

No. 1 of 2011



**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**FIRST SESSION**

**TUESDAY 22 MARCH 2011**

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*Members**Members***THE CABINET****(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	<i>Prime Minister, Minister of Defence, Home Affairs and External Communications</i>
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	<i>Deputy Prime Minister, Minister of Energy and Public Utilities</i>
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	<i>Vice-Prime Minister, Minister of Social Integration and Economic Empowerment</i>
Hon. Pravind Kumar Jugnauth	<i>Vice-Prime Minister, Minister of Finance and Economic Development</i>
Hon. Anil Kumar Bachoo, GOSK	<i>Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping</i>
Dr. the Hon. Arvin Boolell, GOSK	<i>Minister of Foreign Affairs, Regional Integration and International Trade</i>
Dr. the Hon. Abu Twalib Kasenally, FRCS	<i>Minister of Housing and Lands</i>
Hon. Mrs Sheilabai Bappoo, GOSK	<i>Minister of Gender Equality, Child Development and Family Welfare</i>
Hon. Nandcoomar Bodha	<i>Minister of Tourism and Leisure</i>
Dr. the Hon. Vasant Kumar Bunwaree	<i>Minister of Education and Human Resources</i>
Hon. Satya Veryash Faugoo	<i>Minister of Agro-Industry and Food Security</i>
Hon. Showkutally Soodhun	<i>Minister of Industry and Commerce</i>
Hon. Devanand Virahsawmy, GOSK	<i>Minister of Environment and Sustainable Development</i>

Dr. the Hon. Rajeshwar Jeetah	<i>Minister of Tertiary Education, Science, Research and Technology</i>
Hon. Satyaprakash Ritoo	<i>Minister of Youth and Sports</i>
Hon. Mrs Leela Devi Dookun-Luchoomun	<i>Minister of Social Security, National Solidarity and Reform Institutions</i>
Hon. Louis Hervé Aimée	<i>Minister of Local Government and Outer Islands</i>
Hon. Mrs Santi Bai Hanoomanjee	<i>Minister of Health and Quality of Life</i>
Hon. Mookhesswur Choonee	<i>Minister of Arts and Culture</i>
Hon. Tassarajen Pillay Chedumbrum	<i>Minister of Information and Communication Technology</i>
Hon. Louis Joseph Von-Mally, GOSK	<i>Minister of Fisheries and Rodrigues</i>
Hon. Ashit Kumar Gungah	<i>Minister of Civil Service Affairs and Administrative Reforms</i>
Hon Shakeel Ahmed Yousuf Abdul Razack	<i>Minister of Labour, Industrial Relations and Employment</i>
Mohamed	
Hon Yatindra Nath Varma	<i>Attorney General</i>
Hon John Michaël Tzoun Sao Yeung Sik Yuen	<i>Minister of Business, Enterprise, Cooperatives and Consumer Protection</i>

*Members**Members*

## PRINCIPAL OFFICERS AND OFFICIALS

*Mr Speaker*Purryag, Hon. Rajkeswur, GCSK,  
GOSK*Deputy Speaker*

Roopun, Hon. Prithvirajsing

*Deputy Chairman of Committees*

Hossen, Hon. Abdullah Hafeez

*Clerk of the National Assembly*

Dowlutta, Mr R. Ranjit

*Deputy Clerk*

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*Serjeant-at-Arms*

Munroop, Mr Kishore

**MAURITIUS**

**Fifth National Assembly**

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**FIRST SESSION**

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**Debate No. 1 of 2011**

**Sitting of Tuesday 22 March 2011**

**The Assembly met in the Assembly House, Port Louis,**

**at 11.30 a.m**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

**ANNOUCEMENTS****OBITUARY - MR RAJMAN RAMPERSAD**

**The Prime Minister:** Mr Speaker, Sir, it is with deep regret that we have learnt of the demise of Mr Rajman Rampersad on 19 December 2010, at the age of 68.

Mr Rampersad was born on 01 September 1942 at Laventure. He attended the Laventure Hindu Aided School for primary education, and pursued his secondary education at Bhujoharry College.

Mr Rampersad was a sugar cane planter. He occupied the post of the Secretary of the Laventure Cooperative Credit Society. He also worked at the British American Insurance until his retirement.

He was also a member of the Laventure Village Council, and also occupied the post of Chairperson of the Moka/Flacq District Council.

During his lifetime, Mr Rajman Rampersad also served various socio-cultural organisations.

In 1995, Mr Rampersad stood as a candidate for the General Election and was returned as the Third Member for Constituency No. 7 - Piton and Rivière du Rempart. From July 1997 to August 2000, Mr Rajman Rampersad occupied the post of Junior Minister for Urban and Rural Development.

May I, therefore, request you, Mr Speaker, Sir, to be kind enough to direct the Clerk of the National Assembly to convey the condolences of Government and of this Assembly to the bereaved family.

**Mr Bérenger:** Mr Speaker, Sir, we join with the Prime Minister, and we request you to convey our condolences to the family of late Mr Rampersad.

**Mr Speaker:** I associate myself with the tribute paid to the late Mr Rajman Rampersad by Dr. the hon. Prime Minister and the hon. Leader of the Opposition, and I direct the Clerk to convey to the bereaved family the assurance of our sincere condolences.

**OBITUARY - MR SHUSHI BHUSHUN PANRAY RAMDAHEN**

**The Prime Minister:** Mr Speaker, Sir, it is with deep regret that we have also learnt of the demise of Mr Shushi Bhushun Panray Ramdahen on 08 March 2011, at the age 66, in England.

Mr Ramdahen was born on 22 April 1944 at Quartier Militaire. He graduated in Economics and became Education Officer.

Mr Ramdahen joined politics in the 1980s. He stood as a candidate for the general election of 1982 under the banner of the MMM/PSM Alliance in Constituency No. 20 - Beau Bassin and Petite Rivière, and was returned as a Second Member for the said Constituency.

From 01 December 1983 to 16 October 1987, Mr Ramdahen was Ambassador in Pakistan.

After his retirement, he resumed studies and obtained a M.A. first class degree in French and later a B.A. in Journalism, followed by an LLB in 1997. He continued to write on various subjects of interest.

Mr Speaker, Sir, may I request you to be kind enough to direct the Clerk of the National Assembly to convey the condolences of Government and of this Assembly to the bereaved family.

**Mr Bérenger:** Mr Speaker, Sir, we would request you to convey our condolences to the family of late Mr Ramdahen.

**Mr Speaker:** I associate myself with the tribute paid to the late Mr Shushi Bhushun Panray Ramdahen by Dr. the hon. Prime Minister and the hon. Leader of the Opposition, and I direct the Clerk to convey to the bereaved family the assurance of our sincere condolences.

#### **OBITUARY - MR KRISHNADUTH BHORRA**

**The Prime Minister:** Mr Speaker, Sir, it is also with deep regret that we have learnt of the demise of Mr Krishnaduth Bhorra on 14 March 2011, at the age of 61, in Switzerland. In fact, the Bhorra family has, unfortunately, suffered a double tragedy with Mr Bhorra's wife passing away one week earlier while with him in Switzerland.

Mr Bhorra was born on 19 August 1949 at Terracine, Surinam. He was a teacher at the Thanacoody College during the 70s.

In 1976, Mr Bhorra stood as a candidate for the general election under the banner of the *Mouvement Militant Mauricien* in Constituency No. 11 - Vieux Grand Port and Rose Belle, but was not returned.

In 1982, he stood for the general election under the banner of the *Parti de L'Alliance Nationale* in Constituency No. 11, and was not returned.

In 1983, Mr Bhorra joined the *Mouvement Socialiste Mauricien* and participated in the general election under the banner of the MSM and the Mauritius Labour Party Alliance in Constituency No. 15, together with the PMSD, at La Caverne and Phoenix, but was not returned.

He was nominated to serve as President of the Administrative Board of the National Transport Corporation, post which he occupied until 1987. He ran for the general election in the same year under the banner of the *Bleu-Blanc-Rouge Alliance* in Constituency No. 12 - Mahebourg and Plaine Magnien, and was returned as Second Member for the said constituency. He was subsequently appointed Parliamentary Private Secretary.

Mr Bhorra also occupied the post of Chief Editor of the Newspaper l'Echo.

In 2005, Mr Bhorra joined the *Parti Action Libérale* and became the Secretary General.

Lately, he served as Chief Executive Officer of the New Security Guards Ltd.

May I, therefore, Mr Speaker, Sir, request you once again to be kind enough to direct the Clerk of the National Assembly to convey the condolences of Government and of this Assembly to the bereaved family.

**Mr Bérenger:** Once again, Mr Speaker, Sir, please convey our condolences to the bereaved family, and especially to the children of late Mr Bhorra.

**Mr Speaker:** I associate myself with the tribute paid to the late Mr Krishnaduth Bhorra by Dr. the hon. Prime Minister and the hon. Leader of the Opposition, and I direct the Clerk to convey to the bereaved family, especially the children, the assurance of our sincere condolences.

**PAPERS LAID**

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

**Prime Minister's Office** –

- a) Certificate of Urgency in respect of the Divorce and Judicial Separation (Miscellaneous Provisions) Bill (No. XXIV of 2011).
- b) The Mauritius Citizenship (Amendment) Regulations 2010 (Government Notice No. 255 of 2010).
- c) The Annual Report of the Data Protection Office for the year 2009.
- d) The Police Act – Order made by the Commissioner of Police under section 13A of the Police Act (Government Notice No. 8 of 2011).

**Ministry of Energy and Public Utilities** –

- a) The Report of the Director of Audit on the Financial Statements of the Wastewater Management Authority for the years ended June 2004 and 30 June 2005 (*In Original*).
- b) The Central Water Authority (Drought Period) Regulations 2011 (Government Notice No. 3 of 2011).

- c) The Annual Report of the Maurice Ile Durable Fund (MIFD) for the period July 2008 to July 2010.

**Ministry of Social Integration and Economic Empowerment –**

The National Economic and Social Council Report 15 on an Investigation into Food Safety in Mauritius.

**Ministry of Finance and Economic Development –**

- a) The Investment Promotion Act (Government Notice No. 229 of 2010).
- b) The Excise (Rodrigues) (Revocation) Regulations 2010 (Government Notice No. 230 of 2010).
- c) The Excise (Amendment of Schedule) (No. 3) Regulations 2010 (Government Notice No. 231 of 2010).
- d) The Customs Tariff (Amendment of Schedule) (No. 2) Regulations 2010 (Government Notice No. 235 of 2010).
- e) The Digest of Energy and Water Statistics – 2009.
- f) The Digest of Public Finance Statistics – 2009.

- g) Agreements between the Republic of Mauritius and the Government of the People's Republic of China –
  - i) Grant of RMB 40,000,000; and
  - ii) Interest Free Loan of RMB 20,000,000 (*In Original*).
- h) The Investment Promotion and Protection Agreement (Republic of Congo) Regulations 2011(Government Notice No. 28 of 2011).
- i) The Securities (Acquisition of Shares of Dissenting Shareholders during Takeovers) (Revocation) Regulations 2011 (Government Notice No. 5 of 2011).
- j) The Mauritius Revenue Authority (Amendment of Schedule) Regulations 2010 (Government Notice No. 2 of 2011).
- k) The Insurance (General Insurance Business Solvency) (Amendment) Rules 2010 (Government Notice No. 256 of 2010).
- l) The Digest of Environment Statistics 2009.

- m) The Income Tax (Amendment of Schedule) Regulations 2011 (Government Notice No. 22 of 2011).
- n) The Agreement for the Allocation of Taxing Rights with respect to certain Income of Individuals and to establish a Mutual Agreement Procedure in respect of Transfer Pricing Adjustments (Australia) Regulations 2011 (Government Notice No. 23 of 2011).
- o) The Dollar Credit Line Agreement between the Government of the Republic of Mauritius and the Export-Import Bank of India (*In Original*).
- p) The Digest of the Road Transport and Road Accident Statistics 2009.
- q) The Continuous Multipurpose Household Survey (Amendment) Regulations 2010 (Government Notice No. 225 of 2010).
- r) The Securities (Takeover) Rules 2010 (Government Notice No. 226 of 2010).
- s) The Agreement on the Exchange of Information with respect to Taxes (Australia) Regulations 2011 (Government Notice No. 21 of 2011).

t) The Reports and Accounts of the Portable Pension Fund for the year ended 30 June 2005 (*In Original*).

u) The Land (Duties and Taxes) (Amendment of Schedule) Regulations 2011 (Government Notice No. 37 of 2011).

**Ministry of Public Infrastructure, National Development Unit,  
Land Transport and Shipping** –

a) The Road Traffic (Amendment) Regulations 2010 (Government Notice No. 245 of 2010).

b) The Road Traffic (Exemption for Visitors) (Amendment) Regulations 2010 (Government Notice No. 246 of 2010).

c) The Road Traffic (Fees) (Amendment) Regulations 2010 (Government Notice No. 247 of 2010).

d) The Road Traffic (Motor Vehicles Examination Fees) (Amendment) Regulations 2010 (Government Notice No. 248 of 2010).

e) The Road Traffic (Public Service Vehicles, Road Service and Carrier's Licences) (Amendment) Regulations 2010 (Government Notice No. 249 of 2010).

- f) The Road Traffic (Removal of Unlicensed Vehicles) (Amendment) Regulations 2010 (Government Notice No. 250 of 2010).
- g) The Road Traffic (Motor Dealers' Vehicle Licence) (Amendment) Regulations 2010 (Government Notice No. 251 of 2010).
- h) The Road Traffic (Registration of Motor Vehicles and Trailers) (Amendment) Regulations 2010 (Government Notice No. 252 of 2010).
- i) The Road Traffic (Control of Taxi Operations) (Amendment) Regulations 2010 (Government Notice No. 253 of 2010).
- j) The Road Traffic (Amendment of Schedule) (No.2) (Amendment) Regulations 2010 (Government Notice No. 254 of 2010).
- k) The Merchant Shipping (Fees) (Amendment) Regulations 2010 (Government Notice No. 1 of 2011).
- l) The Road Traffic (Paid Parking) (Amendment) Regulations 2011 (Government Notice No. 24 of 2011).
- m) The Road Traffic (Speed) Regulations 2011 (Government Notice No. 25 of 2011).

- n) The Report of the Director of Audit on the Financial Statements of The Seafarer's Welfare Fund for the periods 1 July 2008 to 30 November 2008 and 1 December 2008 to 30 June 2009 (*In Original*).
- o) The Road Traffic (Taxi, Bus and Lorry Stands) (Amendment) Order 2011 (Government Notice No. 35 of 2011).

**Ministry of Housing and Lands** –

The Land Surveyors (Diplomas) Regulations 2011 (Government Notice No. 36 of 2011).

**Ministry of Gender Equality, Child Development and Family Welfare** –

The Report of the Director of Audit on the Financial Statements of The National Women's Council for the years ended 30 June 1995, 1996 and 1997.

**Ministry of Education and Human Resources** –

- a) The Annual Report 2007-2008 of the Mauritius Examinations Syndicate.
- b) The Report of the Director of Audit on the Financial Statements of The Students' Relief Fund for the years ended 30 June 1996, 30 June 1997, 30 June 1998, 30 June 2009 and for the period July to December 2009 (*In Original*).

- c) The Report of the Director of Audit on the Financial Statements of The Mahatma Gandhi Institute for the periods 2003/2004 and 2008/2009.
- d) The Annual Reports of the Mauritius Institute of Education for the years 1991, 1992, 1993 and 1994.
- e) The Annual Report 2008-2009 of the Industrial and Vocational Training Board.
- f) The Report of the Director of Audit on the Financial Statements of The Rabindranath Tagore Institute for the year ended 30 June 2009.

**Ministry of Agro Industry and Food Security –**

- a) The Sugar Insurance Fund (Amendment of Schedule) Regulations 2010 (Government Notice No. 236 of 2010).
- b) The Annual Report of the Sugar Investment Trust for the period ending 30 June 2010.

**Ministry of Industry and Commerce –**

- a) The Patents, Industrial Designs and Trademarks (Amendment No.1) Regulations 2011 (Government Notice No. 30 of 2011).

- b) The Patents, Industrial Designs and Trademarks (Amendment No.2) Regulations 2011 (Government Notice No. 31 of 2011).

**Ministry of Tertiary Education, Science, Research and Technology**

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- a) The Annual Report 2007-2008 of the Mauritius Research Council.
- b) The Annual Report and Accounts of the Tertiary Education Commission for the year 2008-2009.
- c) The Annual Report of the Mauritius College of the Air for the period July 2008-June 2009.

**Ministry of Youth and Sports** –

The Annual Report and Audited Accounts of the Trust Fund for Excellence in Sports for the period 1 July to 31 December 2009.

**Ministry of Social Security, National Solidarity and Senior Citizens Welfare and Reforms Institutions** –

The Statutory Bodies Pension Funds Regulations 2011 (Government Notice No. 7 of 2011).

