestimated, can lead to a situation where the declared objective will remain a mere intent or result in encroachment of civil liberties. I will come back to the safeguards that are imperative to ensure that there is no abuse of the DNA fingerprinting process. But let me come first to a practical and logistical issue which I have just mentioned. These are directly linked to the chain of custody procedure, I have mentioned earlier and I believe it should have been, at least, mentioned with this Bill, but let me go a bit in details so that we can understand how important it is for DNA sampling and testing.

But let me first draw the attention of the House on the mechanism that is obtained generally in other countries. First of all, the DNA specimen collection is itself a rigorous exercise. It is the first step of a very complicated procedure. It is, in fact, decisive and crucial for lawyers that we are. We know how important it is for the very collection of that sample, how important it is so that there is no dispute in a trial case. I see that in the Bill at clause 2, Interpretation, that the term qualified person does not apply to the collector of a DNA sample by means of a buccal swab or other non invasive procedure. It is further said, that a Police officer authorised by the Commissioner of Police will collect such a sample. My humble opinion, Mr Speaker, Sir, is that a Police officer being mentioned should also fall under the definition of a qualified person. The requirement qualifications and competencies must be clearly defined as it is, in the case for other DNA specimen collectors mentioned in the proposed legislation.

The Bill cannot simply mention a Police officer because we know how it is. A Police officer has the required competencies, the required training to be able to perform that very delicate work. Therefore, I believe we should mention a FSL officer and there is need also to define the other non-invasive procedure. What does this mean altogether? Does the collection of semen samples, for example, fall under the appellation of non-invasive procedures? Will such a specimen collection be entrusted upon to a Police officer? I think we need to be enlightened on this aspect and the chain of custody procedure refers to various chains of hands that the individual sample passes through. That, again, is very important for that evidence should not be able to be challenged in a court of law. A legal chain of custody, in fact, requires that samples,

including buccal swab samples, to be collected in the presence of a third neutral party. Usually, it is a laboratory professional at a registered DNA collection clinic, hospital - for that matter, it is going to be the FSL - and it should be, according to me, by trained people, that is, trained nurses, doctors. The third neutral party has the responsibility to ask the person from whom a DNA sample is to be taken to present, for example, Government issued identification, ID cards or passports for adults and birth certificates for minors, be it photograph and fingerprinted, complete an identification and consent form, and in the case of minors, we know that the consent should be signed by the legal guardian. The sample collector then seals the DNA sample in the presence of the neutral third party; the sample is given in a tamper proof package and is sent to qualified and accredited lab. That is what is obtained elsewhere, but here it is going to be, of course, the FSL. When it arrives at the laboratory, the staff must check to see to it that the package that is sealed is intact, and it requires, therefore, proper handling of the DNA and paperwork by the qualified laboratory, the sample, IDs that are tracked and documented throughout the testing procedure, and this procedure enables the laboratory to produce notarized test results that are going to be valid for use in court. In certain countries, Mr Speaker, Sir, there is even videotaping of the sample collection process, to see to it that, as much and as far as, there is less possibility of attacking this process in a court of law. This is another measure of further guaranteeing the authenticity of the sampling process. All these practical aspects are crucial, Mr Speaker, Sir. I would not say very important; they are crucial, in fact, if the DNA testing results are to be successfully used in a court of law. Therefore, the absence of stringent and rigorous internationally accepted procedures can lead to people, eventually, challenging the very authenticity of the DNA sampling, the testing, and the conclusions altogether.

Let me now come to the testing body, because I heard the Prime Minister say that it is going to be the FSL which is going to have the responsibility. Of course, we understand that in Mauritius we are new to this technology, we are just starting. But I hope we are not excluding the possibility, in the future, of having private hospitals, clinics to be authorised to handle DNA samples for testing and, eventually, to be used as evidence in a court of law, of course, provided they satisfy the authorities, the criteria, the guidelines, that they have the competencies, the technology, the apparatus to carry out such tests. I hope that - probably now it will be like that -

it is not contemplated that the FSL will be the sole DNA testing and identification body that we will have.

Coming to the FSL, which is itself going to be the first lab to carry out such tests, we have to ascertain that they have the required qualified staff; we have to make sure that they have the required sophisticated equipment. I know that, replying to previous Parliamentary Questions, the hon. Prime Minister has said a number of times that the FSL is acquiring equipment, they are training people, but we have to make sure that the proper competencies, the proper apparatuses exist before they are able to carry out not only testing but storage and profiling efficiently. We know that modern and reliable laboratory logistics are, in fact, the key to efficiency in this complex field and, I hope in his summing-up, the hon. Prime Minister will inform us about what is the actual situation at the FSL right now with regard to handling of DNA samples, and what is being contemplated also in the future in order to upgrade the facilities that will be available at the FSL.

There is the question of accreditation, which also arises, and has to be addressed, taking into account not only the FSL but also any other laboratory that, in the future, might be willing to carry out those tests, because we need to have a system whereby they are not only accredited, but that authorities see to it that they are up to the standard. We know that one question will arise. Of course, people would not want to be dependent on the FSL only. We can have a number of situations where people would want to have a counter-expertise with, of course, the FSL conclusion. Now, it is very costly to send a sample abroad, and we know what are the conditions that will be laid down to send a sample abroad, and it is going to be even more costly. So, having a laboratory in Mauritius in the future would be a very good thing for counter-expertise purposes.

Let me come to the ethical issues. The primary concern, of course, relates to the informational privacy of individuals from whom DNA samples are taken. The whole DNA data basing process worries, and rightly so. DNA profiles are different from fingerprints, which are useful only for identification. We know that DNA can provide insights into the very many intimate aspects of people and their families, including susceptibility to particular diseases, legitimacy of birth, as we know and, perhaps, predisposition to certain behaviour - I won't go into those details. But this information increases, in fact, the potential for genetic discrimination

by authorities, insurers, employers, schools, banks and others. And, on the same aspect, genuine concern has been expressed with regard to clause 9 subsection (3)(a) which stipulates, I quote –

“(3)(a)(...) a DNA sample may be kept for such reasonable time as may be appropriate for the purpose of research (...)”

of course, subject to the approval of the Home Affairs Minister. In my humble opinion, Mr Speaker, Sir, this provision for research constitutes departure from the very objective of the Bill, which is meant to empower the Police to use DNA evidence to elucidate serious crimes. Besides, there is no mention about what type of research is going to be undertaken. It is not in the Explanatory Memorandum and, therefore, the hon. Prime Minister, probably, will reassure us and tell us in the summing-up what research is being contemplated and what will be the aim of that research.

The protection of DNA Informational Privacy, Civil Liberty and Human Rights are, of course, key issues that have to be taken on board and all necessary measures must be taken to ensure that private data does not, in fact, fall either into unauthorized hands or is not utilised with an ill-intent.

Mr Speaker, Sir, although the worries on DNA sampling, storage and profiling cannot be underestimated or hastily cast aside, I am at least reassured on certain provisions of the Bill. It is clearly indicated that the DNA sampling request for the purpose of forensic analysis concerns persons believed to be connected to or associated with a serious offence. And, I see at clause 3 of the Bill, which is quite clear on this aspect, and before requesting for a DNA sample the Police will have to duly ascertain the nature of the offence, the degree of the person’s involvement and the possibility of having recourse to a less intrusive, but reasonably practical way of obtaining evidence. Now, the setting-up of this DNA database as a valuable tool to fight serious crimes and track dangerous criminals is, of course, not disputed. Of course, there is no harm in utilising DNA as an investigative tool to fight serious crimes when we know about its effectiveness. But, the whole point is to ensure that there is judicious utilisation of the technology so as to protect civil liberties.

Mr Speaker, Sir, let me refer to the UK Civil Liberties Trust which agrees, in fact, that a DNA database can be a valuable crime detection tool but, however, they have expressed deep reservations regarding a blanket DNA retention policy where samples are requested from people

who are arrested for even minor offence or have been mistakenly arrested. We've heard that, of course, this question of minor offence is not covered, because it is only serious offences that are being covered. They recommend that DNA retention should be practised when people are, of course, arrested for serious offence and I will come to that because they also suggest that a database should be based along the following principals, that is, the relevance of the DNA to the type of crime in question, the propensity of the offender to commit future crime of a relevant nature and the gravity of the offence. Otherwise I know that the UK Civil Liberties Trust says it constitutes a violation of civil liberty and human rights.

So, reading what the UK Civil Liberties Trust says, I believe that there are inbuilt safeguards in the proposed legislation and nevertheless in order to avoid any misunderstanding or future abuses as regards the applicability of DNA testing and sampling, I propose that serious offences, as I heard the hon. Prime Minister said earlier, although we know what serious offences are, but I think it will be a good thing to have the serious offences to be defined and listed.

Mr Speaker, Sir, another concern as regards DNA databases relates to their accessibility since the issue is about sensitive genetic information, it is feared that the Police Forensic Science Services and Researches use the database to have access to people's DNA without their consent. This can be seen as an intrusion of personal privacy and as, of course, a violation of civil liberties. And to address this particular concern, I hope that we provide a better safeguard, probably in terms of applying to the Court in order to be able to get access – judging Chambers for example - to that DNA databank.

Let me just briefly come to a social issue that relates to the DNA data basing. Studies in the United Kingdom criminal database which retains the DNA samples of all suspects show that ethnic minorities are over-represented in the population of arrestees and are therefore over-represented in criminal DNA database. This raises the concern of an institutionalised ethnic biased in the criminal justice system. The Clause 12 of the Bill seems to address this issue - when I see that it is provided that DNA samples for the purposes of the database will be obtained also from volunteers with a view to ensuring that they represent a cross-section of the Mauritian population; however, I do not know what will be the outcome in practice, only time will tell.

Legal issues that also arise with regard to DNA utilisation to determine the guilt or the innocence in criminal cases, of course, Trial Courts might receive a number of petitions and

motions for post conviction relief. I hope that this would also be addressed in the Bill, because requests for post conviction DNA testing present a somewhat unique issue for the Trial Court in that, the defendant making the request does not have newly discovered evidence as it is the normal case now for the law which is in place; one needs to get new evidence in order to move for the Court to reopen a case. Because, at the time of conviction, we did not have this legislation, we did not have this technology, so I believe that it is important for anyone who wishes to avail himself of that technology and, therefore, I believe that consideration has to be given to the issue of post conviction DNA testing, but I see that the Bill is silent on that. I hope that the hon. Prime Minister will consult the State Law Office on that issue.

Let me come to another pertinent legal issue that concerns the gap of knowledge between biologist and legal professionals and judges regarding DNA profiling techniques and interpretation. Experience in other countries, Mr Speaker, Sir, has shown that lawyers, as well as judges and juries, who are now continuously faced with DNA evidence in criminal case they often – as we do – lack the biological information to understand and to interpret DNA results altogether and, in Mauritius, this gap of knowledge might even be more important. We are, therefore, faced with the pressing need for training of legal professionals, and here, I am making an address to the hon. Attorney-General, because it is important that members of the legal profession, at least, have an insight of the way that this technology is used and that we are made well aware of how this can be considered as evidence in a court of law.

The Law Reform Commission has published a very lengthy, but interesting comment on the DNA Bill. Of course, I won't go in all the aspects of the opinion that has been put forward, but probably they might have a point with regard to the national database where they point out that the custodian should be independent and competent so that the public will have confidence and that there can be a conflict of interests if the same body, that is, the FSL performs the dual function of acting as a custodian and as a supplier of profiles. I see a point there. A situation of conflict might arise.

Let me conclude, Mr Speaker, Sir. Of course, we are in favour of the proposed legislation provided that all the protocols and the procedures are clearly established, that there are proper safeguards to avoid abuses and encroachment on civil liberties and human rights, and

that due consideration is given to a number of issues that I have raised. We are all conscious of the aggravating situation of law and order in the country. We are witnessing, as I said, crimes of a certain nature which are not only serious but which are really atrocious in nature. We, therefore, have to act and we have to act judiciously.

The Bill before the House today is no doubt a step in the right direction but for the proposed legislation to be really effective, we have to be uncompromising on norms, procedures and safeguards.

Mr Speaker, Sir, the proposed legislation is, of course, meant for dangerous criminals which should certainly not be considered as a licence given to the Police or to others to encroach on civil liberties or to unnecessarily pester the perpetrators of minor offences or innocent people.

Thank you, Mr Speaker, Sir.

Mr Mohamed: Sir, I move that the debate be now adjourned.

Mr Dayal rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Prime Minister: Sir, I beg to move that this Assembly do now adjourn to Tuesday 07 July 2009 at 11.30 a.m.

Mr X. L. Duval rose and seconded.

Mr Speaker: The House stands adjourned.

ADJOURNMENT MATTERS

SAVRIMOOTOO, MR & MRS RENALD – CITÉ JOACHIM, CUREPIPE –

WATER CHARGES

Mr M. Dowarkasing (Third Member for Curepipe & Midlands): Mr Speaker, Sir, I would like to raise an issue which relates to the Ministry of Renewable Energy and Public Utilities. I wish to draw the attention of the hon. Acting Minister of Renewable Energy and Public Utilities regarding the water rate charges of one of my mandate, Mr and Mrs Renald Savrimootoo of Cité Joachim, Curepipe.

Mr Speaker, Sir, in fact, in February 2009, they paid Rs110 for 7 m³ of water consumed. In March, they paid the same amount for 8 m³ of water consumed and it is in the month of May that the problem started. The reading of the metre at 18 March 2009 was 1229 units consumed and on 17 April 2009 it was 1233 units consumed. A simple subtraction shows, Mr Speaker, Sir, that during that month they had consumed only 4 m³ of water and they have been charged for 30 m³ of water. The same scenario repeated itself in the following month, that is, in July. I have got all the evidences here. I am going to lay that on the Table of the Assembly.

Mr Speaker, Sir, he called at the CWA office on 17 June and, up to now, the engineering staff has not even attended to his complaint. Bills have been wrongly computed and the CWA is not ready to remedy. He called again at the headquarters of the CWA office in St. Paul and then he was referred to a public communiqué which was issued on 20 June. If you will allow me, Mr Speaker, Sir, I will read one paragraph of the communiqué -

« Si, toutefois, durant l'exercice de vérification les chiffres du compteur n'avancent pas et que, néanmoins, votre facture affiche une hausse importante et soudaine, vous pouvez alors faire une demande pour un « Meter Test » (Rs200) auprès du département du service clientèle de la CWA. »

M. le président, il y a deux choses très importantes dans l'annonce qui a été faite. D'abord, la CWA concède qu'il se peut que le compteur n'avance pas, donc, un défaut technique dans le compteur. Ils concèdent cela.