**Ministry of Local Government and Outer Islands** –

- a) The Moka/Flacq District Council (Traffic Centre) Regulations 2010 (Government Notice No. 237 of 2010).
- b) The Grand Port/Savanne District Council (Traffic Centre) Regulations 2010 (Government Notice No. 238 of 2010).
- c) The Municipal Council of Beau Bassin-Rose Hill (Traffic Centre) Regulations 2010 (Government Notice No. 239 of 2010).
- d) The Municipal Council of Quatre Bornes (Traffic Centre) Regulations 2010 (Government Notice No. 240 of 2010).
- e) The Municipal Council of Vacoas-Phoenix (Traffic Centre) Regulations 2010 (Government Notice No. 241 of 2010).
- f) The Municipal Council of Curepipe (Traffic Centre) Regulations 2010 (Government Notice No. 242 of 2010).
- g) The Report of the Director of Audit on the Financial Statements of the Beach Authority for the year ended 30 June 2009 (*In Original*).
- h) The Pamplemousses-Rivière du Rempart District Council (Traffic Centre) Regulations 2011 (Government Notice No. 6 of 2011).

- i) The Municipal Council of Port Louis (Traffic Centre) Regulations 2010 (Government Notice No.4 of 2011).
- j) The Curepipe (Fair) (Amendment) Regulations 2010 (Government Notice No. 243 of 2010).
- k) The Municipal Council of Port Louis (Cemetery/Crematorium) Regulations 2011 (Government Notice No.10 of 2011).
- l) The Municipal Council of Curepipe (Bigara Cemetery/Crematorium) Regulations 2011 (Government Notice No.11 of 2011).
- m) The Municipal Council of Vacoas-Phoenix (Cemetery/Crematorium) Regulations 2011 (Government Notice No.12 of 2011).
- n) The Grand Port/Savanne District Council - Public Notification of land use for the purpose of Cemetery in accordance with Section 162(2) of the Public Health Act (Government Notice No.13 of 2011).
- o) The Black River District Council (Cemetery/Crematorium) Regulations 2011 (Government Notice No. 17 of 2011).

- p) The Moka/Flacq District Council (Cemetery/Crematorium) Regulations 2011 (Government Notice No. 18 of 2010).
- q) The Black River District Council (Traffic Centre) Regulations 2011 (Government Notice No. 26 of 2011).
- r) The Curepipe (Sale of articles outside markets) Regulations 2011 (Government Notice No. 29 of 2011).
- s) The Curepipe (Environmental Health) (Amendment) Regulations 2010 (Government Notice No. 244 of 2010).
- t) The Grand Port/Savanne District Council (Cemetery Crematorium) Regulations 2011 (Government Notice No.32 of 2011).
- u) Approval of Outline Planning Scheme for Quatre Bornes Municipal Council Area (Government Notice No.33 of 2011).

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

- a) The Medical Council (Medical Institutions) (Amendment) Regulations 2004 (Government Notice No. 227 of 2010).

- b) The Public Health (Prohibition on Advertisement, Sponsorship and Restriction on Sale and Consumption in Public Places, of Alcoholic Drinks) Regulations 2008 (Government Notice No. 228 of 2010).
  
- c) The Report of the Director of Audit on the Financial Statements of the Mauritius Institute of Health for the year ended 30 June 2009 (*In Original*).
  
- d) The Dental Council (Medical Institutions) (Amendment) Regulations 2011 (Government Notice No. 19 of 2011).
  
- e) The Traditional Medicine Board (Ayurvedic and Other Traditional Medicines Institutions) (Amendment) Regulations 2011 (Government Notice No. 20 of 2011).
  
- f) The Report of the Director of Audit on the Financial Statements of the Trust Fund for Specialised Medical Care for the year ended 30 June 2009 (*In Original*).
  
- g) The Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011 (Government Notice No. 27 of 2011).

- h) The Report of the Director of Audit on the Financial Statements of the National Trust Fund for Community Health for the years ended 30 June 1998, 30 June 1999, 30 June 2000, 30 June 2001, 30 June 2002, 30 June 2003, 30 June 2004 and 30 June 2005 (*In Original*).
- i) The Medical Council (Medical Institutions) (Amendment) Regulations 2011 (Government Notice No. 34 of 2011).

**Ministry of Arts and Culture –**

The Films (Amendment No. 2) Regulations 2010 (Government Notice No. 232 of 2010).

**Minister of Information and Communication Technology –**

The Annual Report 2008/2009 of the Information and Communication Technologies Authority (ICTA).

**Ministry of Fisheries and Rodrigues –**

The Annual Reports of the Fishermen Investment Trust for the period 31 January 2007 to 30 June 2009.

**Ministry of Labour, Industrial Relations and Employment –**

The Annual Report of the Export Processing Zone Labour Welfare Fund for the Financial Year 2008/2009 (*In Original*).

**Attorney General's Office –**

The Annual Report of the Law Reform Commission for the period 01 January to 31 December 2010 (*In Original*).

**Ministry of Business, Enterprise, Cooperatives and Consumer Protection –**

- a) The Consumer Protection (Control of Price of Petroleum Products) (Amendment No. 5) Regulations 2010 (Government Notice No. 233 of 2010).
- b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 30) Regulations 2010 (Government Notice No. 234 of 2010).
- c) The Consumer Protection (Control of Price of Petroleum Products) (Amendment No. 6) Regulations 2010 (Government Notice No. 257 of 2010).
- d) The Consumer Protection (Control of Price of Petroleum Products) Regulations 2011 (Government Notice No. 9 of 2011).
- e) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment) Regulations 2011 (Government Notice No. 14 of 2011).
- f) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment) Regulations 2011 (Government Notice No. 15 of 2011).

- g) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 2) Regulations 2011 (Government Notice No. 16 of 2011).

**ORAL ANSWERS TO QUESTIONS****MED POINT CLINIC – STATE ACQUISITION**

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the acquisition of the Med Point Clinic by the State, he will -

- (a) state if he agrees to the setting up of a Select Committee to establish all the facts, in particular -
  - (i) if all the prescribed procedures have been followed;
  - (ii) the cost of rehabilitation and other works to be carried out, and
  - (iii) the date on which the Central Procurement Board awarded the tender, and
- (b) for the benefit of the House, obtain from the Commissioner of Police, information as to if, regarding the recent reported case of arson at Belle Terre, the police inquiry has revealed any link thereto.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to this Private Notice Question and to Question B/17 together. My reply will also cover Parliamentary Questions B/52 and B/53.

Regarding part (a) of the question, I should like, at the very outset, to state that, in view of the special needs of old people in the context of an ageing population, the idea of having specialised geriatric services was first invoked as far back as the year 2000 when I referred to the need for a geriatric hospital on several occasions. This issue was taken up again by the Chief Medical Officer, late Dr. Sungkur, in June 2004.

In this regard, late Dr Sungkur met Dr. J. P. Emeriau of Bordeaux University who was in Mauritius to speak about geriatric medicine, and he asked him to advise the Ministry on how to manage elderly patients. They came to the conclusion that this would become an acute problem by the year 2010 to 2015, and that there was an urgent need to have a plan for a geriatric hospital. However, there was no development.

Mr Speaker, Sir, in our manifesto for the 2005 General Elections entitled “*Une Ile Maurice pour tous*”, at Chapter 5, when we speak of what we intend to do in the health sector,

we speak on two occasions on the challenge to cope with an ageing population, and we emphasise on geriatric and preventive medicine. The reason is clear: the number of persons aged 65 and above is on the increase because people are getting better treatments and are living longer. At present, elderly patients account for more than 40% of occupied bed days in our hospitals.

In February 2006, a Committee, chaired by the Principal Medical Officer and comprising Consultants in general medicine, discussed the possibility of setting up a geriatric hospital. The idea of setting up a geriatric hospital does not, therefore, date back to the recent months.

On 26 February 2010, it was decided that proceeds obtained from the National Lottery and credited to the Consolidated Fund would be used, *inter alia*, to fund the following projects in the health sector -

- (a) centre for specialised care for children and women, and
- (b) the National Geriatric Hospital.

Mr Speaker, Sir, in line with the Government's vision to provide quality health care services to the elderly and to improve their quality of life, on 05 March 2010, Government agreed to the setting up of a National Geriatric Hospital to provide state-of-the-art treatment and care to the needs of our senior citizens suffering from chronic conditions. The hospital would also be a Centre of Excellence through the provisions of clinical training to undergraduate and postgraduate medical students and paramedical personnel. This decision of Government formed part of the communiqué issued by Cabinet Office on the same date.

Mr Speaker, Sir, in our electoral manifesto for 2010, one of our proposals in the health sector is the setting up of a geriatric hospital. And in the Government programme 2010-2015, at paragraph 230, we spell out clearly that Government will set up a National Geriatric Hospital.

It must, therefore, be crystal clear to any reasonable person that the idea of the setting up of a geriatric hospital did not come up recently. That idea does not hold water and is not true.

As the House is aware, following various allegations made in relation to the acquisition of the Med Point Hospital building in the press, ICAC started an enquiry on its own initiative. I am of the view that, in the circumstances, it will not be in order or appropriate for a Select Committee to be appointed for the following reasons -

1. First of all, as I explained, ICAC is already inquiring in the matter. ICAC is the Independent Commission Against Corruption.
2. Furthermore, witnesses examined before the Select Committee may, whilst the Select Committee is sitting, become the subject of criminal charges preferred by ICAC or otherwise, and such parallel investigation and action will not be desirable or appropriate.
3. Once a witness gives an answer to a question before a Select Committee, he cannot be prosecuted on the basis of that answer. We all know section 15 of the National Assembly (Privileges and Immunities) Act; that is what I am referring to, Mr Speaker, Sir. I am sure nobody in this august Assembly wishes to extinguish, through the Select Committee, the possibility of prosecution of certain persons, if warranted, after the conclusion of the investigation by ICAC.

Once the ICAC investigation and any related proceedings are completed, the relevance and desirability of appointing a Select Committee can be considered. I also have no reason to doubt that, in the course of ICAC's investigations, the issues raised in paragraphs (a)(ii) and (iii) of the Private Notice Question as well as in the Parliamentary Questions B/52 and B/53 will be addressed.

Having said so, Mr Speaker, Sir, let me not be misunderstood by anyone in this House. This matter is being investigated by ICAC since January of this year.

Documents, correspondences, computer disks and computers have been secured from the Ministry of Health and Quality of Life, the Ministry of Finance and Economic Development and different other places. Several persons have been interrogated already and statements made. Others, I am told, are likely to be interrogated and further statements made. All institutions and Ministries are collaborating fully with the ICAC.

I hope, therefore, that the hon. Leader of the Opposition and hon. Members will understand that it would be inappropriate for me to unduly comment and go into minute details, into matters that concern this investigation which, as I said, is ongoing.

We have to respect institutions, Mr Speaker, Sir, and not hamper their investigations nor try to influence them one way or the other.

As Prime Minister, I should not act in a manner that may prejudice an investigation that is ongoing.

Mr Speaker, Sir, as regards part (b) of the question, I am informed by the Commissioner of Police that, on 01 March 2011, one Mr R. B residing at Belle Terre reported to the Phoenix Police Station a case of fire which occurred on the same day in his garage at about 02.45 hours. Two vehicles, namely a pickup truck and a car, the garage, as well as some furniture kept nearby were damaged during the incident.

The assistance of the Forensic Science Laboratory, the Central Electricity Board, as well as the Energy Services Division was enlisted by police. After examining the site of the occurrence, the Energy Services Division concluded that the fire outbreak was not due to any electrical fault. On the other hand, the Director of the Forensic Science Laboratory is of the opinion that the fire was started by person/s unknown distributing an accelerant around the back of the pickup truck and igniting it with a naked flame. Upon the examination of the exhibits, i.e. soil samples, burnt plant debris, charred debris and fused debris collected from the scene, the examination by FSL reveals the presence of motor spirit and diesel.

During the course of the investigation, the police questioned eight persons. They have all denied their involvement therein and, after checking their alibis, they were allowed to go.

I am further informed by the Commissioner of Police that, so far, there is nothing in the enquiry which indicates that there is any link with the acquisition of the Med Point Clinic.

Enquiry into the case is proceeding.

**Mr Bérenger:** Mr Speaker, Sir, as the hon. Prime Minister, I am sure, is perfectly aware, there are lots of things that do not concern ICAC, but that would be very much of interest to a Select Committee of the National Assembly. I take one example under part (a) of my question: ‘prescribed procedures’. Can I know from the hon. Prime Minister whether it was he, in his capacity as Prime Minister, who ordered or gave the green light for the tender for purchasing a building to be issued five days before the last general election?

**The Prime Minister:** Mr Speaker, Sir, the hon. Leader of the Opposition has been Prime Minister before. We look at policy in Cabinet; we don’t give orders to do this or to do that.

These are procedures that are followed by the parent Ministry, and that is exactly what happened in this case.

**Mr Bérenger:** I am given to understand that the former Minister of Health was not involved - it has been said on the radio by him - and that he did not give the green light. Can I ask the hon. Prime Minister who, therefore, gave the green light?

**The Prime Minister:** In fact, when I learned that the Leader of the Opposition - I think in a public meeting - was saying that if it is not the former Minister of Health, it must be the Prime Minister, I immediately rang him to question him if he actually said that, and the answer, as usual, Mr Speaker, Sir, was that he did not say that, that the radio has twisted what he said. What he has done - and it is on record...

*(Interruptions)*

It is on record, Mr Speaker, Sir. I have the documents with me, and it is on record: "Cabinet examined the possibility of setting up a National Geriatric Hospital."

*(Interruptions)*

I don't know which radio the hon. Leader of the Opposition is referring to, but I know it was said on the radio.

*(Interruptions)*

In fact, when the former Minister of Health was here, he brought an information paper to Cabinet about the setting up of a geriatric hospital, and that is what the case is.

**Mr Bérenger:** The setting up of a geriatric hospital is one thing; the issuing of the tender is another thing. Therefore, can I again ask who authorised, five days before general election, the issuing of that tender?

**The Prime Minister:** Just to remind the hon. Leader of the Opposition, we all know, Mr Speaker, Sir, how the procedures are in this country. It is not five days before the general election that the decision was taken. The whole procedure had to take the time that it had to take. All the procedures were followed and then the decision was taken to acquire Med Point. It's not five days before the general election that it was decided that it is going to be Med Point.

**Mr Bérenger:** That tender clearly was tailor-made for Med Point to win the tender. Can I ask the hon. Prime Minister whether he has inquired who was responsible for preparing the details of that tailor-made tender?

**The Prime Minister:** Mr Speaker, Sir, as I explained, once the allegations were made, ICAC independently, on its own initiatives, started the investigation, as it usually does. Once the investigation starts, I think it is improper for the Prime Minister to start querying this and that. Let the investigation be done! I know they are investigating minute details. I can tell the hon. Leader of the Opposition that ICAC went to the Ministry of Health without warning. That might surprise some people!

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** It went to the Ministry of Finance and Economic Development without notice. They just turned up and took all the documents that they wanted to take, and that is why I said everybody is cooperating with ICAC.

**Mr Bérenger:** The hon. Prime Minister has insisted on a point which is not of interest as far as my question is concerned, that is, the need for a central hospital for old people. Is it not a fact that a committee of five specialists gave its advice, produced a report against a centralised one building? That was confirmed by a committee, chaired by the No. 1 of the Ministry of Health, Dr. Gopee, and all his technicians confirmed that. And when the file reached the Ag. Minister of Health, the Ag. Minister put it on file that he agrees with the recommendations of the two committees of experts.

**The Prime Minister:** I am not sure he said that on his file, but I can clarify this point, Mr Speaker, Sir. Policy decisions are taken by the Government. There are committees which decide; experts, Chief Medical Officers look at things and decide. Maybe, this is not appropriate. In fact, since 2000 - I am not afraid of saying it - I am saying that we need a geriatric hospital.

If you look at the report - and I can table the report if the hon. Members want it - from Dr. Emeriau, whom I don't know and who happened to have been in Mauritius when they were in Government, that is, in 2004, he has written an alarming report which confirms - I have not

been saying it in so many words - the brutal reality of what is going to happen if we do not have a geriatric...

*(Interruptions)*

No, he talks about a geriatric hospital. In the developed countries, they have geriatric hospitals. I speak from knowledge; I worked in a geriatric hospital. The geriatric hospitals normally are separate. The reason why they are separate is simple, Mr Speaker, Sir. All elderly patients have particular needs; they have chronic illnesses, a lot of combination, a lot of pathology included. They occupy beds for a long time. It is not right for them...

*(Interruptions)*

I am explaining...

*(Interruptions)*

**Mr Speaker:** Order! Order!

**The Prime Minister:** I am explaining because the hon. Member is ignorant; he does not know anything about hospitals. Shut up!

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** I am explaining...

*(Interruptions)*

Shut up!

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** He is ignorant; he does not know.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** So, he should listen if he doesn't know!

*(Interruptions)*

**Mr Speaker:** Order! Order, please! Order! Order! Hon. Bhagwan, order please!

*(Interruptions)*

Order now! Order now, please! Order! Order!

*(Interruptions)*

I said order! Please, Prime Minister!

*(Interruptions)*

**Mr Bhagwan:** I am raising a point of order. I am asking the Chair whether he has heard the Prime Minister telling me ‘shut up’.

**Mr Speaker:** There was a big brouhaha in the House...

*(Interruptions)*

Wait! If Members go to the Hansard, they will see how many times the words ‘shut up’ have been used.

*(Interruptions)*

**Mr Bérenger:** I take it that from now on ‘shut up’ is in order. Thank you. It’s your own ruling.

**Mr Speaker:** I am not saying that. The hon. Member has made the point; let me look into it. I will give my ruling.

*(Interruptions)*

I can’t offhand give my ruling.

**Mr Bérenger:** Mr Speaker, Sir, the law of the land provides...

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan, please keep quiet! Don’t interrupt the Leader of the Opposition!

**Mr Bérenger:** When there is a tender, the law of the land provides that the unsuccessful tenderers must be informed within seven days, so that they can appeal before the Independent

Review Panel. Is the Prime Minister aware - I am sure he is - that, in that case, the unsuccessful bidders were never informed and, therefore, *la loi fut violée*?

**The Prime Minister:** If that is the case, Mr Speaker, Sir, the inquiry, I am sure - they have taken all the documents, files, including confidential files - will establish whether this is so. The hon. Member was getting excited. I was explaining to him...

*(Interruptions)*

I am not. He is!

**Mr Speaker:** Order!

**The Prime Minister:** He is making allegations. I was explaining to him that, in developed countries, we have geriatric hospitals.

**Mr Bérenger:** Mr Speaker, Sir, is the Prime Minister aware that the No. 2 of the Valuation Office at the Ministry of Finance put a valuation of Rs75 m., and that the same Ministry of Finance, out of public funds, paid for a Quantity Surveyor to produce a report about how much it would cost today to build a new hospital? That was sent back to the Valuation Department of the same Ministry of Finance, which paid for that private job, and then Rs75 m. became Rs125 m.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** Mr Speaker, Sir, as I said, all the procedures are being looked at by ICAC. If that is the case, they will establish why it has been the case, because people are being interrogated, statements are being taken. Let them establish the facts!

**Mr Bérenger:** Is the hon. Prime Minister aware that one of the unsuccessful bidders who was never informed that he had lost that bid, had tendered for Rs117 m., and that the Central Procurement Board threw that out on the basis that there was a need for renovation and partition works, *sous-entendant* that, in the case of Med Point, that was not the case, and they had tendered at much more than Rs117 m? Can I table a document? It relates to my question about how much it will cost for rehabilitation and other works. Can I tender a document? It is Minutes

of Proceedings of the meeting held on 07 February, under the chairwomanship of the hon. Minister of Health, where it is put *noir sur blanc* -

“The following works have to be completed before the hospital could become operational

-

1. waterproofing works;
2. repair of water pumps and water tanks;
3. defective solar water heaters to be replaced by new ones;
4. new equipment to be purchased for physiotherapy and occupational health units;
5. camera system to be installed in rooms;
6. bed lift to be repaired;
7. incinerator to be replaced, and
8. installation of burglar-proof in patients rooms.”

Will the hon. Prime Minister agree that already Rs117 m. was cheaper? This will cost - I am sure the hon. Prime Minister will agree - millions, which will be added on to the Rs125 m. which were paid for land and building.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** I do not want to comment on the details, as I said, Mr Speaker, Sir. But it is not as simple as it is being made out just now. Because I know, for example...

*(Interruptions)*

**Mr Speaker:** Let the Prime Minister explain!

**The Prime Minister:** I know, for example, there was somebody from my own constituency who also bid. I suppose this is the case, because he complained that there were large columns in this building that had to be pulled down, and the whole structure of the building might have been then in difficulty. This is one of the reasons he told me; I did not go into the details. I said: ‘well, I cannot do anything about it; this is not in my domain; it is for the people who are doing the procurement to look at who gets what’. That investigation will show all this.

**Mr Bérenger:** I heard the hon. Prime Minister saying in his reply that he is also replying to two PQs. My question asks for the date on which the Central Procurement Board awarded the tender, and one PQ asks for the date on which payment was effected. Now, we know that the date of title deeds was 29 December, so that Capital Gains Tax would not be paid. Can I ask the hon. Prime Minister to give us the date on which the Central Procurement Board awarded the tender and the date on which payment was effected?

**The Prime Minister:** I have also seen that these are the dates that are being mentioned. But, as I said, Mr Speaker, Sir, I do not want, as Prime Minister, to go into the details. Tomorrow, you will find out that it was not 29, it was 28, and then they will say I misled Parliament. Let us wait for the ICAC to produce its report. I believe they won't have to wait for so long to get the report because I am told that they have questioned many people and they must finish the report very soon.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he can inform us who signed on behalf of Government for payment to be effected, and where did that ceremony - that is the correct expression - take place?

**The Prime Minister:** It sounds like the ceremony they did when they made the alliance in Med Point. It was the ceremony then.

*(Interruptions)*

**Mr Speaker:** Order! Enough now!

**The Prime Minister:** Mr Speaker, Sir, I have trust in the institutions. I have explained from the very beginning that I am not going to go into the details because I do not know the details. An investigation has been started. All this would be revealed, I am sure, from the ICAC when they would finish the inquiry.

**Mr Bérenger:** The hon. Prime Minister has said that the police inquiry has led nowhere so far.

*(Interruptions)*

**Mr Speaker:** Hon. Minister, please!

**Mr Bérenger:** Can I know whether, amongst the eight people who have been interviewed - according to the reply from the Prime Minister - the neighbours, immediate and less immediate ones around Mr Harish Boodhoo's residence, have been interviewed?

**The Prime Minister:** My indication from the Commissioner of Police is that neighbours have been interviewed. Mr 'Belle Terre' made wild allegations. He has not seen anyone, he says, but he has made allegations. Neighbours have been interviewed. There is one thing that the police are puzzled about. On the very day, in the morning, he made an interview on one of the radios - I think Radio Plus - and, in the background, you hear dogs barking - it is the neighbours who brought this to the attention of the police. But, in the middle of the night, when the incident happened, no dogs barked. So, the police are very puzzled how come that no dogs barked. I wonder whether this is not the 1983 syndrome; and you know what I am talking about!

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Bérenger:** Therefore, are we being told that, so many days after that fire arson, *la police n'est sur aucune piste?*

**The Prime Minister:** No, that is not true! The police are continuing their investigation. The problem is that when the fire started, they had to extinguish it very quickly. A lot of forensic evidence has obviously been lost when you use a lot of water. In fact, I must tell the hon. Leader of the Opposition that the Director of the Forensic Lab, who is a foreigner from Scotland, Mrs Maclean, is an expert in such cases - damage caused by fire. I asked the Commissioner of Police to ensure that she goes to make sure that we follow the investigation because I know from the wild allegations that this person usually makes, we need to make sure what has happened. As I said in my answer, there is a lot of debris that they are analysing. Nobody has seen anybody. So, we have to go by the evidence that they have.

**Mr Bhagwan:** Everybody knows what has happened, and the Prime Minister has just stated that ICAC is conducting the inquiry. We all know how things are run in Mauritius. Being given the urgency of the reply to the nation and all of us, can the Prime Minister inform the House, for transparency, whether he intends to have all Ministers who have been involved in the Med Point affair stepped down in the public interest? Because we want to know where the fire

began and whether all the documents are safe. Can the Prime Minister inform the public, the nation whether he will ask all the Ministers involved to step down pending the finalisation of the ICAC report?

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** Mr Speaker, Sir, hon. Members, including the hon. Member, and the people of this country know my track record. I have never, never hesitated to sack my Ministers...

*(Interruptions)*

**Mr Speaker:** No. Let the hon. Prime Minister answer!

**The Prime Minister:**...and even to initiate an inquiry on one of my Ministers without telling him - and I have evidence of this - where there have been serious allegations and a *prima facie* case has been established. That is how I proceed. If there is a *prima facie* case, certainly I will act, as I have done in the past. The hon. Member forgets that I am not from his party. His party dissolved the Economic Crime Office when there were allegations against one of his colleagues. They dissolved the Economic Crime Office. It is the same way...

*(Interruptions)*

**Mr Speaker:** Order! Order now!

*(Interruptions)*

Order, please! Leader of the Opposition!

**Mr Bérenger:** I have two questions. Being given what the hon. Prime Minister has just said, will he agree with me - he has to, because it is the truth - that, in fact, the Economic Crime Office was replaced by a really independent Commission like the one in India, where you have a panel of three people, that is, the President, the Prime Minister and the Leader of the Opposition, to appoint and revoke the Head of ICAC? The first thing he did in 2006 was to amend the law to make ICAC become his *paillason*, where the Prime Minister appoints and revokes...

*(Interruptions)*

Will he agree with me?

**Mr Speaker:** No, the Leader of the Opposition has imputed motives against the Prime Minister by saying that ICAC has become his *paillasson*. I would request the hon. Leader of the Opposition to withdraw that word.

**Mr Bérenger:** He amended the law, and I withdraw the word '*paillasson*' at your request.

**Mr Speaker:** You have withdrawn the word. Thank you.

**The Prime Minister:** I have amended the law. Let me remind the House why. There was the big saga of the MCB where millions had been lost from the bank, and you know how it was working. The President at the time was from the MSM; the Prime Minister from the MSM. So, there were two against one. My voice did not count. Do you know how many times I had to ask that my objections be recorded because I do not agree? In fact, at that time, the Director of ICAC was very, very unhappy about the way things were being done.

**Mr Bérenger:** My last question will be...

**Mr Speaker:** Last question!

**Mr Bérenger:** The hon. Prime Minister tells us to give time to ICAC to carry out its inquiry. Although, as I said, there are lots of matters that are of no concern to ICAC, that would be of great interest to the Parliamentary Select Committee. I am sure the hon. Prime Minister is aware that ICAC has made it a habit to carry out inquiries over years. In the case of a former Parliamentarian, the case was struck out, because years and years later things were still dragging on. When the hon. Prime Minister asks us to give time to ICAC, can we, at least, have a time frame? I am not saying that he must give directives to ICAC, but that this request for a Select Committee will not be kept pending for months and, maybe years, because ICAC will go on and on with an everlasting inquiry.

**The Prime Minister:** Mr Speaker, Sir, I understand that point. We know how these things take time, but let me just make a reference to the former Minister that he mentioned. I suppose the hon. Leader of the Opposition is talking about hon. Chady, if I am right. In that case, let me say ICAC has, by way of mutual legal assistance in criminal and related matters, requested for assistance in three jurisdictions, namely the Netherlands, the United Kingdom and

Singapore, in relation to securing documentary evidence, interview of foreign suspects and witnesses. The request to Netherlands, unfortunately, has been subject to a challenge in the Court in Netherlands by Boskalis International Limited, and the procedure is still going on - in Netherlands not here. There is information received that the Court of Netherlands would be ruling, I think, from what I understand, in favour of granting the request for evidence which has already been secured, and that the Court order will be then proceeded with. I am told that the Court order is now subject to an appeal from *la Cour de Cassation*. That is, unfortunately, how the case is proceeding. So, it's not over.

**Mr Speaker:** Time is over! The Table has been advised that Parliamentary Question No. B/2 will be replied by the Minister of Information and Communication, and that Parliamentary Question No. B/21 will be replied by Dr. the hon. Prime Minister. Questions addressed to Dr. the hon. Prime Minister! Hon. Dr. Boolell!

#### **IBA - CHAIRPERSON**

**(No. B/1) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Independent Broadcasting Authority, he will, for the benefit of the House, obtain from the Authority, information as to the name of the Chairperson thereof, indicating the name of the person who has been designated to act as Chairperson in the absence of the incumbent, indicating, in each case, since 2005 to date, the -

- (a) allowances drawn;
- (b) number of meetings chaired, and
- (c) number of overseas missions undertaken, giving details of the expenditure incurred in relation thereto.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Director of the Independent Broadcasting Authority that, since 2005 to date, three different Chairpersons, namely Mr Abdool Cader Kalla, Mr Harish Dutt Balgobin and Mr Trilock Dwarka, have chaired the Board of the Independent Broadcasting Authority.

In regard to part (a) of the question, I am informed that Mr Kalla was paid an all inclusive allowance of Rs34,800 monthly for the period January 2005 to January 2006.

Mr Balgobin who chaired the Board from February 2006 to February 2009 was entitled to an all inclusive allowance of Rs34,800 monthly for the period February 2006 to June 2008. This allowance was revised to Rs45,240 monthly with effect from 01 July 2008.

Mr Dwarka who is the Acting Chairperson of the Board since March 2009 is drawing an all inclusive allowance of Rs45,240 monthly.

In regard to part (b) of the question, I am informed by the Director of the IBA that -

- Mr Kalla chaired six Board Meetings.
- Mr Balgobin chaired 18 Board Meetings.
- As at to date, Mr Dwarka has chaired 18 Board Meetings.

In regard to the last part of the question, I am informed by the Director of the IBA that Mr Kalla proceeded on overseas mission on one occasion. An amount of Rs34,686 was disbursed by the Authority for the payment of his air tickets.

Mr Balgobin went on overseas mission on four occasions. The expenditure incurred for payment of air tickets amounted to Rs107,867. The Authority also disbursed an amount of Rs170,657.66 to meet the cost of hotel expenses. He was also paid an entertainment allowance of Rs52,391.51. He also had to pay the registration fees for participation in the conferences which amounted to Rs27,754.72. Expenditure for travel insurance, visa and airport transfers amounted to Rs12,221.

Mr Dwarka has proceeded on overseas mission on only one occasion. Payment of air tickets and travel insurance amounted to Rs34,790, and registration fees for participation in the conference were to the tune of Rs104,342.82.

I am also informed by the Director of IBA that all the three Chairpersons were paid *per diem* according to the approved rates.

**Dr. S. Boolell:** May I ask the hon. Prime Minister who appointed Mr Dwarka as Chairperson? I do believe he is an acting Chairperson.

**The Prime Minister:** He is the acting Chairperson; that is right.

**Dr. S. Boolell:** May I ask the Prime Minister whether he is aware that, pursuant to the provisions of the IBA Act of 2000, the appointment of a Chairperson is regulated by law and not

by the Board? In this matter, I would like to know whether he, as Prime Minister, or the Leader of the Opposition and the President of the Republic have been a party to appointing Mr Dwarka as Chairman.

**The Prime Minister:** I understand all the procedures have been followed, Mr Speaker, Sir, but let me add something just to clarify this. We are not appointing a full-time Chairperson at this point, because the whole broadcasting regulatory framework is being reviewed and finalised.

**Dr. S. Boolell:** May I ask the hon. Prime Minister whether he is aware that the legal adviser to Government, the Solicitor General, at one meeting on 07 May, pointed out to the Board that a Chairperson for that meeting had to be elected per meeting and that legal advice had to be sought on the matter? I am willing to produce the minutes of meeting for this issue.

**The Prime Minister:** I have great respect for his opinion. I am sure he has pointed it out rightly, and I am sure they have taken the measures that had to be taken.

**Mr Bhagwan:** Mr Speaker, Sir, the Prime Minister stated that Government will be amending the regulatory framework. He has stated on many occasions, here, that the IBA Act needed amendment. Can the hon. Prime Minister give us a time frame with regard to the amendment, especially the IBA?

**The Prime Minister:** I think, in fact, the legislation is ready. We have not brought it to Parliament yet, because Mr Geoffrey Robertson who is looking at it had not been able to travel. He was going to come to Mauritius in February, and he has not been able to. But he will, I believe, try to come as soon as possible. We want him to relook at it before we bring it in Parliament.

**Mr Uteem:** Mr Speaker, Sir, I heard the hon. Prime Minister say that Mr Dwarka is an acting Chairperson. There is no such thing under the law as an acting Chairperson; there is only Chairperson. The law regulates how a Chairperson is adopted, and the paper that has been tabled shows that the Solicitor General has asked the Board to take measures, because you can't go on flouting the law. Would the hon. Prime Minister take this matter seriously, and even if he intends to extract IBA and replace it by some other institution, that the Chairperson be appointed in the meantime in accordance to the law?

**The Prime Minister:** My understanding, Mr Speaker, Sir, is different. You can appoint an acting Chairperson in the absence of a Chairperson. But I will look into it.

*(PQ No. B/2 - See Written Answers to Questions)*

**TOURISTS - CRIMINAL OFFENCES AGAINST**

**(No. B/3) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to reported cases of criminal offences committed against tourists, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) since 2005 to date, the number thereof, indicating the number of convictions secured, and
- (b) if the “*Police du Tourisme*” is still operational and, if so, the measures envisaged to increase its efficiency and effectiveness.

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that, during the period 2005 to 17 March 2011, the number of reported cases of criminal offences committed against tourists is as follows -

2005 - 913

2006 - 331

2007 - 861

2008 - 724

2009 - 471

2010 - 292

and as at 17 March, the number of cases is 75.

Convictions were secured in 239 cases. Police enquiry is ongoing in 324 cases; the advice of the Director of Public Prosecutions has been sought in eight cases. 16 cases are before Court, and 3,380 cases have been filed.

In regard to part (b) of the question, I am informed that, in the context of the implementation of the National Policing Strategic Framework and the reorganisation of the

Emergency Response Service, the *Police du Tourisme* has been integrated within the ERS as from July 2010. The duties of the ERS have been enlarged, and tourist protection is one of the primary responsibilities of the ERS. The main objective of this reorganisation is to attend as promptly as possible to cases of tourists who are victims of larceny, larceny with violence, larceny breaking and other offences. All requests and cases involving tourists are now directed to the ERS Operations Room, which immediately informs the ERS crew in the divisions concerned for quicker action.

The reorganisation of the ERS is yielding positive results. The number of criminal offences committed against tourists reported to the police has decreased from 913 in 2005 to 292 last year.

The police are setting up a Tourist Facilitation Desk at the Police Head Quarters, Line Barracks, to deal with matters relating to the tourists, so that they know that they have one place also that they can go to.