Deuxièmement, ils reconnaissent qu'il y ait une possibilité qu'il y ait une hausse soudaine et importante. Mais néanmoins la faute vient de la CWA et, malheureusement, on demande aux consommateurs de payer R 200 pour faire un test. *I think this is very unreasonable, Mr Speaker, Sir.*

The second thing is that there is negligence. Either this billing has been negligently done or it has been wrongly computed. I would request the hon. Minister to look into the matter urgently. I am tabling a series of bills dating from February up to March. He can have an idea of the difference in the number of metre cubes of water consumed and how it was wrongly computed and also of the public communiqué which has been issued.

Thank you, Mr Speaker, Sir.

The Minister of Housing and Lands (Dr A. Kasenally): Mr Speaker, Sir, I will ask the hon. Member not to pump too much adrenaline into his circulation. I would agree with him that this is an unacceptable face of the CWA and I give my undertaking to ensure that corrective action is taken promptly as from tomorrow if I could get the details.

Thank you, Mr Speaker, Sir.

JOHN KENNEDY AVENUE, VACOAS – NIGHT CLUB –

NOISE POLLUTION & PARKING

Mrs F. Labelle (Third Member for Vacoas & Floreal): Mr Speaker, Sir, I would like to raise two issues which are affecting some inhabitants of my constituency particularly the residents of John Kennedy Avenue, Vacoas.

Recently, a night club came into operation in the ex-Savoy cinema, corner John Kennedy and route St. Paul. From what I have gathered, the inhabitants are being disturbed by the noise which indicates that the sound proof system is deficient or it does not exist. Secondly, there are no parking facilities for cars coming to this night club. So, the cars just park at the entrance of the residents. This has given rise to some verbal aggressions and violence between the inhabitants and those coming to this night club. May I request the hon. Minister if he could seek information about the issue of the permit of this night club and what conditions were attached for such an issue? Whether the question of sound proof and parking facilities were conditions attached for the issue of such a permit.

JOHN KENNEDY AVENUE, VACOAS – METHADONE DISTRIBUTION

Mrs F. Labelle (Third Member for Vacoas & Floreal): Mr Speaker, Sir, my second issue concerns distribution of methadone to the inhabitants of John Kennedy Avenue, Vacoas.

M. le président, je dois dire d'emblée que je suis une personne qui a beaucoup de compassion pour les victimes de la drogue just to set records right. But actually, since some months, the distribution of methadone in Vacoas is being effected in the yard of the Police station of Vacoas. We know that it is a fully residential area and when the patients come for their drug, they just wait in the streets in front of the houses of people. That is what they have to do. It is at a time in the morning where school children are going to schools and people are going to work. A tort ou à raison, there is a sort of apprehension regarding the inhabitants towards this activity. They do understand that we have to care for drug addicts. I have personally raised the question that they are patients; they have to receive medical treatment. But is it alright that these patients be treated here? Do they not have the right to be treated as any patient dans un environnement hospitalier pour leur bien et aussi pour le bien-être des habitants? Si c'est une mesure temporaire, peut-être le ministre peut nous dire pour quelle période ou quelle mesure va-t-il prendre pour la distribution des méthadones pour s'occuper de ces malades et en même temps pour réassurer les habitants de cette région?

Je vous remercie, M. le président.

The Minister of Health & Quality of Life (Dr. R. Jeetah): Mr Speaker, Sir, I have taken note and I am going to look into the matter.

RESIDENCE PERE LAVAL, QUATRE BORNES – KINDERGARTEN & PRE-PRIMARY SCHOOL

Mr G. Gunness (Third Member for Montagne Blanche and GRSE): Mr Speaker, Sir, on behalf of the inhabitants of Résidence Père Laval, Quatres Bornes, I am going to address myself to the Minister of Local Government regarding the closing down of the kindergarten and pre-primary school which is situated there and which exists for the last fifty-three years. In a letter dated 13 May 2009, the parents are informed, I quote –

«Chers parents, je vous informe que le conseil municipal a pris la décision de ne plus continuer à maintenir le service de garderie et l'école maternelle à partir du 1^{er} janvier 2010. Ainsi, vous êtes priés de faire les arrangements nécessaires pour que votre enfant puisse être admis dans une autre garderie/école maternelle. Le conseil regrette pour tout inconvénient.»

Mr Speaker, Sir, since the parents received this letter, they went to meet the Mayor on 19 May but, unfortunately, he was not in the country. On 2 June 2009, they managed to meet him. He promised to revisit the issue and to report back to the inhabitants of Résidence Père Laval. But, unfortunately, as at to date they received no communication. On 18 June 2009, they addressed a petition with 245 signatures to the Mayor and copied to the three MPs of the region, asking the Council to review this decision. I am given to understand by the inhabitants that they even had a meeting with the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications, hon. X. L. Duval.

Mr Speaker, Sir, this school which is being financed by the Municipality of Quatre-Bornes, operated and run by the Diocèse de Port Louis exists for the past fifty-three years. Many generations have gone through this school. It has all the necessary infrastructure, equipment and qualified personnel. I am given to understand that it is actually catering for forty children in the pre-primary class and forty in the kindergarten. I am given to understand that it is operating at optimum capacity. The closing-down will cause, obviously, undue hardship to residents and children of the Résidence Père Laval. Apart from being an institution which has proved itself, it has also an emotional dimension.

Mr Speaker, Sir, I would appeal to the Minister of Local Government to use his good offices, to persuade the Municipality of Quatre Bornes not to go ahead with the closing down of the school. I am sure the inhabitants of Résidence Père Laval will be most indebted to him. Thank you.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David):
Mr Speaker, Sir, in fact, it is never comfortable to close a school be it pre-primary or secondary or whatever and before the hon. Member raised the issue in Parliament, the three sitting members – hon. Deerpalsing and the Vice-Prime Ministers, have contacted the Municipality and contacted me as well and the issue will be revisited, Mr Speaker, Sir.

(7.43 p.m.)

YVES CANTIN HOSPITAL – PHARMACY SERVICE

Mrs S. Hanoomanjee (Second Member Savanne and Black River) : Mr Speaker, Sir, if you will allow me, very briefly, I will raise three issues; two of which concern the Minister of Health and Quality of Life and one, the Minister of Housing and Lands. It has been brought to my attention that with regard to Yves Cantin Hospital in Rivière Noire, after 6 p.m till the next morning, there are doctors and nurses in attendance, but the pharmacy is closed. After having been examined by a doctor and medicines prescribed, the patients cannot at this late hour purchase their medicine in a pharmacy somewhere else, especially in view of the remoteness of the place and the fact that the hospital serves inhabitants of Le Morne, Chamarel, La Gaulette and Tamarin. I am, therefore, requesting the Minister to look into the possibility of taking remedial action. The more so, in the past, the pharmacy was kept open throughout the night.

RIVIERE NOIRE - SCABIES

The second issue, relates to the high number of cases *de la gale qui avaient été rapportés quelque temps de cela dans la région de Rivière Noire. Il y a toujours beaucoup de personnes qui souffrent de la gale et les ONGs de la région m'ont demandée si le ministère de la santé aurait pu organiser une campagne de sensibilisation à Rivière Noire le plus vite possible pour éviter la prolifération de cette maladie.* So, I am asking the Minister whether appropriate action can be taken.

PALMA, BAMBOUS & PITON NHDC HOUSES – LIFE INSURANCE POLICY

The third issue concerns owners of houses of NHDC of Palma and Bambous but, I am given to understand that those of Piton also have the same problems. In fact, the contract that had been handed over for NHDC houses in the year 2000 does not include a life insurance policy whereas those before the year 2000 and those who obtained their contract after the year 2000 includes a life insurance policy. The problem which arises is that on the demise of any of the spouses, *le conjoint ou la conjointe se trouve dans l'impossibilité de continuer à payer ces dettes.* I will be grateful if the Minister of Housing could look into the matter.