On the other hand, since 01 October 2008, the Minister of Tourism and leisure, to enhance the security of tourists, has decided that all licensed tourist operators should be equipped

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- 1) with a compulsory installation of a 24-hour camera surveillance in hotels and large guest houses;
- 2) 24-hour watchmanship, digital safes and emergency telephone numbers;
- 3) compulsory installation of electronic locks with audit trail for all new hotels, and
- 4) additionally, guest houses and bungalows having more than five rooms must be equipped with burglar alarm systems with rapid response.

This, Mr Speaker, Sir, is in addition to the CCTV cameras already installed at Flic en Flac and Quatre Bornes. Others are nearly finished; I think this week or next week they will be installed in the region of Grand' Baie, and then will be followed by Port Louis.

Mr Speaker, Sir, we place a high premium on the safety and security of all residence, including tourists who visit our country. We shall continue to leave no stone unturned, to ensure that our country remains a safe destination.

**Mr Bérenger:** Can I know from the hon. Prime Minister whether, amongst the cases he referred to, there have been cases where the tourists concerned have been made to come back from overseas to be a witness before the Court and, if yes, what arrangements are made in terms of air ticket and so on?

**The Prime Minister:** I am told that, in such cases, air tickets have to be provided for them to come. But there are some problems, and that is why the Commissioner of Police indicated to me that he wants to change the system. Mr Speaker, Sir, a tourist comes here on holiday, there is an offence committed, whether it's theft or whatever, and then he has to travel back for he has to work in his country. Afterwards, he has to come back to be a witness, and God knows whether he will be a witness and whether he will have to come back again. That is one of the difficulties that we have, and that is why the police have to reorganise the *Police du Tourisme*.

**Mr Baloomoody:** Mr Speaker, Sir, in fact, when looking at the statistics, we should not take too much pride, because many tourists do not complain to the police in view of the difficulties the hon. Prime Minister has just mentioned. Can I ask the hon. Prime Minister whether he will see with the police and the Judiciary that we have a sort of fast track trial for these specific cases? This involves not only the police but also the Judiciary, and this will encourage tourists to report matters to the police.

**The Prime Minister:** That has already been done. I think I have answered a question in Parliament, if I am not mistaken. That is what I am told.

#### **MISS P.S - ALLEGED RAPE**

**(No. B/4) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the alleged case of rape on the person of one Miss P. S., on or about 07 September 2006, reported at the Rivière des Anguilles Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a fresh enquiry has been initiated to look into the whole case, indicating if the DNA test has now been carried out to establish the paternal filiation of the child of Miss P. S.

**The Prime Minister:** Mr Speaker, Sir, I would like to refer the hon. Member to the reply made to PQ No. 1B/136 on 29 June 2010. I have been informed by the Commissioner of Police that the police have examined anew the case, and no fresh evidence was disclosed. The matter was nevertheless referred to the DPP again in July 2010.

The DPP has advised no further action on 22 July 2010 in view of the numerous contradictions in Miss P. S's statements, and in the absence of reliable evidence to establish the offence of rape against the respective defendants. The DPP concluded that, since there was no prosecution, the case for a DNA test did not arise in the criminal context. The DPP further advised that, being given that proceedings to establish the filiation of a child are of a civil nature, no further action is required from the police in furtherance of a DNA test. However, Miss P. S may wish to initiate civil proceedings for *recherche de paternité*, under Article 340 of the *Code Civil Mauricien*, and have recourse to a DNA test in that respect. I am told, Mr Speaker, Sir, that the mother of Miss P. S. was subsequently informed by the Officer-in-Charge of Rivière des Anguilles Police Station of the outcome of the case, and that she may initiate civil proceedings for *recherche de paternité* under Article 340 of the *Code Civil Mauricien*. However, she declined to do so.

**Mrs Labelle:** Mr Speaker, Sir, may I quote part of the answer that the hon. Prime Minister, himself, gave to the House when he first replied to this question? In fact, the hon. Prime Minister himself said -

“In fact, to me, this looks like a clear dereliction of duty.”

The hon. Prime Minister informed the House that the Commissioner of Police has initiated an inquiry to find out why the DNA test has not been carried out. Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has been made aware that, following his reply on 29 June, on 05 July, the police called on Miss P. S. to inform them that the DNA test would be done on 07 July, but on the 6<sup>th</sup> they called to say that this would be postponed. Can we know whether he has been provided with this piece of information that the police called on that person to tell them that the test would be effected on 07 July?

**The Prime Minister:** In fact, the hon. Member is quoting me rightly, but I relied on information that she gave to the House. I thought it was a blatant case of not doing her duty properly. I thought that because of what she said. I did not know about the case; I did not ask

for the DPP's file to be sent to me. But what I have now understood is that, because of the question that has been asked to see whether there is a possibility of the DNA test, they have been advised by the DPP that due to the contradictions in the case, it is not possible to follow up with the case.

**Mrs Labelle:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has been informed that a close relative of one of the suspects is working - or has been working - at that particular Police Station where the case was reported?

**The Prime Minister:** I did not get that detail from the hon. Member last time. But, if that is the case, give me the name, and I will ask the police to inquire into that.

**Dr. S. Boolell:** May I ask the hon. Prime Minister whether he could ascertain that the DNA test be made available to the public at large? Because, right now, it is quite restricted to only cases which are...

**Mr Speaker:** The question does not arise from this question! Hon. Bhagwan!

#### **MBC - MRS R. A. - REINSTATEMENT**

(No. B/5) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Mrs R. A., he will state if he has received representations from the Trade Union Federations for her reinstatement at the Mauritius Broadcasting Corporation.

**The Prime Minister:** Mr Speaker, Sir, I have, in fact, received such representations, and I have been informed that Mrs R. A. has opted to report a dispute to the Commission for Conciliation and Mediation, claiming her reinstatement following her dismissal.

However, I am given to understand that lawyers representing the MBC before the Commission have raised objection to the power of the Commission to entertain the dispute.

At any rate, it would certainly not be proper for me to act on those representations, as independent institutions set up under the Labour legislation should be allowed to function without any political intervention or pressure.

**Mr Bhagwan:** For us, this is a clear case of victimisation. Can I ask the hon. Prime Minister whether he is following what is happening? From what we see, hear and read, I think

the MBC, through its Director General, is flouting with legislations as far as the powers of the Commission for Conciliation and Mediation is concerned. Regularly, we are seeing that the MBC is not appearing. The MBC gives us the impression that it is flouting and hiding behind all sorts of arguments. So, can the hon. Prime Minister, at least, as Minister responsible, put some order at the MBC/TV where it's like un *Etat dans un Etat*?

**The Prime Minister:** As I explained, Mr Speaker, Sir, this is being taken up by the lawyers of the MBC who are advising that it does not have. The whole idea of the Commission for Conciliation and Mediation was to try to see whether the conciliation and mediation is possible. My understanding is that it is practically impossible. That is my understanding, and that is why I believe the lawyers are saying they don't find a need to appear, but that they should be able to take up all this in Court.

**Mr Obeegadoo:** Mr Speaker, Sir, is the hon. Prime Minister aware that when somebody who is universally acknowledged to be his loyal political agent chooses to snub the Commission for Conciliation and Mediation, he is undermining the conciliation mechanism under Labour laws introduced by the Prime Minister's own Government, thereby creating a very dangerous precedent, setting up bad example for anti-union employers of this country?

**Mr Speaker:** I am sorry to intervene at this stage. According to the Standing Orders, the hon. Member cannot ask a question for an expression of opinion or for a solution to a legal problem.

**Mr Obeegadoo:** I am not asking for an opinion. Mr Speaker, Sir, let me rephrase that. Does the hon. Prime Minister agree that, objectively, when his loyal political agent snubs the Commission, he is undermining the conciliation mechanism under the Labour laws voted in by the hon. Prime Minister's own Government, and setting a dangerous precedent? Is he aware that this is objectively how the situation is read by anti-union employers of this country?

**The Prime Minister:** I see the hon. Member says 'loyal agent'. He started with the MMM, if I may tell him.

*(Interruptions)*

But, he opened his eyes; he saw finally, and he changed his mind. He has become wise after the event.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** But the reason I do not want to intervene here is because lawyers are now discussing. I am told that he has got his legal adviser. I need to find out what they would say.

### **POLICE FORCE - PROMOTION EXERCISE**

**(No. B/6) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the promotion exercise in each of the grades of -

- (a) Police Constable to Police Sergeant;
- (b) Police Sergeant to Police Inspector of, and
- (c) Police Inspector and above.

**The Prime Minister:** Mr Speaker, Sir, with your permission, I shall reply to Parliamentary Questions B/6 and B/18 together, as they relate to the same issue.

In regard to the promotion exercise to the grade of Police Sergeant, I am informed that 5,948 eligible Police Constables and Corporals sat for the last competitive examination conducted by the Disciplined Forces Service Commission for the selection of around 300 best candidates. I am putting emphasis on this, because people think there are 5,948 posts available. There are only 300 posts available, roughly. As for the promotion to the rank of Police Inspector, 1,017 eligible Police Sergeants and Sub-Inspectors sat for the last competitive examination for the selection again of around 200 best candidates.

I must point out that any member of the Force, even on interdiction or under report, is eligible to sit for these examinations.

However, Mr Speaker, Sir, there are administrative procedures which must be followed to finalise the promotion exercise. When the DFSC informs the Commissioner of Police of its decision regarding the results, it draws the attention of the Commissioner of Police to the fact

that he must now ensure that none of the officers who has been successful in the examination is under interdiction or is the subject of disciplinary proceedings which are still pending for any serious offence, or is on unauthorised absence, and that there is no serious adverse report on any of them.

The Commissioner of Police was additionally informed that there were police officers, and not one, who were being investigated by ICAC. That he did not know at the beginning. It is only afterwards that he found out. So, he had to go through each and every case.

Now that all administrative procedures relating to both promotion exercises have been completed, that is, from the rank of Police Constable to Police Sergeant, and from the rank of Police Sergeant to Police Inspector, the names of the selected officers are being published.

Police are carrying out, I should point out, an overall promotion exercise concerning all the ranks in the Force, and this exercise is being done progressively from the lowest rank. So far, 248 Constables have already been promoted to the rank of Corporal and 38 Sergeants to the rank of Sub-Inspector. Promotion to the ranks of Chief Inspector and above will follow shortly.

**Mr Ganoo:** These exams were conducted two years ago. In the case of the rank of Sergeant to Police Inspector, exams were conducted on 31 January 2009; in the case of the Police Constable to Police Sergeant, the exams were conducted on 14 February 2009, and on 14 May 2009 - two years ago - a list of 123 Police Sergeants who had successfully passed the competitive examinations were, in fact, published in the routine orders, serial number 20/09. On many occasions, the hon. Prime Minister has said that the exercise will be finalised soon. He had already given the reason, that is, they must be cleared as to whether they are under disciplinary action and so on. In one case, the hon. Prime Minister said that it was because of the impending coming general elections; and that's one year ago. So, in the meantime, many of them have retired, as the hon. Prime Minister should know. Therefore, can I ask the hon. Prime Minister, on a human level, whether these examinations would be finalised and the names of these successful Police Sergeants and Police Inspectors published once for all? Because it is causing a lot of stress and trauma not only to them, but also to their families, as they are growing old and will lose promotion chances and other opportunities.

**The Prime Minister:** Just to correct the hon. Member, some of them have been promoted before their retirement. I sympathise with them, Mr Speaker, Sir, but I cannot go and

do the work. But, unfortunately, after the Commissioner of Police published the routine list, many of the names happened to be under investigation by ICAC. He had to go and see whether there were serious offences, not serious offences, less serious offences. But this has been done and, as I said, the procedure has started. 248 Constables have already been promoted to the rank of Corporal, 38 Sergeants to the rank of Sub-Inspector, starting from the bottom, and these are imminent.

**Mr Bhagwan:** Can the hon. Prime Minister inform the House whether it is only by mere coincidence that the automatic promotion of Corporals has been approved and made public this Friday, on the eve of Parliament, when we have a PQ set? Is this a coincidence?

**Mr Speaker:** No, this is not allowed! Hon. Mrs Radegonde!

#### **LA GAULETTE - POLICE STATION**

**(No. B/7) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the project for the construction of a new Police Station at La Gaulette, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) if land has already been earmarked therefor, and, if so, indicate the
  - (i) location, and
  - (ii) extent thereof, and
- (b) when works are expected to
  - (i) start, and
  - (ii) be completed.

**The Prime Minister:** Mr Speaker, Sir, in reply to Parliamentary Question 1B/8 on 15 June 2010, I had indicated that priority was being given to the construction of new Police stations in regions where there were no Police stations. La Gaulette has been identified as an area requiring a new Police station.

In regard to part (a) of the question, a plot of land of an extent of 1600 m<sup>2</sup> situated at La Gaulette, along the Black River-Savanne road, has already been vested in the Police Department.

In regard to part (b) of the question, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping is presently working on the architectural plans. The bidding documents are expected to be finalised by the end of this year, probably October. The contract will thereafter be awarded, and the contract period will be about eight months, from what I understand.

### **LAGOONS - DROWNING CASES**

**(No. B/8) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to death by drowning in our lagoons, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) the number thereof for each of the last five years, and
- (b) whether Government proposes to delimit swimming zones in our seas for the safety of the swimmers.

**The Prime Minister:** Mr Speaker, Sir, the Commissioner of Police has informed me of cases of drowning in our lagoons and reported to the police from the year 2006 to 18 March 2011, and the number of cases is as follows -

2006	17
2007	16
2008	22
2009	39
2010	32,

and so far, up to 18 March, seven.

I am informed for part (b) that, in February 2009, a survey was carried out by the National Coast Guard with a view to identifying the sites where swimming zones needed to be demarcated in view of nautical activities and dangerous swimming zones, where signboards need to be placed. In its survey report, the National Coast Guard identified 33 public beaches requiring delimitation of swimming zones and 38 dangerous swimming zones.

The report was submitted to the relevant institutions. Subsequently, projects for delimitation of the swimming zones by means of yellow floats have been implemented at 17 of the most popular beaches amongst them. The exercise is being extended to the other beaches identified by the National Coast Guard. In addition, signboards have been placed at all the sites where there are dangerous swimming zones. In certain places such as Flic en Flac and Belle Mare, dangerous zones have also been demarcated by red floats.

Mr Speaker, Sir, the public beach at Tamarin is on the list of the sites identified by the National Coast Guard where delimitation of a swimming zone is required and where there is a dangerous swimming zone. A double sided signboard has been placed at the site to inform the public of the dangerous swimming zone. However, the delimitation of the swimming zone is yet to be carried out at Tamarin, and I have stressed the urgency of the matter.

**Ms Anquetil:** Mr Speaker Sir, I thank the hon. Prime Minister for his answer. Can the hon. Prime Minister inform the House if Government might consider two things? One, to adopt a flag warning system on the most popular public beaches and, second, to provide lifeguard beach patrol on the public beaches during weekends, public holidays and school holidays.

**The Prime Minister:** The problem is, Mr Speaker, Sir, a question of availability. We need to have these people first of all. Unfortunately, Mr Speaker, Sir, I am told that even where there are signs, people ignore them and swim. Even when there is a cyclone warning, people go and swim. They must become more responsible. I intend to ask them to also advertise the sites on television. But, with regard to having people at the beaches all the time, it is not going to be practical at this point of time.

**Mr Speaker:** I have to advise the House that Parliamentary Questions B/13 and B/14 have been withdrawn. Hon. François!

#### **PORT MATHURIN - 'ALIZE' VESSEL**

**(No. B/9) Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the vessel Alize which called at Port Mathurin on 14 January 2011, he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to -

- (a) the purpose of its call,

- (b) whether the vessel is in possession of valid certificates to operate, and
- (c) whether any inspection for compliance to the conditions for operation has been carried out and, if so, table a copy of the report.

**The Prime Minister:** Mr Speaker, Sir, as regards part (a) of the question, I am informed by the Mauritius Ports Authority that the vessel “Alizé” flying Malagasy Flag called at the port of Port Mathurin on 14 January 2011, in connection with a proposed project for the setting up of a floating fish processing plant, including cold room facilities for the fishermen in Rodrigues.

The vessel was cleared by the Customs, Health and Immigration Authorities upon arrival and it is currently berthed in the outer anchorage of Port Mathurin, in order not to hamper the operations of the Mauritius Pride and Mauritius Trochetia.

As regards parts (b) and (c) of the question, I am informed that a Joint Mission was undertaken by the Mauritius Ports Authority and the Shipping Division of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, from 22 to 26 February 2011, to inspect the vessel “Alizé”. The joint inspection mission has identified a series of shortcomings. Also, in its present state, the vessel is not compliant with the requirements of the Safety of Life at Sea (SOLAS) Convention of the International Maritime Organisation, as well as the Convention on Marine Pollution (MARPOL).

Mr Speaker, Sir, in the light of the report of the Joint Mission, the Ministry of Fisheries and Rodrigues, the Rodrigues Regional Assembly, the Mauritius Ports Authority and the Shipping Division of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping are sorting out all pending issues.

**Mr François:** May I ask the hon. Prime Minister who initially recommended to Rodrigues this old vessel with barely any maintenance, and qualified by the local people and fishers in Rodrigues as a *bateau poubelle* with regard to its current state and environmental threat? Was it the RRA or the Ministry for Rodrigues?

**The Prime Minister:** There was a different Chief Commissioner in Rodrigues at that time I believe. I must clarify one thing, Mr Speaker, Sir. They are not using the vessel as a shipping vessel. They want to use it as what they call a factory. I am told that it is generating

about hundreds opportunities for Rodriguans to work. But, still, it is not in compliance with the law, and that is why it needs to be sorted out.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he has liaised with the Minister of Fisheries and Rodrigues *qui a vanté les mérites* of that kind of boat? How could the Minister canvass in favour of that kind of vessel?

**The Prime Minister:** That is not something that comes to Cabinet. This was done through the Regional Assembly. Now that the problem has arisen, it has been drawn to our attention. As I said, they are looking into the matter.

**Mr Bérenger:** Can I ask the hon. Prime Minister whether he is aware that there is a security threat there where the vessel is? Is the hon. Prime Minister aware that when a cyclone - only a few days ago - was getting close to Rodrigues, there was no captain on board, no one could be found to put that vessel to safety?

**The Prime Minister:** This is precisely why I said it is not in compliance with the requirements even though it might be used as *une usine*. It needs to be able to be moved out and, apparently, this was the problem.

**Mr Bérenger:** I do not want to target anybody; I won't mention names. Is he aware that this whole thing has come up mainly because of an adviser in one of the Ministries concerned, a foreigner, who has advised in that direction and pushed in that direction? I am not targeting the gentleman. Will the hon. Prime Minister look into that also?

**The Prime Minister:** I will certainly look into this.

**Mr François:** Mr Speaker, Sir, along the same line, prior to and at the time of call, did the appointed agent of the vessel define officially the purpose of *Alizé* to Rodrigues and, if not, when he did so?

**The Prime Minister:** As I said, this was cleared by the Customs, Health and Immigration Authorities upon arrival in Rodrigues and, therefore, they must have looked at all these matters.

**Mr François:** For the information of the House, Mr Speaker, Sir, I am going to table a photo of what the vessel looks like.

**Mr Speaker:** Time is over! The Table has been advised that Parliamentary Question No. B/42 with regard to freight and other charges will be replied by hon. Minister of Public Infrastructure. Questions addressed to hon. Ministers! Hon. Seetaram!

#### **MONT IDA - FOOTBALL GROUND**

**(No. B/19) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Local Government and Outer Islands whether, in regard to the football ground at Mont Ida, he will for the benefit of the House, obtain from the Moka/Flacq District Council, information as to if it is proposed to make provision thereat for -

- (a) parking facilities;
- (b) a cloakroom;
- (c) rest rooms, and
- (d) a children's playground.

**Mr Aimée:** Mr Speaker, Sir, I am informed that the football ground at Mont Ida has been constructed by the National Development Unit and that, as to date, there has been no proposal for the provision of parking facilities, cloakroom, rest rooms and children's playground.

**Mr Seetaram:** Can the hon. Minister kindly consider making provisions for, at least, a parking, a children's playground and also for the embellishment of the Mont Ida football playground?

**Mr Aimée:** I will surely look into it, Mr Speaker, Sir.

#### **BRAMSTHAN - SCHOOL LANE - DRAINS**

**(No. B/20) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he will state if it is proposed to put up new drains along the school lane at Bramsthan, as there is recurrent water accumulation thereat after heavy rainfalls.

**Mr Bachoo:** Mr Speaker, Sir, it is not only new drains along school lane at Bramsthan, but the entire region including Sarcelle Bridge at Bramsthan is being upgraded.

*(PQ No. B/21 - see Written Answers to Questions)*

**GOVERNMENT HOUSE, EMMANUEL ANQUETIL, RENGANADEN  
SEENEVASSEN & AIR MAURITIUS BUILDINGS - FIBRE OPTICS CABLES**

(No B/22) **Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Information and Communication Technology whether, in regard to the project of connecting the Government House, Emmanuel Anquetil, Renganaden Seeneevassen and Air Mauritius buildings via fibre optics cables, he will state where matters stand.

**Mr Pillay Chedumbrum:** Mr Speaker, Sir, my Ministry had, on 30 November 2010, signed a project implementation agreement which comprises the carrying out of civil works for connecting the four buildings, which accommodate Ministries and Government Departments for the installation and commissioning of the Gigabit Passive Optical Network. The works started in December 2010 and was executed over a period of three months by virtue of the contractual agreement with the Mauritius Telecom, and is now under testing and commissioning phase.

**Mr Seetaram:** Would the hon. Minister kindly inform the House whether the installation of the fibre optic cables would, in any way whatsoever, encourage savings at all Ministries level in terms of communication?

**Mr Pillay Chedumbrum:** In fact, Mr Speaker, Sir, the project is a very important one, as the internet bandwidth that will be offered using fibre optics will be as far as 50 times higher than the bandwidth presently offered via copper wire on the Government intranet system. The present technology, that is, Government intranet system via copper wire, has reached its limitation and cannot be further upgraded to meet the growing communication needs of Government departments. With this new project, the total bandwidth will be increased from 20 MB per second to 160 MB per second, and in those four buildings, thus improving considerably the internet performance as well as enhancing Government operations and its interface with the general public for better public service delivery.

**Mr Khamajeet:** Will the Minister inform the House why only the four Government buildings have been chosen?

**Mr Pillay Chedumbrum:** In fact, Mr Speaker, Sir, these four buildings have been targeted in the pilot phase, as they are hosting greater number of Ministries and Government departments. In due course, the new GPON technology will be rolled out to the other buildings also.

**SCHOOLS - KREOL LANGUAGE - INTRODUCTION**

(No. B/23) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Education and Human Resources whether, in regard to the *kreol* language, he will state if it will be introduced as an optional language in 2012 and, if so, the measures Government proposes for the recruitment of teachers for the teaching thereof.

**Dr. Bunwaree:** Mr Speaker, Sir, in line with the announcement made in the Government Programme for the introduction of *Kreol Morisien* as an optional subject in schools, my Ministry has initiated a number of measures since August 2010 with a view to ensuring that the *Kreol Morisien* is introduced in primary schools at Std I level as soon as feasible and if all works as planned, as from January 2012.

In my reply to PQ 1B/659 for the sitting of Tuesday 23 November 2010, I informed the House of the organisation of a National Forum on 30 August 2010 on the introduction of *Kreol Morisien* as an optional subject in schools. Subsequently, Government decided to set up a Technical Committee known as the '*Akademi Kreol Morisien*', to look into all aspects related to the introduction of the *Kreol Morisien* in schools along with, *inter alia*, a harmonised version of its written form.

The '*Akademi Kreol Morisien*', which was set up in October 2010, has appointed four Working Groups to look into specific issues such as writing system, grammar, curriculum and teacher training, and these working groups are well into the fulfilment of their assignments.

I wish to inform the House that, prior to the introduction of this language, a number of steps would have to be followed -

- (i) finalisation of standardised writing system;
- (ii) finalisation of the grammar;
- (iii) development of the relevant curriculum, and
- (iv) preparation of workbooks for Standard I pupils and teachers' Guide.

On 21 February 2011, the AKM finalised the '*LORTOGRAF KREOL MORISIEN*', which was presented to me in the context of the International Mother Language Day 2011.

Once work will have been completed by the different groups, the subject will be ready to be offered at Standard I in schools. While this is underway, my Ministry has already started the administrative process related to the recruitment of teachers. It is estimated that, initially, some 60 teachers will be required for teaching the subject in the 272 primary schools.

Trainee Educators (Primary) enlisted in 2008 and who are interested in teaching *Kreol Morisien* have been invited on 08 March 2011 to submit their application for a six-month training programme to be carried out by the MIE. These teachers have to be trained in the pedagogy related to the teaching of the subject. To date, 28 teachers have expressed their interest to teach *Kreol Morisien*. It is expected that this number will increase by the closing date (25 March 2011).

With a view to enabling a proper planning to be carried out, parents registering their child for admission to Standard I as from January 2012 will be called upon to exercise their option.

This exercise will be conducted earlier than usual this year, i.e. in April, instead of May, to enable my Ministry to obtain the number of pupils who will opt for *Kreol Morisien* and, consequently, to determine the human resource requirements.

I wish to inform the House also that a sensitisation campaign will be carried out prior to the admission exercise to highlight the importance of the use of *Kreol Morisien* for the teaching and learning process to help the parents in making their options.

**Mr Speaker:** We will continue with the supplementary questions after lunch. I suspend for one and a half hours.

*At 1.01 p.m. the sitting was suspended.*

*On resuming at 2.34 p.m with the Deputy Speaker in the Chair.*

**Mrs Labelle:** Mr Deputy Speaker, Sir, since the hon. Minister has mentioned that the teachers who will be teaching the Creole language are from the general purpose, may I ask him what are the arrangements he is considering when these teachers will be absent, and whether an evaluation has been made regarding the disturbance which will be caused to the pupils while their teacher will be teaching the Creole language particularly in other schools?

**Dr. Bunwaree:** Here, I don't find the problem. This is a feature that happens for any other language in any other school. But what is important to note is that the planning is being

done properly, so that at the beginning we have enough teachers to teach these languages as the other optional languages. It will be along the same trend.

**Mrs Labelle:** My question was: the teachers who were teaching the other Asian languages are not attached to a class, but if we are taking teachers from general purpose, I take it that these teachers are attached to a class. Will it be so?

**Dr. Bunwaree:** If they are attached to a class, they will no longer be attached to the class. The option for them will be to go and teach only this, as the other teachers.

**Mr Obeegadoo:** Mr Speaker, Sir, we all agree that the technical committee, which the Minister calls an academy, is doing a good work, but we are now in a race against time. If Creole, as an optional subject, is to be introduced in January next year, will the Minister consider the advisability of setting up an implementation committee - not the technical committee, not the academy, but officials of the Ministry and of the MIE - to manage this project, to follow up on the technical committee's work, and ensure that in terms of textbooks, in terms of teacher training, we are really prepared for the beginning of the next academic year?

**Dr. Bunwaree:** The implementation committee has already been set up; it is already there, and it is, in fact, because it is working properly that we are on time.

**Mr Obeegadoo:** That's the information I have from the technical committee. Be that as it may, the point raised by my hon. colleague regarding teachers is very controversial amongst the unions, as the Minister will agree. Will he, therefore, consider urgent consultations with all the unions, so that there is some sort of stakeholder consensus as to the status of those teachers who will teach Mauritian Creole, their promotion prospects, the number to be recruited and the manner of their training?

**Dr. Bunwaree:** I don't find the problem. Let us not create problems where there is none! *Il y a des professeurs-éducateurs à part entière.* In fact, in the letter that has been sent to those who are interested, let me quote paragraph 6 -

“In the event you elect to serve as Educator *Kreol Morisien*, you will retain all the terms and conditions of service, including seniority placing and promotional prospects throughout.”

Il ne faut pas créer des problèmes. Au contraire, nous devrions être contents, parce qu'on a avancé suffisamment vite et je suis confiant - j'ai laissé entendre ce matin qu'on est en train de

faire le maximum à une vitesse rapide - qu'au début de l'année prochaine, on va démarrer le langage *Kreol Morisien* dans nos écoles.

**Mr Obeegadoo:** We would be even happier if we manage to meet the objective at the beginning of next year. My point is: right now, as the Minister is aware - since he reads the press as we all do - there is still a lot of controversy concerning recruitment and status of those teachers. So, will he - I repeat the question - consider the advisability of meeting all the unions, so that we can have, as early as possible, a consensus on this issue?

**Dr. Bunwaree:** Pour comprendre la presse, je la lis à l'envers.

**Mrs Ribot:** I would like to ask the hon. Minister, since there are only 28 teachers to date who have expressed their wish to be registered as teachers of Creole language, what if the number needed is not reached?

**Dr. Bunwaree:** Of course, we have thought about that. We have so many other possibilities. In fact, we are trying to get those teachers of the MIE who are going to join the schools in the weeks to come; we have supply teachers, but all these teachers, whoever they are, will need to go to the 6-month training course, and we have put deadlines for that.

**Mrs Labelle:** Mr Deputy Speaker, Sir, I am coming to the question of the 6-month training. As it is mentioned in the circular sent by the hon. Minister to head teachers, may I ask the hon. Minister whether there is a time schedule when this training is to be started, and also the 28 replies that the Ministry has received are out of which number?

**Dr. Bunwaree:** The 28 replies, out of those who have been attached to MIE, are following the courses. I don't know the number exactly; I need notice for that. We are planning in such a way that the six-month must end before the end of the school year, that is, before the end of October this year.

### **LA TOUR KOENIG & RÉSIDENCE COQUILLAGE - AIR POLLUTION**

**(No. B/24) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Environment and Sustainable Development whether in regard to the air monitoring at La Tour Koenig and *Résidence Coquillage*, following the air pollution caused by *Compagnie Mauricienne de Textile Limitée*, he will state if his Ministry has made any recommendations in relation thereto and, if so, will he table copy thereof.

**Mr Virahsawmy:** Mr Deputy Speaker Sir, my Ministry had made the following recommendations to be implemented by CMT Ltée through an Enforcement Notice -

- (i) submit an Environmental Monitoring Plan for approval by the Director of Environment;
- (ii) carry out an audit of the boilers to identify cause of breakdown, and to submit a programme of measures to remedy the situation, including a contingency plan in case of any incidence that can affect the environment;
- (iii) submit a schedule for regular maintenance of boilers;
- (iv) inform this Ministry of additional measures taken to ensure surveillance of stack emissions at all time when the boilers are in operation;
- (v) carry out a survey of affected areas;
- (vi) clean up/reinstate the premises in the vicinity of CMT which have been affected by deposition of particulate matter.

A copy of the recommendations with the conditions of the Enforcement Notice is being tabled.

**Mr Barbier:** Mr Deputy Speaker, Sir, may I inform the hon. Minister that, in spite of all the measures proposed by his Ministry - I don't know whether all these have been implemented or not - from time to time, we are still having ash coming from the chimneys, which is spreading all over the region around the CMT. I would like to know whether the Minister is agreeable to accept the proposal of the inhabitants of this area to ask CMT to raise the chimneys like at Saint Louis power station and Victoria power station, where the chimneys are high enough, and the ash spreads over the sea. Will the Minister consider this request of the inhabitants of La Tour Koenig and *Résidence Coquillage*? Will he set up a committee to follow up this proposal?

**Mr Virahsawmy:** I do not have any objection. In fact, I think that it is a good proposal. There is already a committee set up by Government in March 2010 and which is made up of various Ministries. I shall ask the Committee to meet the Directors of CMT. We shall discuss together to see how we can improve the height of the chimney so that this can bring a better solution to the environment and to the residents of the region.

**BREEDERS - LIVESTOCK FEED**

(No. B/25) **Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Agro-Industry and Food Security whether he will state the measures Government proposes to take for breeders following its decision to stop the production of livestock feed.

**Mr Faugoo:** Mr Deputy Speaker, Sir, in June 2009, Government decided to close down the Richelieu Livestock Food Factory, formally known as the maize mill created in 1943, as it was no longer economically viable to continue the manufacture of livestock feed. The factory had been in operation for some 70 years with very old and obsolete equipment, which had never been renewed. The maintenance of same was very high, and the maximum production capacity was 7,000 tonnes, which represented only 6% of the total quantity of livestock feed produced locally. The cost of production per tonne of feed was higher than the selling price of feed manufactured by private companies. The factory ceased operation in October 2009.

However, to maintain the support to small breeders, my Ministry introduced a new scheme for the benefit of breeders who have been purchasing feed manufactured by Richelieu Livestock Feed Factory. The new scheme operates through a voucher system for the benefit of small breeders, whereby small cow, goat and pig breeders are granted a subsidy which actually stands out Rs2,000 per tonne. As at date, there are 1,115 breeders benefiting from the scheme.

I wish to remind the House that, upon closure of the feed factory, the direct subsidy was increased from Rs1,500 to Rs2,000 per tonne.

**Mr Barbier:** Mr Deputy Speaker, Sir, there are so many breeders who have not been able to take advantage of the new scheme that the Ministry is putting forward. Will the Minister inform the House who are those eligible to benefit from the new scheme, and how to take advantage of it? Will his Ministry issue a communiqué to breeders, so that those who are not having the possibility of taking advantage of the scheme may do so?

**Mr Faugoo:** This scheme was launched back in October 2009, Mr Deputy Speaker, Sir. There were communiqués and all the breeders were informed accordingly. In fact, all the breeders registered with the feed factory and AREU were entitled to the subsidy under the scheme. It was not open to newcomers, because we had to stop the list somewhere. Even today

it is not open, as it is only for those who are on the list of purchasers at the time of closure of the feed factory.

**Mr Barbier:** Could the Minister inform the House what about the new breeders who are coming into operation now?

**Mr Faugoo:** As I said, the subsidy is limited to those on the list only, but there is a lot of other schemes which are being put in place by Government to enhance the sector in general, Mr Deputy Speaker, Sir.

### **CPE - CURRICULUM**

**(No. B/26) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, in regard to the Certificate of Primary Education, he will state if, in view of the failure rate over the years, Government proposes to review the appropriateness of the examination and related curriculum to ensure that all children acquire the essential basic knowledge and competencies.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, the question refers to CPE failure rate, and I would like first of all to start by informing the House that, over the past few years, the rate of failure for the CPE Examination has been gradually on the decline. Prior to 2005, particularly in 2004, the failure rate was 37%. In 2004, the pass rate was 63%, and it gradually increased to reach 68.5% in 2010 and, consequently, the failure rate was brought down from 37% in 2004 to 31.5%, that is, a reduction of 5.5% within the 5-6 past years. Nonetheless, efforts are being stepped up to further improve the performance at CPE level.