The Minister of Health and Quality of Life (Dr R. Jeetah): Mr Speaker, Sir, I am aware of the problem of scabies and we are looking into it and with regard to Yves Cantin Hospital we will do the needful.

The Minister of Housing and Lands (Dr. A. Kasenally): I will see into the problem of insurance and see because I had many cases referred to me.

(6.19 p.m.)

CITE JONCTION, PAILLES - DRAINS

Mr J. C Barbier (Third Member of GRNW and Port Louis West): Merci, M. le président, je voudrais attirer l'attention du ministre de l'administration régionale concernant le projet de drain de l'eau pluviale à la Cité Jonction à Pailles. Au fait, M. le président, ce projet, qui est en chantier en ce moment, fait l'objet de vives inquiétudes de la part des habitants de la Cité Jonction. Des drains sont actuellement en construction et il n'y a pas eu de provision pour les recouvrir. Les rues de la Cité sont très étroites et la construction de drains va encore, je dirais, diminuer la largeur de la route et il y a spécifiquement dans cette rue beaucoup de handicapés. Il y a aussi beaucoup d'enfants au bord de la route dans cette région. Donc, la circulation même des voitures dans cette rue est très, très difficile. M. le président, les habitants ne sont pas contre ce projet, mais ils voudraient que le District Council de Rivière Noire fasse provision pour que ces drains soient couverts. Au fait, j'ai appris du secrétaire du district que ce projet fait partie du *Stimulus Package* que le gouvernement a accordé aux autorités locales. Malheureusement, dans ce projet, il n'y a pas eu de provision pour les *slabs*. Après que les habitants se soient soulevés contre ce projet, le District Council a demandé un *costing* des contracteurs en place pour qu'ils puissent avoir une idée de ce que ça va coûter. Ils ont été informés que cela va leur coûter Rs150,000. Mais ils n'ont pas ce budget dans le *Stimulus Package* et nulle part ailleurs dans leur budget courant, ils ne peuvent *afford that part of the project*. C'est pour cela que je voudrais demander au ministre des administrations régionales de voir si, au niveau du ministère, il pourrait financer ces Rs150,000 additionnelles pour que ce projet puisse être complété à la satisfaction de toutes les parties concernées. Merci.

The Minister of Local Government, Rodrigues and Outer Islands (Dr. J. B. David): M. le président, je voudrais tout simplement dire, concernant le problème, que j'ai eu une longue

réunion avec le secrétaire de Rivière Noire et qu'une solution arrive. Je ne sais pas si l'honorable membre parle des gens qui sont mécontents. Au contraire, nous avons fait un drain, nous sommes en train de le recouvrir et on apporte des solutions. Il ne faut pas exagérer parce que réellement ce qu'on a fait dans cet endroit est énorme. Jamais des travaux que nous avons faits n'ont été entrepris dans le passé.

(7.49 p.m.)

**CITE DEBARCADERE, POINTE-AUX-SABLES – DRAINS, CENTRE
POLYVALENT & BOULODROME**

Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) : Merci, M. le président, je voudrais soulever rapidement trois problèmes dans ma circonscription et je crois que cela relève du ministre des administrations régionales. À Cité Débarcadère, M. le président, à Pointes aux Sables, des drains pour recueillir de l'eau pluviale ont été construits à l'arrière de la foire mais, la construction n'a pas été complétée.

Le chantier qui longe le drain est fréquemment utilisé par les habitants de la région pour rejoindre la route principale. Or une bonne partie du drain n'est pas recouvert et cela représente un réel danger pour les habitants surtout le soir lorsqu'ils empruntent ce chantier. Il y a eu le cas de cette vieille dame qui s'est cassée les dents en tombant dans le drain. Elle a dû se faire extraire toutes les dents à l'hôpital Jeetoo récemment. Les habitants ont fait plusieurs demandes à la municipalité de Port-Louis pour faire recouvrir le drain mais sans succès.

Deuxième problème, M. le président, toujours au même endroit cette fois concernant le boulodrome où l'équipe qui représente Port-Louis dans les tournois au niveau national a l'habitude de s'entraîner. Des travaux commandités par la municipalité ont chamboulé le boulodrome empêchant les équipes de pratiquer leur sport. Il paraît que les jeunes ont déjà rencontré le Lord-Maire pour faire réhabiliter le terrain de pétanque toujours en vain. En attendant les joueurs ne savent plus quoi faire.

Troisième problème, M. le président, il y avait sous l'ancienne administration municipale un projet pour construire un centre polyvalent toujours au même endroit à Débarcadère. Le projet n'avait pu aboutir à cause de l'injonction d'une personne disant parler au nom des habitants de la

région. Les habitants voudraient maintenant savoir ce qu'il est advenu de ce projet car le manque d'infrastructure sociale se fait terriblement sentir. Je vous remercie.

The Minister of Local Government (Mr J. B. David) : M. le président, je ne peux m'empêcher de constater que c'est maintenant qu'ils découvrent qu'il y a des problèmes dans la circonscription et qu'ils n'ont jamais eux mêmes fait quoi que ce soit.

Je prendrai l'un après l'autre. Premièrement, à la Cité Débarcadère, ils parlent des drains. M. le président, c'est l'actuelle municipalité qui fait d'énormes travaux en ce moment et de visu. S'ils ont été là-bas ils auraient vu les travaux colossaux qui sont faits à l'entrée de la Cité Débarcadère et avec la foire de Pointe aux Sables.

Deuxièmement, concernant le boulodrome – c'est moi qui ai fait construire cela et maintenant étant donné que, dans cet endroit, nous sommes en train de faire une extension de la foire et d'autres travaux d'infrastructure, nous allons bouger le boulodrome et cela avec le consentement des jeunes de la région que j'ai eu l'occasion de contacter.

Troisièmement ils parlent de Débarcadère – le centre Polyvalent qu'ils avaient projeté de faire. Vous savez, M. le président, on ne vit pas de rêve.

Merci, M. le président.

At 7.57 p.m., the Assembly was, on its rising, adjourned to Tuesday 07 July 2009 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

LONGUE MOUNTAIN – LARCENY - CASES

(No. B/656) Mr P. Jhugroo (Third Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to larceny, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof committed in the regions of Long Mountain, Crève Coeur, Congomah and Notre Dame, since 2006 to date, on a yearly basis, indicating the number of arrests effected to date in connection thereof.

Reply: The information requested by the hon. Member is being compiled and will be placed in the library of the National Assembly.

POLICE OFFICERS - PROSECUTORS

(No. B/657) Mr Y. Varma (First Member for Mahebourg and Plaine Magnien) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Officers posted as prosecutors in the courts, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if they receive prior training to serve in that capacity and, if so, give details thereof.

Reply: I am informed by the Commissioner of Police that according to paragraph 1 of Standing Order No. 55, “any Police Officer from the rank of Sergeant to Superintendent may be required to act as prosecutor in District Court, Chief Inspectors and above will stand in Intermediate Court”. In this context, in order to ensure that officers eligible to serve as Prosecutors are adequately trained, components of prosecution duties are integrated in development courses organized for the benefit of all newly promoted Sergeants and Inspectors to enable them to act as Prosecutors as and when the need arises.

Furthermore, in-house training courses on prosecution duties are also held for these officers by the Police Training School and the Police Prosecution Unit with the assistance of resource persons from the State Law Office.

I am also informed by the Commissioner of Police that officers of the rank of Sergeant and Inspector are sent on attachment to the various Prosecutor’s Office on a roster basis to enable them to acquire practical skills in prosecution duties.