One of the concerns of my Ministry is to set the right structure for the CPE Examination, to ensure that all children acquire the essential Basic Knowledge and Competencies to enable them pursue secondary education.

The present format of the paper caters for the acquisition of essential Basic Knowledge and Competencies covered in Section A of all papers of the CPE syllabus. Since this examination serves the double purpose of certification and admission to secondary schools, the paper caters also for average and above average pupils through section B of the papers, which tests higher order competencies and skills.

The CPE, as we all know, in its current form, encourages rote learning and teaching to the text rather than focusing on the development of critical thinking and problem solving skills. It is precisely for this reason that my Ministry is, in fact, working towards a review of the CPE and the improvement of the performance at CPE. In this context, I have appointed, since January 2011, that is, early this year, a Committee comprising representatives of my Ministry, Mauritius Examinations Syndicate and the Mauritius Institute of Education to work on the overall review of the CPE and related curriculum, so that children who have acquired the basic knowledge and competencies could attempt Section A of the Question Paper with success, and thus have the required foundation on which their secondary schooling could be based.

Mr Deputy Speaker, Sir, the problem of failures cannot be addressed by exclusively reviewing the CPE. In parallel with the above initiative, my Ministry has also embarked on a number of pedagogical programmes that would help in the early identification of learning difficulties, and thus provide more appropriate support that would facilitate the children's mastery of the required competencies. These measures are being implemented from an early stage of primary schooling, so as to overcome the learning deficits that otherwise tend to accumulate. These measures include, *inter alia*, diagnostic assessment, continuous assessment and remedial education, as well as special remedial programmes for CPE repeaters. In addition, particular attention is being given to the ZEP schools for improvement of their performance.

Mr Deputy Speaker, Sir, I wish to reassure the House and especially the hon. Member that, in the context of this review exercise that has far-reaching implications, I intend to engage into wide consultations at national level with all stakeholders who would be invited to submit their proposals and inputs.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, the hon. Minister seems to have missed the point of this question. Being given that the point of basic primary education today is not just about going on to secondary education, but about equipping all children with the skills for employment and for life, being given that whatever the government, the pass rate stagnates below 70% and one out of four children leaves primary school every year without the CPE, is his government committed to an overhaul of our examination system and a redefinition of primary or basic education for every child of this country?

**Dr. Bunwaree:** I agree with the hon. Member, but where I disagree with him is that, at the CPE, we do not go to work. The child has got to continue schooling; *la scolarisation est obligatoire jusqu'à seize ans*. So, the child will have to go through secondary schooling, whether it is vocational or normal stream. We are agreeing on that, but I started my reply by saying that we have to forget what the hon. Member is trying to instil in the minds of people. The CPE pass rate is progressing year after year, and I would like to lay this graph on the Table of the Assembly. In fact, the down-going slope is when the hon. Member was Minister and the up-going slope is ours. *Regardez ça, c'est parlant!* We are doing well.

**The Deputy Speaker:** It is being circulated.

**Dr. Bunwaree:** The dip is in 2004.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, let us forget the dip, let us forget party politics. Being given that, at this rate of progress, it will require 35 years before we reach a 100% success rate, which is the objective of education, has Government discussed the proposal of the Opposition to lay party politics aside and to sit down together, to redefine, to agree and to forge a broad consensus, across political dividing lines, on basic education that all children need to obtain and to succeed in obtaining?

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I said that I will open after our committee has worked on it - this will take a few weeks - a forum where all stakeholders will be invited, including the hon. Member. But saying that it will take 20 years, if he were there, it would have taken one century.

**Mrs Labelle:** Mr Deputy Speaker, Sir, I think I heard the hon. Minister mentioning, among measures to support and help the child to master the basic education, a special remedial education. May I ask him if this is currently in place and, if so, since when, and at what time and by whom this special remedial education is being provided in our schools?

**Dr. Bunwaree:** This is an interesting question. In fact, we don't have enough manpower to do what we would have wished to do, but it has started, especially the special one for CPE repeaters; this is what I have said. We have noticed that the CPE repeaters do not master, for example, the programme of Standard III and, of course, less for Standard IV. If we start them repeating only Standard VI, they will definitely go straight to failure. All this is being taken care

of, and special remedial education has started this year. I will be very eager to see the results at the end of the year.

**Mr Bhagwan:** The hon. Minister has just stated that the pass rate is on the progress. My worry is about *Cité Barkly*, Marcel Gabon Government School, where the results have been on the decrease since 2005. It is going downwards year by year. I have asked questions and raised the matter with the hon. Minister who has initiated actions. Can the hon. Minister inform the House where matters stand concerning the follow-up? My problem is the follow-up at the level of the Ministry. I not only have the impression, but I am sure there are problems at the level of the Ministry, at the level of the administrative zone with regard to the follow-up actions initiated to have further progress and better results in that school, which is one of the poorest regions of Mauritius, if I may say.

**Dr. Bunwaree:** Yes, the hon. Member has talked to me about that problem on quite a few occasions and he knows that we are doing our level best. The problem is more about a problem of the community around the school than in the school itself. So, we are taking care of all these. I have a special eye on this school; he knows that. We hope that things will get better.

**Mr Bhagwan:** Can I appeal to the hon. Minister? When the hon. Minister says the community, it is on both sides. I know this is the responsibility of parents, but it is also about the attitude of teachers, head teacher and officers of the Ministry - *Cité Barkly* is a region *bann dimoune mauvais, etc.* It is not good to say so. My colleagues and I have even talked to the parents. Can I appeal to the Minister to have a meeting chaired by him - not by his officers - with the parties concerned to give clear directives, and that there is monitoring? Then, we, in Parliament, will be asking questions in the months to come.

**Dr. Bunwaree:** Yes, Mr Deputy Speaker, Sir.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister also mentioned early diagnosis. I would like to know from the hon. Minister if, at present, after Standard III, when a child does not know how to write and read, there is any structure which will take care of this child, because the hon. Minister said that we do not have enough structures. I am just asking: do we have any structure which takes care of such a child? We know that there are many children. Allow me, Mr Deputy Speaker, Sir, to also mention two schools in my constituency, namely Allée Brillant

Government School and Espitalier Noël Government School. The results have been going down year after year. There is a big dip in both schools.

**Dr. Bunwaree:** As I said, I would have personally wished to have special teachers for remedial action. In some cases, we do have. We are trying to do this with regard to the schools which the hon. Member has just mentioned, but we do not have enough structures. There is the enhancement programme, which is one way of getting these children out of this problem. This year, we have started the enhancement programme and, on top of Std IV, we are starting at Std III, where we are doing our best to try to get these children on the right side.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I would like to know from the hon. Minister if there are specific schools that have been highlighted for those special remedial education classes?

**Dr. Bunwaree:** Not specific schools, but we are trying to find specific solutions for specific schools.

**Mr Obeegadoo:** Let me ask the hon. Minister a straight question in the hope of getting a straight answer. Is it Government's intention that the National Form III examination should replace the CPE - this is the subject matter of the question - as a pass or fail examination?

**Dr. Bunwaree:** We are not talking about the Form III assessment programme today. For the time being, it is an assessment; it is not even an examination. Let's wait; when we come to the bridge, we will cross it.

### **PORT LOUIS - POSTER PANELS**

**(No. B/27) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the fixing of posters, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to the number of -

- (a) poster panels presently available therefor in the district of Port Louis;
- (b) requests received from political parties since March 2010 to date, indicating in each case -
  - (i) a list thereof;
  - (ii) the number of posters affixed, and

(c) the amount of revenue perceived.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed by the Municipal Council of Port Louis that 13 posted by panels are presently available in the district of Port Louis.

With regard to part (b) of the question, I am informed that only one request was received from one political party since March 2010 to date for authorisation of fixing 1,300 posters.

As far as part (c) of the question is concerned, the issue of revenue perceived does not arise, as authorisation was not granted by the Council.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can I ask the hon. Minister whether the poster panels that are currently available in Port Louis are from the Municipal Council of Port Louis or the Tourism Authority as well?

**The Deputy Speaker:** I understand the question is with regard to the Municipal Council of Port Louis.

**Mr Ameer Meea:** Yes, but there are two different types of poster panels in Port Louis: one from the Municipal Council and one from the Tourism Authority.

**The Deputy Speaker:** Has the hon. Minister answered?

**Mr Aimée:** Both of them are included.

**Mr Ameer Meea:** Are both of them included in the 13 panels that are available?

**Mr Aimée:** Yes, Mr Deputy Speaker, Sir.

**Mr Ameer Meea:** The hon. Minister confirmed that only one political party applied to the committee since March 2010. Can we know which party was it?

**Mr Aimée:** It was the MMM party.

**Mr Uteem:** Mr Deputy Speaker, Sir, in view of the size of Port Louis, does the hon. Minister intend to have more poster panels? He has indicated that there are currently only 13. Will the hon. Minister make the request to the local authorities to increase the number of poster panels?

**Mr Aimée:** I will take the request of the hon. Member into consideration.

**Mr Bérenger:** The law has it now that you cannot put up posters except on those panels designated by the local government concerned. Now, we are told that for the whole of the capital city, it is 13, which is clearly insufficient, and I think that the Minister acknowledges it. The distribution is 13 for the whole of Port Louis. Does the hon. Minister have the geographical distribution in terms of constituencies or wards?

**Mr Aimée:** The information I have from the Council indicates that there are only 13. If there is a need of any more panels around the district of Port Louis, which means two or three constituencies, I will instruct them to do it.

**Mr Bérenger:** I would like to know whether all the constituencies are covered. My information is that certain regions do not have such designated panels at all.

**Mr Aimée:** That is all the information I have. I know probably there are certain areas which are not well covered, but I will try to look into it and make sure that everywhere we will have posters panel.

**Mr Bérenger:** With your permission, I'll put the question a bit larger. This is the law now - and it is rightly so - but there must be the required number of designated panels. So, can I ask the Minister whether he does not think that he should carry out a survey not just in the different constituencies of Port Louis, but the different towns, the different constituencies, including district councils in each area, about how many such panels are designated?

**Mr Aimée:** I will inform all the local authorities of the Republic of Mauritius for that particular application for hon. Members of Parliament.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, may I ask the hon. Minister what are the criteria that are used by the Municipality of Port Louis for finalising the installation of poster panels in a specific area and how did we reach that number 13?

**The Deputy Speaker:** I think the hon. Member should come with a specific question as regards the criteria.

**Mr Bérenger:** If you will allow me, Mr Deputy Speaker, Sir, Government has chosen - freedom of expression is a fundamental right and rightly so - to limit the use of areas where posters can be put up. Well, this touches upon the fundamental freedom. So, I take it that the

Government, through the Minister, must see to it that this fundamental freedom is respected. We can't just be left to administrative purposes.

**Mr Aimée:** Mr Deputy Speaker, Sir, the question of posters around the island, not only in Port Louis, before the general election, does not arise properly. It is only six months before the elections that they start to put these panels.

*(Interruptions)*

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, as regards the rules that have been applied for the fixing of posters, can I ask the hon. Minister whether these rules will be applied to the long-awaited municipal elections?

**The Deputy Speaker:** This has nothing to do with the original question, please.

**Mr Ameer Meea:** No, it has to do.

**The Deputy Speaker:** No, I won't allow this question. The hon. Member can come with a specific question. Hon. Barbier!

**Mr Barbier:** As regards panels which have been set up by the Ministry of Tourism, may I ask the hon. Minister whether the local authorities have jurisdiction on these panels?

**Mr Aimée:** The local authorities have got the right on all the panels installed all around the island.

### **TAMARIN - FIRE STATION - CONSTRUCTION**

**(No. B/28) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the project for the construction of a new Fire Station in Tamarin, he will, for the benefit of the House, obtain from the Government Fire Services, information as to -

- (a) the regions that will be covered, and
- (b) if construction works have started and, if so, indicate -
  - (i) the expected date of completion thereof, and
  - (ii) when it will be operational.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed that the new Fire Station in Tamarin will cover the region from Flic en Flac to Le Morne.

With regard to part (b) of the question, I am informed that bids for the project have been invited on 30 December 2010, and the closing date was 16 February 2011. The bids received are currently being evaluated.

As far as the last part of the question is concerned, I am informed that the construction period will be one year as from the date of start of work.

### **BAGATELLE/RIVIERE DES ANGUILLES - DAMS - CONSTRUCTION**

**(No. B/29) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the project for the construction of the Bagatelle and the Rivière des Anguilles dams, he will, in each case, state -

- (a) when the project was initiated;
- (b) the estimated cost thereof, and
- (c) where matters stand.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, a dam project in the region of Bagatelle was initiated in 2000. The feasibility study was submitted in August 2003 identifying the site for the construction of a 16 million metre cube dam. However, in April 2004, the then Government decided that the dam site should be reviewed as the proposed site was partly on prime private land.

In June 2004, the feasibility study was undertaken solely on SLDC land and was completed in April 2006. In June 2006, Government's approval was obtained to proceed with the detailed design of the dam on the new revisited site.

Following the visit of the Prime Minister to the People's Republic of China, in November 2006, the seventh session of the Sino Mauritian Joint Commission agreed in May 2007 to consider funding, *inter alia*, of the Bagatelle Dam project. Several requests were previously made to various funding agencies, but funding could not be secured for the works contract.

Tenders for consultancy services for the detailed design and construction supervision were launched in January 2008 and the contract awarded to the Consultant Coyne et Bellier in January 2009 due to an extension of the closing date for submission of bids by the Central Procurement Board and challenge from one of the unsuccessful bidders.

The detailed designs and drawings, including geotechnical investigations were completed in November 2010. In September 2010, following discussions with the Chinese Embassy, the Chinese Ministry of Commerce submitted the name of its sole recommended contractor. Following consultations with the Public Procurement Office, the tender documents were sent to the recommended contractor on 08 December 2010.

The bid was received on 07 March 2011 and is presently being evaluated by an Evaluation Committee. After the technical evaluation, a Negotiating Committee chaired by a representative of the State Law Office will conduct negotiations with the bidder. It is expected to award the contract in June 2011 and to start works in November 2011. The dam is expected to be completed in 2014.

Mr Deputy Speaker, Sir, with regard to the Rivière des Anguilles dam, the feasibility study for the construction of a dam in the South was initiated in March 2006 and was completed in May 2009.

The detailed designs and preparation of draft bid documents for a rock fill dam of about 14 million cubic metres were completed in October 2009. An EIA study has also been completed in October 2010.

Following an Expression of Interest issued in September 2010 by the Central Procurement Board for the design review and construction supervision, five consultancy firms were shortlisted in November 2010 and have been invited to submit proposals by the closing date of 06 April 2011. The Consultancy is expected to start in July 2011 and the works contract to be awarded in April/May 2012. The construction of the dam will be completed by mid 2015.

With regard to part (b) of the question, the bid for Bagatelle Dam is under evaluation. The Rivière des Anguilles dam is expected to cost around Rs3 m.

**Mr Bérenger:** I am trying to convince myself that I've heard rightly. In the case of Terre Rouge/Verdun road, bidding was restricted to three designated contractors. We raised hell, if you will allow me, and it went to open bidding. In a way, Rs500 m. were saved. Now, did I hear rightly that there has been one contractor only who has been invited to make his offer?

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I have underlined, it is not one contractor who has been invited to make his offer; one contractor has been submitted by the Chinese Ministry of Commerce. We've had protracted discussions about submitting more than one and they were adamant that, with the experience before, it is better that they choose and propose. I have consulted the Public Procurement Office and they are agreeable as long as we put two committees; a committee to evaluate and a committee on the legal side.

**Mr Lesjongard:** Mr Deputy Speaker, Sir, may I ask the hon. Deputy Prime Minister on what basis the Central Procurement Board gave its approval for that type of bidding?

**The Deputy Prime Minister:** No, it was not the Central Procurement Board; it was the Procurement Office.

#### **CHILD BIRTH - CAESAREAN SECTION**

**(No. B/30) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to child birth, she will state the number of children born by caesarean section for the period 2000 to 2010.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I am informed that there has been a significant increase in the number of caesarean sections in Mauritius over the past ten years. In fact, in the year 2000, 28 percent of the total deliveries were by caesarean sections whereas in 2010 the percentage registered was 44 percent. The total number of caesarean sections performed during period 2000 to 2010 was 67, 387. Caesarean section is a complex issue usually influenced by a combination of medical factors such a foetal distress, detachment of placenta, diabetes and so on. Since July 2010, the Mauritius Institute of Health has been requested to conduct a study on the factors associated with increased rate of caesarean sections in Mauritius. After finalising the research protocol and obtaining the necessary ethical clearance, the study started early this year and is expected to be completed by May 2011. It will cover both the public and private health institutions.

Mr Deputy Speaker, Sir, pending the outcome of the study by MIH, my Ministry has prepared a set of guidelines, which has already been distributed to all health professionals of my Ministry on the management of high risk pregnancies.

As a follow-up, I am personally chairing a meeting on the issue with all Consultants-in-Charge, obstetrics and gynaecology, in the interest of all prospective mothers.

**Mrs Labelle:** Mr Deputy Speaker, Sir, I think I have heard the hon. Minister stating that in July 2010 the Mauritius Institute of Health has been directed to undertake a study. Mr Deputy Speaker, Sir, may I be allowed to refer to a reply that was given in this very House on 23 June 2009? In this reply, the then Minister of Health stated -

“I have directed the Mauritius Institute of Health to undertake a study on this issue.”

This is my first point.

My second point, Mr Deputy Speaker, Sir, is that I also heard the hon. Minister mentioning ‘national guidelines’, and in the same answer in June 2009 the then Minister said -

“In February 2009, all consultants have been called upon to prepare national guidelines for dealing with these cases.”

So, my question is whether with regard to these requests in February 2009, it’s only this year that we have received it. My other question is whether the study was started in 2009 or not, and if we have done another study in 2010.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, let me say that whenever we have got to start a study, we just don’t go and say that we are starting the study immediately. We have got to consult all those concerned and put them on board together; we need to have meetings with gynaecologists, consultants and with all those concerned. We have got to decide whether the study will cover private, public and whatever other areas. All these have to be decided before we give the term of reference to the MIH, and this is why it took its time. To reply to the second part of the question, in fact, as I have said, since July 2010, the MIH has been officially requested to conduct the study. I mean they have gathered all the information, and the terms of reference have been made; the objectives of the study have been devised.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, if I have heard right, it jumped from 28 % to 44 % within ten years. These figures are absolutely shocking. Will the hon. Minister, therefore,

agree that the time is no longer to having guidelines but that we should, on the example of other developed countries, have a form of protocol - since there have been consultations with private practitioners - which the Ministry and the Medical Council can monitor, with legal implications in the case it is flouted?

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I agree the figures are shocking. I know that the figures are shocking because the figures speak for themselves but, as I have said, we are conducting a study. Let us wait for the results of the study. We cannot just rely on protocols; we cannot just rely on instructions that we give. I said that, pending the fact that we are waiting for the results of the study, we have given guidelines.

**Dr. S. Boolell:** Will the hon. Minister kindly elaborate on the figures that she has submitted to the House in terms of percentages of caesarean sections conducted on admissions in the private sector and in the public sector? Because the impression is that caesarean section may be financial in nature.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I have got the reply over here, but it is long. I cannot read all this. I will circulate it for the hon. Member.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, the figures given concerning caesarean are obviously directly linked to figures on premature birth and low weight at birth, which put Mauritius to shame. Will the hon. Minister, in the light of those figures that have been revealed - caesarean and low birth rate recently - look into the urgency of revamping specialised Neonatal Care Units in all our hospitals, with trained personnel?

**Mrs Hanoomanjee:** This is already being done, Mr Deputy Speaker, Sir. I have already taken action in this direction.

**Ms Anquetil:** Mr Deputy Speaker, Sir, I have got two supplementary questions, please. How should I proceed?

**The Deputy Speaker:** One by one!

**Ms. Anquetil:** Thank you. Can the hon. Minister inform the House if there is a lack of midwife in our hospitals?

**Mrs Hanoomanjee:** I can't say that there is a lack of midwives. We always lack staffs in all our hospitals, but I have got funded positions in the Budget and they are there; the staff is there.

**Ms Anquetil:** Mr Deputy Speaker, Sir, I just want to know if the hon. Minister can inform the House what actions and measures she intends to undertake to improve the quality of the maternity services, including sanitary conditions in hospitals.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, I don't think this has anything to do with the main question.

**The Deputy Speaker:** We will take the last question from hon. Boolell!

**Dr. S. Boolell:** Does the hon. Minister have any idea, Mr Deputy Speaker, Sir, about the cost of a caesarean section in the private sector? Because it might be linked to the figures...

**The Deputy Speaker:** This is a question of opinion. Last question from hon. Obeegadoo!

**Mr Obeegadoo:** Given the alarming figures, will the hon. Minister consider the urgent necessity of launching an information campaign for women who have recourse to public hospital during their pregnancy as to the risks associated with caesareans?

**Mrs Hanoomanjee:** If we have an information campaign and tell them what the risks of caesarean are, I think we will just scare them because it is a complex issue, Mr Deputy Speaker, Sir. If they find themselves in a situation where they will have to do the caesarean section, they will be very scared.

#### **HOTELS - RECRUITMENT - CERTIFICATE OF MORALITY**

**(No. B/31) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Tourism and Leisure whether, in regard to staff in the hotels, he will state if Government proposes to invite the hotels to revise their employment guidelines and policies by requesting the submission of the Certificate of Morality from the applicants, prior to their recruitment.

**Mr Bodha:** Mr Deputy Speaker, Sir, I am advised that each hotel has its own guidelines and policies with regard to recruitment and selection. These policies may even differ within the same organisation depending on the post to be filled.

Mr Deputy Speaker, Sir, as the hon. Members of the House are aware, there have been many issues regarding recruitment and work environment in the tourism industry in the wake of recent events.

This has induced a brainstorming among the best practices to be adopted for the sustainable development of our tourism industry.

In this regard, I have had consultations with the tourism stakeholders in order to ensure that the service level being provided in our hotels is at the highest standard possible and is reflective of the image that we want to project, especially that our current strategy is to position Mauritius as an up-market, safe and hospitable destination with service excellence.

Mr Deputy Speaker, Sir, in this respect, I have been informed that hotel operators who are members of AHRIM are revising their policies to provide for an enhanced recruitment and selection process.

This new policy will provide for induction courses and trainings to be given to new recruits, submission of references, as well as submission of morality certificate.

Mr Deputy Speaker, Sir, as Members of the House are aware, the environment in which the hotel industry is operating today has witnessed many changes. Our hotels are not only operating in a more competitive environment, but they are witnessing a greater mobility of human resources owing to many reasons, including new hotel projects, growth of cruise tourism, overseas job opportunities. In this regard, I am proposing to have consultations with the hotel stakeholders about ways and means of setting up and administering a databank, which would serve as a job centre for employees of the hotel industry. Information on potential vacancies as well as job seekers would be made available to offer and demand.

Mr Deputy Speaker, Sir, this arrangement will not only facilitate the centralisation and standardisation of the recruitment process, but will also help in the recruitment of the right persons and in identifying the persons who could represent a threat to the security of tourists owing to their antecedents.

The human touch has been the most valuable ingredient of our tourism product, and we must do all to preserve this asset, Mr Deputy Speaker, Sir.

**Ms Anquetil:** Je remercie le ministre du tourisme et des loisirs pour sa réponse, et je voudrais lui demander s'il y aurait éventuellement la possibilité de développer un partenariat entre la *Tourism Authority*, l'AHRIM et la police pour introduire une autre base de données qui contiendrait la liste de personnes qui ont été impliquées dans les délits à Maurice?

**Mr Bodha:** The databank that we are going to set up will provide these details, in fact. The issue, Mr Deputy Speaker, Sir, is that the morality certificate has no definite duration. So, what happens is that it is the employer who should, as and when, according to his own discretion, request for another morality certificate. But what we should do, in fact, in the light of what has happened, is that we should have a databank with all the antecedents as regards the career history of each employee in the industry.

**Dr S. Boolell:** I want to ask the hon. Minister whether this is not an invasion of privacy in the basis of human rights, getting all the databank with unlimited information on anybody who seeks employment. There must be a time bar...

**Mr Bodha:** It is not unlimited information on the privacy of people; it is with regard to the antecedent with regard to the career history of the person in the industry.

**Mr Bhagwan:** One of the complaints made by the hotel operators - the main one - is that they are being pressed upon by high quarters from Government when people are sent for employment. I think the Minister must see to it that whenever people are being called - it is a normal practice - for employment, at least *certaines récidivistes notoires ne sont pas recommandés à ces institutions qui font remplir les caisses de l'Etat*.

*(Interruptions)*

J'ai reçu pas mal de sollicitations de la part de ces opérateurs afin d'intervenir auprès du ministre. C'est sur l'insistance du gouvernement...

**The Deputy Speaker:** No, I will not allow this question. It is making insinuations. Next question!

#### COURT OF APPEAL - SETTING UP

(No. B/32) **Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Attorney General whether, in regard to the setting up of a Court of Appeal, as recommended by Lord Mackay, he will state where matters stand.

**Mr Varma:** Mr Deputy Speaker, Sir, with a view to improving the efficiency of our Courts and more generally, our judicial legal system, the Mackay Report did indeed recommend the setting up of a separate Court of Appeal Section of the Supreme Court to hear all appeals from subordinate Courts, and of a High Court Section. As the Mackay Report put it, “a Judge today may be sitting on appeal against the judgment of a Judge who in a week’s time will be sitting on appeal from him or her”.

In order to implement the above recommendation and various other recommendations of the Mackay Report, my Office has, for some time now, been working on, firstly, the Constitution (Amendment) Bill and, secondly, the Judicial and Legal Provisions Bill, which provides for amendments to be brought to a series of enactments to give effect to the proposed changes in the Constitution.

The Draft Bills were, in fact, circulated for public consultation as far back as August, last year, for any comments to be forwarded to my Office by 29 October 2010. The public was informed through the press to forward comments. It is to be noted, Mr Deputy Speaker, Sir, that these Draft Bills were posted on the website of the Attorney General's Office.

I also sent the Draft Bills and a covering letter to the hon. Leader of the Opposition for comments and proposals.

I am pleased to report to the House that comments and representations have, indeed, been received from various stakeholders, including the Judiciary, the Mauritius Bar Council, the Mauritius Law Society, the Chamber of Notaries, the Office of the Director of Public Prosecutions and the Law Reform Commission, and that the stakeholders were agreeable to most of the provisions of the Draft Bills. A special meeting of the Mauritius Bar Association was called in December 2010 to discuss the proposed changes, and all members were agreeable (Members of the Law Society and the Chamber of Notaries were also invited). I also discussed the Draft Bills with the hon. First Member for Savanne & Black River, the hon. gentleman Alan Ganoo, last month, and took note of his suggestions.

Mr Deputy Speaker, Sir, my Office will shortly finalise the above bills, which will then be introduced in the National Assembly as soon as Government approval is obtained.

**Mr Uteem:** Mr Deputy Speaker, Sir, may I know from the hon. Attorney General whether a study has been conducted as to the actual cost of setting up the Court of Appeal, where it would be housed, and the amount of staffing and training required to make it operational?

**Mr Varma:** Mr Deputy Speaker, Sir, it is part of the process, and we have to finalise the Bills first, and then get into the budgetary implications. But the hon. gentleman will appreciate that, during the Budget Speech which was presented by the hon. Minister of Finance last year, it was clearly stated that provision will be made for eight additional Judges, and you will see as we finalise the Bills. Then, we will have to liaise with the Ministry of Finance to see the cost implications.

### **LOWER DAGOTIÈRE - BRIDGE - CONSTRUCTION**

**(No. B/33) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the project for the construction of a bridge at Lower Dagotièrè near the cremation ground known as Mamet Feeder Canal, he will state the -

- (a) date works are expected to start, and
- (b) cost thereof.

**Mr Bachoo:** Mr Deputy Speaker Sir, a priority list has already been prepared and submitted to the Ministry of Finance. Meanwhile, designs are being prepared, and clearances are being sought. Once financial clearances are obtained, work will start. The cost of the project is estimated to be around Rs25 m.

**Mr Dayal:** Mr Deputy Speaker, Sir, is the hon. Minister aware that it is precisely because of this bridge, which is in a decadent state, that water stagnates and causes water to overflow in the region, even with the slightest rainfall? Therefore, I would like to appeal to the hon. Minister to give some urgency to this project.

**Mr Bachoo:** It is not the only place where we have problems; throughout the country, we have problems in different regions, and that is the reason why I am looking at all equally. The hon. Member has to bear with me. I have already mentioned that we have submitted the list to the Ministry of Finance and, once clearance is obtained, I am going to start the work.

**Mr Dayal:** Mr Deputy Speaker, Sir, just to remind that I have raised this problem here some two years ago. It is causing lots of difficulties and hardship to the inhabitants. I know the hon. Minister is looking at it globally, but being given that this is creating much hardship to the inhabitants and water accumulates in the whole region there, I am making a special plea.

**Mr Bachoo:** I already answered, and the work is definitely going to start in the days to come.

### **ALMA - RESERVOIR - CONSTRUCTION**

(No. B/34) **Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water, he will state where matters stand in regard to the construction of a bigger reservoir at Alma with a view to meeting the increasing demand thereof.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I am informed by the Central Water Authority that a feasibility study carried out in 2008, with regard to the supply of water in the region of Camp Fouquereaux, Alma, Highlands among others, recommended a phased implementation of works to improve water supply in the region.

The most urgent works identified were the replacement of the ductile iron pipes, which suffer frequent bursts. Accordingly, the Central Water Authority is presently implementing a major project for the replacement of 10 kms of ductile iron pipes from Camp Fouquereaux to Alma service reservoir and the laying of service mains at Hermitage and Valetta.

This contract has been awarded for the sum of Rs267 m., and works are expected to be completed by January 2012.

This project will reduce leakages, bring additional water to the Alma service reservoir, and thus significantly improve water supply in the region.

The construction of a new service reservoir of 2000 m<sup>3</sup> capacity to supplement the existing reservoir of 975 m<sup>3</sup> capacity will be implemented in the next phases of the project.

**Mr Dayal:** I thank the hon. Deputy Prime Minister for his answer and the attention he is giving for the replacement of the pipes. But, being given the seriousness of the problem, which creates much hardship regarding the distribution of water in the constituency, especially with the coming of the new pipes and the fact that the reservoir is very small and the population has

increased dramatically, I would like to appeal to the hon. Deputy Prime Minister to give his urgent attention to this problem and to use his good offices to speed up matters?

**The Deputy Prime Minister:** The appeal is heard, Mr Deputy Speaker, Sir.

### **QUARTIER MILITAIRE STADIUM - BASKET BALL & VOLLEYBALL PITCHES**

**(No. B/35) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Youth and Sports whether, in regard to the project for the putting up of -

- (a) a basket ball pitch, and
- (b) a volleyball pitch in the compound of Quartier Militaire stadium, he will state where matters stand, indicating the estimated cost thereof.

**Mr Ritoo:** Mr Speaker, Sir, I wish to apprise the hon. Member that the sports infrastructures we intend to put up at the Quartier Militaire Stadium consist of -

- (i) a tennis Court;
- (ii) 3 *pétanque* Courts, and
- (iii) a handball cum basket ball cum volleyball Court.

The relevant drawings have already been prepared, and subject to availability of funds action will be initiated for the implementation of this project during the next financial year.

The project is estimated at Rs6.2 m.

### **VALETTA - DRAIN WORKS**

**(No. B/36) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Local Government and Outer Islands whether, in regard to drain works at the Jamal Road and the Madurai Road at Valetta, he will, for the benefit of the House, obtain from the Moka/Flacq District Council, information as to when they are expected to start.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed by the Moka/Flacq District Council that there is an urgent need for construction of drains at Jamal and Madurai Roads at Valetta in view of flooding problems occurring thereat. These drains are estimated to cost around Rs2.2 m.

I am informed that a request has been made by the Council to the National Development Unit for inclusion of these drains in the list of emergency drains to be constructed.

### **LOCAL GOVERNMENT BILL - INTRODUCTION**

**(No. B/37) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the introduction of a new Local Government Bill, he will state where matters stand.

**Mr Aimée:** Mr Deputy Speaker, Sir, I refer the hon. Member to the reply I made to PQ No. 1B/627.

The proposed legislation is currently being finalised at the level of my Ministry and will be introduced in the National Assembly as soon as possible.

**Mr Nagalingum:** Can the hon. Minister, at least, give us a time schedule as to when the Bill is coming?

**Mr Aimée:** The Local Government Bill has several stages to go through. It has first to go to Cabinet, as the hon. Member should know. I cannot reveal the exact date before going to Cabinet. It is not fair towards my colleagues Ministers.

**Mr Nagalingum:** Can the hon. Minister inform the House whether consultations have started with stakeholders?

**Mr Aimée:** It is not time now to have consultations on the Bill; I mean to circulate the Bill. Once I receive the agreement of Cabinet, I will then have the Bill circulated to members of the public, the NGOs and the whole of Mauritius.

**Mr Bhagwan:** Can the Minister inform the House whether he has made an estimate on the financial cost of the implementation of these new amendments and the setting up of new municipalities? Has he made this exercise? Have requests been made to the Minister of Finance and, if yes, when and the amount thereof?

**Mr Aimée:** Before I reveal the estimate here, I think it's good to know that the financial and legal implications have been sent to these two Ministries, that is, the Attorney General and the Ministry of Finance.

I have already got clearance from the Attorney General. I am waiting clearance from the Ministry of Finance, but we know exactly the amount we need for the new legislation.

**Mr Bhagwan:** Can the country, the taxpayers of Mauritius know what will be the cost? In the name of transparency, what is the estimate?

**Mr Aimée:** As I mentioned before, Mr Deputy Speaker, Sir, it would not be fair vis-à-vis my colleagues Ministers to reveal any information before I get the approval of Cabinet.

**Mr Obeegadoo:** Are we to understand that a first draft of the proposed Bill has been discussed at Cabinet level and the policy...

*(Interruptions)*

**The Deputy Speaker:** No, no!

**Mr Aimée:** I have already answered this question.

**Mr Obeegadoo:** Has there been an assessment of the additional staff that will be required, and building requirements for new municipal councils?