RODRIGUES - SMF - POSTING

(No. B/658) Mr J. R Spéville (Second Member for Rodrigues) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Officers of the Special Mobile Force who go to Rodrigues on duty tours, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof and the duration of the tours, indicating –

- (a) the grade of the Officers;

(b) the amount of money spent in terms of;

- (i) air tickets;
- (ii) *per diem* and other allowances; and
- (iii) meals, and

(c) if consideration will be given for the posting of a permanent platoon of the Special Mobile Force, in Rodrigues, with a view to cut down costs.

Reply: With regard to part (a) of the question, I am informed by the Commissioner of Police that there are presently 28 officers of the Special Mobile Force serving in Rodrigues as follows:-

- | | | | |
|---|------------------|---|----|
| • | Inspector | - | 1 |
| • | Sergeant | - | 1 |
| • | Police Constable | - | 26 |

These Officers normally serve a tour of duty of 45 days.

As regards part (b) of the question, I am further informed by the Commissioner of Police that the amount per head spent by the Police Department for a tour of duty of 45 days is as follows:-

- Air ticket – Rs 9,202;
- Out of pocket allowance – Rs 60/day; and
- Meal allowance – Rs 93/day.

As for part (c), I wish to refer the hon. Member to the reply I gave to PQ B/353 on 28 April 2009. Therein I mentioned that consideration is being given to the establishment of a Special Mobile Force Unit in Rodrigues. I am given to understand that the Commissioner of Police has already initiated action in this connection.

RODRIGUES – POLICE OFFICERS - TRANSPORT FACILITIES

(No. B/659) Mr J. R Spéville (Second Member for Rodrigues) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police vehicles, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof in running conditions in Rodrigues, indicating if –

(a) he has been made aware of the acute transport problem faced by the Police Officers,
and

(b) all the Police departments and stations thereat are provided with transport facilities
and, if not, why not.

Reply: I am informed by the Commissioner of Police that a total of 41 vehicles is allotted to the Rodrigues Police Division, out of which 33 are in good running condition.

I am further informed by the Commissioner of Police that Rodrigues Police Division is not encountering any transport problem. I am given to understand that action has been taken to ensure that at least one vehicle is attached to each of the Police Stations and Units in Rodrigues. In addition, whenever there is need for additional transport, the Police Transport Guardroom based at Rodrigues Divisional Headquarters in Rodrigues makes *ad hoc* arrangements.

POLICE CUSTODY – DEATH CASES

(No. B/660) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to persons having passed away while being in Police custody, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of cases thereof, since November 2008 to date, indicating the cases –

- (a) which have been solved, and
- (b) in which compensation has been paid.

Reply: I am informed by the Commissioner of Police that since November 2008 to-date, two cases of death in police custody have been reported.

As the enquiry in both cases has not yet been completed, the question of payment of compensation does not arise.

REYNALD TOPIZE – DEATH - INQUIRY

(No. B/661) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to late Reynald Topize, *alias* Kaya, he will state if he has received any representation requesting for the re-opening of the Police inquiry in relation to his death.

Reply: I am not in presence of any direct and specific representation requesting the reopening of the Police inquiry as such into the case of the death of Reginald TOPIZE, alias Kaya.

However, in December 2006, I received the letter from Mrs Véronique Topize requesting for the setting up of a Commission of Enquiry into the matter.

I wish to remind the House, Mr Speaker, Sir, that the Judicial Enquiry, conducted by an independent Senior District Magistrate, which was set up to enquire into the circumstances of the death of Reginald TOPIZE in police custody, found that there was no evidence of foul play.

Additionally, there was an independent assessment and analysis of all these circumstances by Dr Hugh WHITE, Consultant Histopathologist at Southmead Hospital, who also confirmed the absence of evidence of foul play.

I also wish to add that the sum of Rs 4.5 m was paid to Mrs. TOPIZE and to the two children of late Reginald TOPIZE as compensation on purely humanitarian grounds.

ALCOHOL CONSUMPTION – HOMICIDE, ASSAULT & ROAD ACCIDENTS

(No. B/662) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to alcohol consumption, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of cases of homicide, assault and road traffic accident in which it has been a contributing factor, over the past three years.

Reply: I am informed by the Commissioner of Police that from June 2006 to 25 June 2009, the consumption of alcohol has been the contributing factor in –

- 20 cases of homicide
- 2,798 cases of assault
- 823 cases of road traffic accident

As the House is aware, with a view to strengthening the law to combat alcoholism, the Public Health (Prohibition of Advertisement on Sale and Consumption in Public Places of Alcoholic Drinks) Regulations 2008 came into operation with effect from 01 March, 2009 and prohibits advertisement, sponsorship and consumption of alcoholic drinks in public places.

Under the regulations, sellers of alcoholic drink have also the obligation of conspicuously posting inside the point of sale a prominent message in English, French or Creole informing the public that the sale of such products is prohibited to minors and that excessive consumption thereof causes serious health, social and domestic problems.

DETAINEES – DEATH – NOVEMBER 2008 TO JUNE 2009

(No. B/663) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the Prison inmates, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of deaths, since November 2008 to date, indicating the reasons therefor.

Reply: I am informed by the Commissioner of Prisons that from November 2008 to date, 12 detainees have died while in prison custody.

According to the post-mortem reports, the causes of the death of the detainees were as follows –

- (i) Hypertension and heart disease;
- (ii) Acute suppurative broncho pneumonia;
- (iii) Multi-system failure;
- (iv) Myocardial infarction;
- (v) Gastro intestinal tract bleeding;
- (vi) Acute brain and pulmonary oedema;
- (vii) Septicaemia;
- (viii) Skull fracture with brain laceration;
- (ix) Respiratory arrest and Chest Infection;
- (x) Acquired Immuno – Deficiency Syndrome;
- (xi) Lobar pneumonia; and
- (xii) Renal failure.

‘RETAILER OF LIQUOR & ALCOHOLIC BEVERAGES’ – LICENCE

(No. B/664) Dr. A. Husnoo (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to liquor and other alcoholic beverages, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of on and off licensed premises thereof, in mainland Mauritius and in Rodrigues respectively.

Reply: I wish to draw the attention of the hon. Member that it is the Mauritius Revenue Authority which issues licences for ‘Retailer of liquor and alcoholic products’.

I am informed by the Mauritius Revenue Authority that the number of licences of ‘Retailer of liquor and alcoholic products’ are as follows –

- 1,391 in Mauritius, and
- In 264 in Rodrigues.

‘CAREER PLUS’ – RECRUITMENT AGENCY - ALLEGED ILEGAL ACTIVITIES

(No. B/665) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the alleged case of human trafficking at Worthing, United Kingdom, in which a Mauritian couple is involved, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the British Authorities have sought information on a recruiting agency in Mauritius, operating under the name of Career Plus.

Reply: I am informed by the Commissioner of Police that the British Authorities have not requested any information related to a recruitment agency known as ‘Career Plus’.

I am further informed that “Career Plus” is not licensed either under the Recruitment of Workers Act (1993) or under the Licensing of Recruiting Agents for Overseas Educational and Training Institutions Act (2006). However, following information regarding illegal activities by the agency, Police started an enquiry and has requested for a full report from the National Central Bureau (Interpol) in London.

I would like to assure the House that we are prepared as we have always been to offer our full collaboration to the British Authorities so that any agent who has been found engaged in illegal recruiting activities is prosecuted.

MBC – EMPLOYEES – PERMANENT & CONTRACTUAL BASIS

(No. B/666) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the employees of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to the number thereof on a permanent and a contractual basis, as at May 2009.

Reply: I am informed by the Director-General of the Mauritius Broadcasting Corporation that, as at 31 May 2009, 476 employees were serving on a permanent basis, 51 on a contractual basis and 168 Freelance.

MOBILE PHONES – LARCENY - INQUIRIES

(No. B/667) Mr N. Bodha (First Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to larceny of mobile phones, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, over the past two years, indicating if inquiries have been carried out thereinto and the outcome thereof.

Reply: I am informed by the Commissioner of Police that the number of cases of larceny of mobile phones reported from 01 July 2007 to 26 June 2009 were as follows –

- 01 July to 31 December 2007 - 828
- 01 January to 31 December 2008 - 1387
- 01 January to 26 June 2009 - 620

Out of a total of 2835 cases –

- 1441 cases have been classified after enquiry;
- 111 cases have been determined by court and the accused have been sentenced;
- 104 cases are pending court, and

- 1179 cases are pending enquiry.

With a view to curbing larceny of mobile phones, Government has decided that any mobile phone which is reported to have been lost to be automatically disconnected from the network of Mobile Service Providers.

I am informed that, with a view to implementing this decision, the Information and Communication Technologies Authority (ICTA) has required mobile operators to put in place a system known as the “Equipment Identity Register”.

I am informed by ICTA that the mobile operators have accordingly initiated the procurement procedures to purchase this system in order to deactivate any mobile phone that will, in the future be reported to have been stolen.

Furthermore, the law will be toughened in order to make tampering with the International Mobile Equipment Identity, which is a unique identification number to trace stolen mobile phones, a punishable offence to deter larceny of mobile phones.

GAMBLING – ADVERTISEMENT

(No. B/668) Mr J. C. Barbier (Third Member for GRNW and Port Louis West) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to gambling, he will state if Government will consider the advisability of banning the advertising thereof.

Reply:(The Vice-Prime Minister, Minister of Finance & Economic Empowerment):
As the House is aware, the Gambling Regulatory Authority Act regulates, *inter alia*, gaming activities in casinos and gaming houses, betting relating to horse racing and football matches, lottery games, lotteries and sweepstakes.

Insofar the advertisement of these gaming activities are concerned, Section 156 of the Gambling Regulatory Authority Act makes provision for the manner in which such advertisement is to be conducted, namely that -

- (i) it is no matter likely to be misleading to readers, viewers or listeners;
- (ii) it does not invite participation to any form of gambling, and
- (iii) it makes mention of age restriction for participation in any

particular gambling activity including play lottery games and that credit betting is not allowed.

I am informed by the Gambling Regulatory Authority that the licensees in advertising their products in the local press, public and private radios have done so within the provisions laid down in the Gambling Regulatory Authority Act.

However, I am also concerned by the frequency and intensity of the advertisement for Gambling. I shall be using my prerogative under section 7(3) of the GRA act to give directions to the Board of the GRA to address this issue.

STATE LAND – JULY 2005 TO JUNE 2009 - ALLOCATION

(No. B/669) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Minister of Housing and Lands whether, in regard to the allocation of State land, since July 2005 to date, he will state the –

- (a) eligibility criteria, and
- (b) number of applications
 - (i) received, indicating the names of the applicants, and
 - (ii) approved, indicating the names of the beneficiaries
 - (iii) purpose of the leases
 - (iv) the area of land leased, and
 - (v) the rental value

Reply: State lands are allocated for different purposes, namely, residential, commercial, industrial, religious, social and cultural, agricultural, landscaping and campement. The eligibility criteria are therefore different for different purposes and for each of the above-mentioned purposes, the eligibility criteria may be consulted on my Ministry's website (<http://www.gov.mu/portal/site/housing>).

In regard to part (b) of the question, the compilation of the requested pieces of information has started and, as indicated previously, is a time consuming exercise. Once completed and verified, the information will be placed in the Library of the National Assembly.

Nevertheless, I wish to inform the House that the number of applications approved by my Ministry is as follows:

<u>Period</u>	<u>No. of Applications Approved</u>
1. July 1995 to June 2000	2237
2. July 2000 to June 2005	6620
3. July 2005 to date	2630

The above-mentioned approvals include new leases but also renewals, transfers and amendments to existing leases.

STATE LAND - RELIGIOUS STRUCTURES

(No. B/670) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Minister of Housing and Lands whether, in regard to religious structures erected on State land, including public beaches, he will state the number thereof, indicating, in each case -

(a) the location, and

(b) if the prior necessary approvals were obtained and, if not, the actions that will be taken.

Reply: The information asked for is being compiled and will be placed in the Library of the National Assembly as soon as the exercise will be completed.

I also wish to point out that this Government is determined not to tolerate squatting. Section 22 of the State Land Act provides for the eviction of squatters and demolition of all unauthorized structures on the sites occupied by them. These cause environmental degradation and not only constitute a public nuisance and restrict public access to the sea and to the beach, but have provoked obstruction to the outflow of rivers during heavy rain thereby causing serious flooding with consequential damage to infrastructures and properties. The recent report on

flooding, presided by the hon. Judge Domah has recommended all structures and building on river reserves and embankment should be removed.

RIVER BANKS - ILLEGAL DUMPING

(No. B/671) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Minister of Environment and National Development Unit whether he is aware of illegal dumping on the river banks to deviate the original course of the rivers, thereby causing severe erosion to the opposite banks and, if so, will he state the actions Government proposes to take to -

- (a) remedy and prevent the recurrence of this practice, and
- (b) compensate those affected thereby.

Reply: I am informed by the Local Authorities that they are not in presence of any case of illegal dumping on river banks to deviate the original course of rivers, thereby causing severe erosion to the opposite banks.

At any rate if the hon. Member has any specific case to his knowledge, I would invite him to give details so that appropriate actions can be initiated.

IRS PROJECTS - APPLICATIONS

(No. B/677) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Vice-Prime Minister, Minister of Finance and Economic Empowerment whether, in regard to the Integrated Resort Schemes projects, he will, for the benefit of the House, obtain from the Board of Investment, information as to the number of applications received, since August 2008 to date, indicating the number thereof which –

- (a) are being processed, and
- (b) have been approved, indicating where matters stand as to the
implementation of each project

Reply: With regard to the 20 projects approved so far since the launch of the Integrated Resort Scheme in 2005, I did in reply to PQ B/637 last week, inform the House as to the status of their implementation.

However, with regards to only the number of applications made since August 2008, I am informed that since then, six applications for IRS projects have been submitted to the Board of Investment.

Five investment projects have been granted a Letter of Approval for the issue of an IRS Certificate subject to certain specified conditions being fulfilled within a year.

These conditions include -

- a. obtention of the land conversion permit from the Ministry of Agro-Industry, if applicable;
- b. obtention of the EIA Licence from the Ministry of Environment and National Development Unit;
- c. obtention of the Building and Land Use Permit from the District or Municipal council
- d. Provision of a bank guarantee of Rs 100,000 per residential property to the Board of Investment;
- e. Provision of a bank guarantee representing the IRS social contribution to the Board of Investment;
- f. Written undertaking to the Board of Investment that the benefits of the development of the project under the Scheme will accrue to the neighbouring community and to small entrepreneurs generally, in terms of employment and business opportunities.

Consequently, once these conditions are fulfilled an IRS Certificate is issued.

The sixth application is being processed.

PLAINE VERTE - SWIMMING TRAINING COURSES

(No. B/697) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the swimming pool in Plaine Verte, he will, for the benefit of the House, obtain from the

Municipal Council of Port Louis, information as to the number of persons who have followed swimming training courses, since its coming into operation to date, on a yearly basis, indicating in each case –

- (a) the gender, and
- (b) age groups.

Reply: The information asked for by the hon. Member is being laid in the library of the National Assembly.

CEB – DOMESTIC CUSTOMERS - ELECTRICITY SUPPLY DISCONNECTED

(No. B/705) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Deputy Prime Minister, Minister of Renewable Energy and Public Utilities whether, in regard to the domestic customers of the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the number thereof who have had their electricity supply disconnected, since January 2006 to March 2009, giving a breakdown thereof district-wise.

Reply: The information sought by the hon. Member is being compiled and detailed information will be placed in the library of the National Assembly . A raw review of total domestic customers being connected and disconnected for the period of 2005-2009 showed that about 10,000 domestic customers were disconnected annually and about 7,000 domestic customers were reconnected.

However, as compared to figures for the period 2000-2004, the average number of disconnections was about 20,000 and the average number of reconnections was 15,000.

The number of reconnections/disconnections for the last 4 years has been reduced drastically by certain measures taken by the CEB at the request of the Ministry.

All customers were required to give their telephone numbers and before disconnection of any electricity supply, after the required delay, customers were phoned personally to be informed to pay their bill within 48 hours, following which the disconnection procedure would be initiated. This may allow a further 48 hours.

Furthermore, customers for tariff 110A and 110, that is those of the vulnerable groups who normally consumes less than 75kWh a month, are granted certain flexibility for payment of their debts and in some cases payment instalment are granted to them.

As regard old age pensioners, an additional 14 days are granted to them to effect payment of their bills subject to certain conditions.

The Ministry has also advised the CEB to accept any part payment from the most vulnerable group and old age pensioners.

The main spring of this policy is to encourage domestic customers to pay rather than to have their electricity supply disconnected, which undoubtedly cause severe hardship to those people.

EDUCATIONAL TOURS – STUDENTS - FREE TRANSPORT

(No. B/706) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Minister of Education, Culture and Human Resources whether, in regard to the students, he will state if he will consider the advisability of allowing them to travel freely on presentation of a special letter issued by the management of the institution when proceeding on educational tours approved by their respective institution.

Reply: Free transport for students at all levels of schooling has been implemented as part of this Government's Programme since September 2005. Provision of free transport to students accordingly aims at alleviating the financial burden of numerous families, thus encouraging them to send their wards to schools.

As regards educational outings organised by schools, the institutions concerned negotiate at their own level with the bus providers for a concessionary rate.

The House may wish to note that generally, schools have an existing mechanism that takes on board the needy students not only for such outings but also for the provision of textbooks. Whenever, there is a problem of means, schools make special arrangements to provide financial support and relief to students.

EDUCATIONAL INSTITUTIONS - CELLULAR PHONES – USE

(No. B/707) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Minister of Education, Culture and Human Resources whether he will state if he will consider the advisability of imposing a ban on the use of cellular phones by the students during school hours while being in the precincts of their respective educational institution.

Reply: The use of mobile phones at schools is indeed a subject of debate at the international level and I must say that there are two schools of thoughts: on the one hand, it is viewed as a distraction to education, as a nuisance during classes and study while, on the other hand, it is reckoned as a means to keep in touch with parents and especially for emergency purposes.

In effect, many countries have moved towards forbidding the use of mobile phone on school premises and we are moving along the same line of thinking.

Presently, schools in Mauritius stand guided by two Circular letters which have been issued to our Primary and Secondary Schools as far back as in September 1999 and July 2001 which strictly prohibit students from using mobile phones in schools, especially in classrooms and during test and examinations.

In line with international trends, I am proposing to consider prohibiting the use of cellular phones by students on school premises during school hours or during test or examination periods.

They will be confiscated and returned to parents only when they come to school to claim them.

The modalities for implementation of this new policy are being worked out by my Ministry in consultation with parties concerned. Flouting the policy will entail a set of disciplinary actions, as may be appropriate.

On the other hand, our students have also been sensitized about the misuse of mobile phones. This is in fact an offence under section 47(1) of the ICT Act which provides for a fine of Rs1 m. and a term of imprisonment of less than five years on conviction.

MEDICAL NEGLIGENCE - INQUIRIES

(No. B/708) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Minister of Health and Quality of Life whether, in regard to medical negligence, he will state the number of reported cases thereof, since January 2006 to date, indicating if inquiries have been carried out thereinto and the number of cases where negligence has been established.

Reply: I assume that the hon. Member is referring to cases of alleged medical negligence. I am informed by the Medical Council of Mauritius that 121 cases of alleged medical negligence have been reported from January 2006 to April 2009 both for public and private sectors for the purpose of conducting an investigation.

I am circulating the information on the outcome of these cases.

I am also informed that:-

- (i) Two Fact Finding Committees were set up by my Ministry to investigate into two cases. In one of the case, the Fact Finding Committee recommended disciplinary action against the doctors involved and my Ministry administered a warning, a reprimand and a note of caution respectively to the staff concerned. In the second case, no fault was established.
- (ii) In other cases, departmental enquiries were carried out and disciplinary actions initiated against four doctors involved in two cases of alleged medical negligence.

The number of cases of alleged medical negligence needs to be put in its appropriate context. It should be noted that the number of attendances at the Public Health Institutions for the period 2006 to 2008 is on an average 8 million and the average number of operations performed for the same period is about 40,000.

In fact, the average daily attendances at our Public Health Institutions are 23,050.

I wish to assure the House that all cases of alleged medical negligence referred to my Ministry, are investigated by a technical team composed of Consultants within the speciality concerned under the chairmanship of one Regional Health Director. The report of the enquiry committee is then examined by a high level technical committee chaired by the Director General

Health Services and consisting of all Directors Health Services. Where it is deemed necessary, cases are then referred to the Medical Council for an in-depth enquiry for determination of either incompetence or medical negligence.

I wish to reassure the House that appropriate sanctions will be taken in the light of the findings of the enquiries carried out and in accordance with the provisions of the law.

I wish to refer to the statement made by hon. Hanoomanjee on Tuesday 16 June 2009 and I share her concern regarding the two recent cases of alleged medical negligence at Dr. Jeetoo Hospital. In both cases, preliminary enquiries have already been carried out and are to be followed by in-depth investigations.

NEW GEORGE V STADIUM - RENAMING

(No. B/709) Mr E. Guimbeau (First Member for Curepipe and Midlands) ask the Minister of Youth and Sports whether, in regard to the new George V Stadium in Curepipe, he will state if Government is proposing to change the name thereof and, if so, the reasons therefor.

Reply: Government has already taken a decision to rename the New George V Stadium as Ram Ruhee National Stadium in order to pay tribute to late Mr Rampaul Ruhee, OBE (also known as Ram Ruhee),

I wish to refer the hon. Member to the statement I made in the National Assembly on 11 November, 2008, in this connection. I reiterate that, Mr Ram Ruhee who passed away on 22 Oct 2008, at the age of 81 was an outstanding personality in the field of sports in Mauritius and he has occupied important functions in International Organizations like African Football Confederation (CAF), Federation Internationale de Football Association (FIFA) and the International Olympic Committee (IOC). As a representative of these prestigious organizations he has successfully represented Mauritius as its ambassador and has played an important role to make Mauritius known worldwide.

I also wish to point out that Late Mr Ram Ruhee was closely associated with the construction of the George V stadium and the promotion of football. In fact, he was a founder member of the former Mauritius Sports Association.

An official ceremony will be held by the end of July 2009 for the renaming of the George V stadium as Ram Ruhee National Stadium.

SOOBRAMANEY AVENUE, REDUIT – DRAIN WORKS

(No. B/710) Mr S. Dayal (Second Member for Quartier Militaire and Moka) the Minister of Environment and National Development Unit whether, in regard to the drain works being carried out at the Soobramaney Avenue, Réduit, which are causing undue hardships to the inhabitants thereat because of the accumulation of muddy water, he will state where matters stand.

Reply: I am informed by the Central Water Authority that pipe laying works have been carried out along Soobramaney Avenue, Réduit. However, regarding the drain project in the same region, a project, amongst others, was entrusted to Moka / Flacq District Council for implementation. But, due to inconclusive tendering exercise by the Council, the project could not be implemented as initially planned.

The National Development Unit is indeed considering the implementation of the drain project along Soobramaney Avenue, Réduit. I have requested the NDU's consultant to carry out a survey and to submit proposals. Consideration would be given for the implementation of the drain project along Soobramaney Avenue, Réduit on receipt of the proposal from the consultant.

HIV/AIDS PATIENTS – PUBLIC HEALTH INSTITUTIONS &

ANTI-RETROVIRAL DRUGS

(No. B/711) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne and Phoenix) asked the Minister of Health and Quality of Life whether, in regard to people having contracted HIV and AIDS, he will state the number

thereof who are -

(a)undergoing treatment in the public health institutions, and

(b) being treated with anti-retroviral drugs.

(Withdrawn)

VUILLEMIN FOREST OFFICE – ADJACENT ROAD - OPENING

(No. B/712) Mr P. Jugnauth (First Member for Quartier Militaire and Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether he will state if he will consider the advisability of opening the road adjacent to the Vuillemin Forest Department Office, via the hunting ground to Piton II Margerette, known as *Chemin Chassée*, to provide the planters of the region with a short cut.

Reply (The Minister of Environment and National Development Unit): I am informed that the road adjacent to the Vuillemin Forest Office forms part of a plot of State land which has been leased to Vuillemin Co. Ltd. This issue concerns different parties that is, the Ministry of Local Government, the Ministry of Housing and Lands, Ministry of Agro Industry, Food Production and Security, Moka Flacq District Council, Farmers Service Corporation and Mauritius Sugar Authority. The Ministry of Agro Industry, Food Production and Security, with the collaboration of different parties, will be requested to hold consultations in order to propose a solution for the benefit of the planters.

PETAN LANE, PETIT VERGER – REPAIRS

(No. B/713) Mr P. Jugnauth (First Member for Quartier Militaire and Moka) asked the Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to the Pétan Lane, extension of Caprice Road, at Petit Verger, he will state if he will consider the advisability of having same urgently repaired and tarred as part of that road has subsided.

Reply (The Minister of Local Government, Rodrigues and Outer Islands): I am informed by the Moka/Flacq District Council that repair and maintenance works at the Pétan Lane, extension of Caprice Road at Petit Verger have already started on 29 June 2009 and same will be completed within one week.

**HAROLD ALFRED WHELDON STREET, ROCHE BOIS –
STORM DRAIN - WASTES**

(No. B/714) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Environment and National Development Unit whether he is aware of the presence of wastes in the storm drain, along the Harold Alfred Wheldon Street, towards the Ruisseau Terre Rouge Sanctuary, Cité Roche Bois, and if so, will he state the remedial measures that will be taken.

Reply: (The Minister of Local Government, Rodrigues and Outer Islands): I am informed by the Municipality of Port Louis that the presence of wastes in the storm drain along the Harold Alfred Wheldon Street towards the Ruisseau Terre Rouge Sanctuary, Cité Roche Bois, is a recurrent feature.

I am informed that this state of affairs is due to the bad habits of residents of this locality who find it easier to throw away their garbage in drains which in turn cause obstruction of the drains.

I am also informed that all wastes are removed and disposed of by the Council twice weekly.

CENTRE 1er FEVRIER, ROCHE BOIS – VENTILATION

(No. B/715) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Local Government, Rodrigues & Outer Islands whether he is aware that the Centre 1er Février, in Cité Roche Bois, is not provided with an air extractor and that the windows are not well maintained, thereby depriving the centre of proper aeration and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the remedial measures that will be taken.

Reply: I am informed by the Municipality of Port Louis that the “Centre 1er Février” is already provided with six “whirly bird” ventilators and two louvers for ensuring fresh air and ventilation inside the building.

I am also informed that there are nineteen window panes fixed at a high level in the building, and which have been designed not to open so as to avoid draughts that could cause inconvenience to users of the gymnasium.

MANJOO COMPLEX, ROSE HILL - FIRE OUTBREAK

(No. B/716) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the fire outbreak at the Manjoo Complex, Rose Hill, on Monday 22 June 2009, he will, for the benefit of the House, obtain from the Government Fire Services Division, information as to -

(a) the time at which;

(i) it was reported to the Fire Services, and

(ii) the first lorry reached the site.

(b) if there was a shortage of water, and

(c) if all the hydrants of the surroundings were operational.

Reply: I am informed by the Government Fire Services that with regard to the fire outbreak at Manjoo Complex, Rose Hill on 22 June 2009, a fire call was received at 14.47 hours at the main Control Room, Port Louis. A team of fire fighters (1 station officer and 6 fire fighters) of the Quatre Bornes Fire Station reached the spot of fire at 14.55 hours that is within 8 minutes. On arrival on the fire ground, the incident Commander noticed a well developed fire and heavy black smoke emerging from the building. It was assessed that a large quantity of combustible materials was burning fiercely and the wooden building was completely engulfed with flame.

Immediately, the incident Commander sent an assistance message to the Control Room for additional pumping appliances and manpower which attended the site within half an hour.

Due to the close proximity of neighbouring building to the building involved, the incident Commander decided to prevent spread of fire to neighbouring building and to contain the fire to its point of origin.

Accordingly, six jets fed by pump appliances were positioned around the building. In order to have control of the situation, the fire ground was divided into five sectors and placed under the supervision of five officers. At about 17.45 hours, the fire fighters switched to offensive mode until the fire was brought under control.

The Fire Fighting operation continued until the next day when the fire was completely subdued by noon. I wish to assure the House that in no point in time there was a shortage of water as I am informed that approximately 35,000 litres of water were available from the water tank of fire appliances on the fire ground. In addition, one hydrant situated near the Rose Hill market and another one situated near NPF Building were used to feed the pumps on the fire ground. Furthermore, hydrants in the vicinity of 'Cyber City' at Ebène were used for filling of water carriers.

Sixty seven hydrants available in Rose Hill and all the fire hydrants of the surroundings were all operational. With regard to the number of fire fighters deployed, the initial team was beefed up and the following resources were involved in this operation -

2 Assistant Chief Fire Officers

2 Divisional Officers

3 Station Officers

3 Sub Officers

30 Fire Fighters, and

8 pumping/water carrying appliances

1 turntable ladder and 13 light vehicles including breathing apparatus van.

MANJOO COMPLEX, ROSE HILL - FIRE OUTBREAK – FIRE HYDRANTS

(No. B/717) Mrs F. Jeewa-Daureeawoo (Third Member for Stanley and Rose Hill) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the fire outbreak at the Manjoo Complex, Rose Hill, on Monday 22 June 2009, he will, for the benefit of the House, obtain from the Government Fire Services Division, information as to -

- (a) the number of fire hydrants available in the district of Rose Hill, and
- (b) the measures that were taken by the fire brigade team to extinguish the fire.

(Vide reply to PQ No. B/716)