**The Deputy Speaker:** Please, I don't think that, at this stage, it would be proper, in the light of the reply given by the Minister, to ask any more questions, as this has to go to Cabinet first.

**Mr Baloomoody:** Can I ask the hon. Minister to follow the example of the Attorney General, that is, before going to Cabinet, to circulate that document or, at least, to put it on the website of the Ministry of Local Government, so that we can...

*(Interruptions)*

**The Deputy Speaker:** We proceed to the next question!

### **PLAZA THEATRE - RENOVATION**

**(No. B/38) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the Plaza Theatre at Rose Hill, he will -

(a) now table a copy of the -

(i) scope of works;

- (ii) works carried out as at to date;
  - (iii) total estimated cost thereof, and
- (b) for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if funds have been secured for the implementation of Phases II and III and, if so, where matters stand and, if not, why not.

**Mr Aimée:** Mr Deputy Speaker, Sir, I wish to refer the hon. Member to the reply I made to Parliamentary Question No. 1B/728 on this issue. With regard to part (a) of the question, I am tabling a copy of the scope of works.

The works relating to Phase I have been carried out as per the scope of works at a total cost of Rs87 m.

With regard to part (b) of the question, I am informed that a request for the provision of the required funds to the tune of Rs457 m. in respect of Phases II and III is under consideration at the level of the Ministry of Finance and Economic Development.

**Mr Nagalingum:** According to the Minister, Government has spent nearly Rs90 m. on the first phase and, according to what the Mayor of the Municipality of Beau Bassin/Rose Hill stated recently, the roof is leaking. Can the Minister confirm that information?

**Mr Aimée:** Mr Deputy Speaker, Sir, I am not aware of what the Mayor of the Municipality of Beau Bassin/Rose Hill said, but I will inquire to see whether what he said is right, and then I'll take remedial action.

**Mr Bhagwan:** Everyone residing in Rose Hill knows what is happening to that building, which is a national heritage. *Ce bâtiment est laissé dans un état de délabrement. Il y a des rats qui circulent au vu et su de tout le monde. Est-ce que le ministre ne considère pas que c'est dans l'intérêt de l'île Maurice que, at least, something be done urgently?* May I ask the hon. Minister whether that building is insured? The building is left without any maintenance, without any protection. This is a shame!

**Mr Aimée:** M. le président, c'est dommage que l'honorable membre ait fait cette remarque. Un bâtiment d'une envergure telle que le Plaza ne tombe pas en décrépitude en un an

ou dix ans. Cela a dû être en état de décrépitude pendant très longtemps, et certainement pas sous le contrôle de ce gouvernement, qui n'est en place que depuis cinq ou six ans.

**Mr Bérenger:** If I heard the hon. Minister correctly, for Phase I, we spent Rs87 m. Did I hear him correctly that for Phases II and III, we will need Rs477 m.? If that is the case, to whom has a request been made? Is it to the Minister of Finance for a loan, for a grant; for what? Will the hon. Minister agree with me that the more we will let time go by between Phase I and Phases II and III, the more we will end up in serious trouble?

**Mr Aimée:** Yes, the hon. Leader of the Opposition is right that it is time now to look after the Plaza as a heritage building. In fact, it is Rs457 m. The request has been made to the Minister of Finance, and we are awaiting funds to go ahead.

### **CEB - INDOOR SWITCHGEAR - ACQUISITION**

**(No. B/39) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the acquisition of Indoor Switchgear panels for the Fort Victoria Power Station by the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to where matters stand.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I am informed by the CEB that -

- (i) it intends to install 22 kV indoor switchgear panels at Fort Victoria to provide additional sources of supply for new developments in the Plaine Lauzun industrial zone, Les Salines and Cassis among others.
- (ii) On 11 February 2010, an open tender was launched and, at the closing date, on 24 March 2010, five bids were received. The bids had to be cancelled on account of technical shortcomings in the bid document.
- (iii) On September 2010, another open tender was launched and, by the closing date of 13 October 2010, six bids were received. Three of the bidders satisfied the technical specifications, except for the clearance between the building wall and the back of the panel.
- (iv) On 09 November, clarifications were sought from the three of them. At the date limit of 12 November 2010, only ten bidders responded, but they did not satisfy

the specifications regarding the distance between the building wall and the back of the panel. The third bidder replied after the date limit.

- (v) Subsequently, the bidding exercise was cancelled, and the CEB is now in the process of launching a new open tender with revised technical specifications.

I am advised by the CEB that the delay in the procurement of the switchgear panels will not have any impact on the reliability of energy supply.

**Mr Lesjongard:** We have understood from the Deputy Prime Minister that this is the third time that the Central Electricity Board is launching the same tender. Can I know from the Deputy Prime Minister whether it is the same tender committee which has been suspended that was looking into that tender also?

**The Deputy Prime Minister:** I could not say, Mr Deputy Speaker, Sir.

**Mr Lesjongard:** I have not heard the answer, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** The Deputy Prime Minister said that he does not know.

*(Interruptions)*

**Mr Lesjongard:** My question is whether it is the same tender committee, which has been suspended concerning the tender for CFL lamps, which was looking after that tender for switchgears.

**The Deputy Speaker:** The Deputy Prime Minister has just stated that he cannot say. Next question, hon. Uteem!

#### **STC - PETROLEUM PRODUCTS – CONTIGENCY PLAN**

**(No. B/40) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Industry and Commerce whether, in regard to petroleum products, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to -

- (a) the existing storage capacity thereof;
- (b) the measures taken to ensure that there is no shortage thereof, and
- (c) whether there is any contingency plan.

**Mr Soodhun:** Mr Speaker Sir, I am informed by the State Trading Corporation that, in regard to petroleum products, the existing storage capacity is as follows -

Mogas	10,100 MT
Gas Oil	40,690 MT
Fuel Oil	30,800 MT
DPK	25,580 MT

In regard to part (b) of the question, the STC has, firstly, as an immediate measure, ordered an additional shipment in between the normal turnaround time. It will repeat such orders as and when the need arises.

Secondly, the STC has made arrangement with oil companies for the availability, within a period of one to four months, of additional storage capacity of 8,800 MT for Mogas and 4,850 MT for gas oil.

Thirdly, negotiation is in course with another private company for an additional storage capacity of 6,500 MT for fuel oil.

Mr Deputy Speaker, Sir, in addition to the above arrangements, I am pleased to inform the House that, as announced in the Government Programme 2010-2015, Government is going ahead with the construction of additional storage capacity of 15,000 MT for Mogas and 10,000 MT for gas oil at Mer Rouge.

In regard to part (c) of the question, the STC has already established contacts with potential suppliers in the region, to ensure security of supply at short notice. The advantage of procurement in the region is that the carrying vessels will not have to go through “piracy route”, and we also benefit from a shorter lead time compared to Mangalore Refinery Petrochemicals Limited (MRPL).

**Mr Uteem:** Mr Deputy Speaker, Sir, I heard the hon. Minister mention that arrangement is being made with existing distributors for additional storage facilities. May I know from the hon. Minister what are the terms of this arrangement, and whether any additional compensation is being paid by the Government to ensure greater period of storage by the private sector?

**Mr Soodhun:** It is for a short period until the STC has its own storage tank in 18 months. With regard to payment, there is a committee which is working at the STC to know how much they can afford for the storage. We have four suppliers in Mauritius.

**Mr Uteem:** With respect to the supplier Mangalore Refinery Petrochemicals Limited, we have seen at the beginning of the year that, apparently, it was not able to effect payment to its supplier of crude oil in Iran. Bearing this into consideration, would the hon. Minister agree that Government should look to alternative sources of supply or look for a supplier who has alternative sources of supply for crude oil, that is, not just Iran, but other countries which are not subject to any embargo?

**Mr Soodhun:** Mr Deputy Speaker, Sir, as we are all aware, we have a contract of three years with Mangalore Oil Refinery. According to our contract, MRPL will provide us whenever Mauritius requires petroleum. Since we signed the contract, up till now we did not have any problem. I agree with the hon. Member that we may have this event but, in spite of this issue, the Mangalore Oil Refinery gave us a guarantee officially. We wrote a letter to ask for a guarantee, and a guarantee was issued officially from the Mangalore Oil Refinery of India.

**Mr Uteem:** The hon. Minister himself - I heard him on the radio - stated that *on a frôlé la catastrophe* in the beginning of January. This is a serious matter, and we all know that Mangalore can always plead *force majeure* if it is not able to get its own supply through war or through embargo and, as a result, it is not able to supply us refined oil. In these circumstances, what is the contingency plan of the Government?

**Mr Soodhun:** Mr Deputy Speaker, Sir, the hon. Member has mentioned the contingency plan. I have replied that in case we face any problem, we always have solutions. We have been able to contact other suppliers in case we find ourselves in a difficult situation, especially in cases of piracy. It may happen that our vessels are caught by piracy. We have already taken this issue into consideration, and we have been in contact with other suppliers in the region.

**Mr Uteem:** Would the hon. Minister care to table a copy of these agreements with the other potential suppliers who have agreed to help us in case of need?

**Mr Soodhun:** Mr Deputy Speaker, Sir, it is a question of relations that we have. We have good relations with Shell, which belongs to Vitol. We have already negotiated with Vitol

and other companies like Total, Engine International and Seychelles Petroleum Company Ltd. We have good contact with these suppliers; we have already negotiated, and the hon. Member can rest assured that, in any case, we are safe and we have taken into consideration all the scarcity that may arise at any time.

**Mr Bérenger:** If I heard the hon. Minister correctly, the STC is going to build storage capacity of its own. That costs a lot of money. Can I know how this is going to be financed, and specifically whether we are going to have another new tax on the price of diesel and *essence* to finance same?

**Mr Soodhun:** Mr Deputy Speaker, Sir, we have already agreed with the Minister of Finance who is going to provide us with necessary funds. The fact that today Mauritius has been well fostered for bunkering, the money that we are going to obtain from bunkering, according to STC, will be enough to finance the said storage tank.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, the hon. Minister mentioned the additional order of a cargo of petroleum products as a contingency. Can he tell us the tonnage of the cargo that has been ordered?

**Mr Soodhun:** We have an additional order in case there is any problem. As I mentioned - and I mention again - we are in contact with other suppliers.

**Mr Bérenger:** The question is the tonnage of that exceptional order. Can I know whether it is from Mangalore?

**Mr Soodhun:** First, we have to contact Mangalore. In case Mangalore refuses - because according to our contract, we have to contact Mangalore - then, we are going to see the other suppliers.

**Mr Bérenger:** Has Mangalore been contacted?

**Mr Soodhun:** Mangalore is respecting its contract. It has already issued a guarantee of security. If, in a special case, it happens that our vessels have been captured through piracy, if we are in difficulty, then we are going to be in touch with all the other suppliers.

**Mr Bérenger:** What the hon. Minister said is that arrangements have already been made - if we go to Hansard - for a special contingent to come in. The question is: is that so, or are we thinking of the next pirate? Has Mangalore been contacted?

**Mr Soodhun:** Mr Deputy Speaker, Sir, I mention again that we have our contract. This is the first thing. Secondly, as I have mentioned, if we have any problem, it will be very short term. It is only one shipment of 30,000 metric tonnes, and we can get it from Seychelles or from the neighbouring country, as I mentioned earlier.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, how long does it take for the tanker to deliver that exceptional order? If there is a *rupture* of supply in Mauritius - because there is no stock of petroleum products in Mauritius - and there is an exceptional event of piracy, how long will the cargo take to arrive in Mauritius? What contingency plan has been made?

**Mr Soodhun:** It is three days, my good friend. In three days, we can have it. There is no problem; it will take three days from Seychelles to come to Mauritius.

#### **INFINITY BPO LTD & RIVER HEIGHTS LTD - ACQUISITION**

**(No. B/41) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the acquisition of Infinity Tower, he will, for the benefit of the House, obtain from the National Real Estate Ltd, information as to whether Infinity BPO Ltd and River Heights Ltd have complied with all of the provisions of the Term Sheet in relation to the said acquisition and, if not, the measures, if any, taken to ensure compliance therewith.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Deputy Speaker, Sir, I am informed that the term sheet, specifically with regard to the acquisition of the Infinity Tower and the application of the proceeds towards the repayment of debts of both River Height and the Infinity BPO, were signed by SIC, the Infinity BPO, River Height and Barclays Bank on 01 April 2010.

The Chief Government Valuer was appointed to evaluate the Infinity Tower (land & building). The land and building were valued at Rs340 m., exclusive of taxes and notary fees, in a valuation report dated 05 March 2010.

I am also informed that the sales deed, drawn on 31 May 2010, for a total value amounting to Rs374.9 m. (inclusive of taxes and notary fees) were strictly utilised according to the term sheet as detailed below -

	<b>Rs (m)</b>
Payment to Barclays Bank in settlement of secured debts	251.0
Refund of debenture amount to SIC Ltd	45.0
Settlement of interest accrued on the debentures as at 31 May 2010	1.0
Settlement of registration dues, land transfer tax and notary fees	35.0
Advance rental	5.5
Completion of building	16.4
Repayment of unsecured debt and IFA fees	21.0
<b>Total</b>	<b>374.9</b>

I am informed that all the financial obligations as per the term sheet have been met as detailed above, and the payment was effected by the Notary on 31 May 2010.

The non-financial obligations as per the term sheet were -

- (i) the appointment of a Post Term Sheet IFA who will regularly report to the then MTSP about the performance of the company, and
- (ii) the submission of quarterly reports to the then MTSP by the statutory auditor of the company.

In respect to the first non-financial obligation, a Post Term sheet IFA was appointed, and he submitted monthly reports until September 2010, and consequently resigned in November 2010 because of non-payment of his fees by the company. The ERCP Committee, which took

over from the MTSP, stressed upon the company the urgency to appoint another post IFA, but by then the company had ceased its operations in February 2011.

Regarding the second non-financial obligation, I am informed that the statutory auditor has submitted a quarterly report ended 31 March 2010 to the then MTSP, which was received in June 2010, and there was no report thereafter.

I am also informed that Infinity BPO and River Heights do not owe any money to the Government.

**Mr Uteem:** Mr Deputy Speaker, Sir, I heard the hon. Minister mentioning the figure of Rs5.5 m. as advance payment for rent. According to the term sheet, the advance payment for rent was supposed to be Rs7.6 m. May I know from the hon. Minister why is there the difference in the two figures?

**Mr Jugnauth:** On the sale and lease back agreement, that was the only amount that could be paid by the company.

**Mr Uteem:** When the hon. Minister answered a PQ on the report submitted by the IFA with regard to the acquisition of Infinity Tower, the only option remaining for the company to continue as a going concern and to prevent any layoff of its staff was the acquisition of Infinity Tower. So, the only option to prevent laying off of staff was to acquire Infinity Tower. May I know from the hon. Minister what measures has the Government taken after acquisition of the Tower to ensure that there was no laying off of staff?

**Mr Jugnauth:** I have given information to the House. This was decided by the committee of MTSP and, thereafter, the MTSP, which turned into the ERCP committee, followed up on this issue. I cannot say with regard to the issue of the employees. I suppose a specific question must be asked with regard to the employees of the company, so that I can get the relevant information to answer, or else it can be put to my colleague, the Minister of Labour.

**Mr Uteem:** According to the deed of acquisition, the National Real Estate Ltd, a company owned by the Government, which acquired Infinity Tower, paid Rs17 m. as land transfer tax. We all know that registration duty is paid by the buyer, but land transfer tax is paid by the seller. May I know from the hon. Minister why such generosity from the National Real Estate Ltd?

**Mr Jugnauth:** I can find the information and give it to the House. I do not have information about the land transfer tax, but I can get it because it is on record. If there is a sale, it will be registered, and I can provide this information to the House.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, I heard from the Minister of Finance that the last report received from the company dates June 2010 when he had already assumed office, and that was for the period ended March 2010. Can the Minister inform us what action he or his Ministry has taken under the ERCP to ensure that the money which has been disbursed was fulfilling the purpose for which it had been disbursed, namely to save jobs and to continue as a running concern?

**Mr Jugnauth:** As I have replied, the MTSP, and ultimately the ERCP, was following on that issue. There was nothing much that I could do, because that was the agreement which was entered into and, therefore, the committee just had to monitor about whether all the conditions that had been laid down in the term sheet had been respected. But, as we know, the company ultimately ceased operation since February 2011.

**Mr Li Kwong Wing:** The Minister is very well aware that he has come up with a different package, which is called Economic Restructuration Package, and he very well knows that the IFA that has been appointed under the MTSP has resigned. So, what action has he taken under the ERCP to monitor the purpose for which money has been disbursed? Because Rs374 m. have been disbursed, and there has been no report that has been submitted and monitoring review that has been made on the company. Ultimately, no IFA has been appointed, and the company has ceased operations, workers have not been paid, and jobs have been lost. Is it not a demonstration that the ERCP is a total failure, and that the ERCP committee has totally failed in its work?

**Mr Jugnauth:** It is not a failure, Mr Deputy Speaker, Sir. I have just answered that the committee had impressed upon Infinity BPO to appoint another IFA instead. But we know the fate of the company; it has ceased operation afterwards.

**The Deputy Speaker:** Last question, hon. Uteem!

**Mr Uteem:** According to the term sheet, there is a clause to the effect that, upon completion of the Tower, another valuation would be made and any differential between the

valuation and the amount paid, that is, the Rs340m., would be disbursed to the owner of the building. May I know from the hon. Minister, in the light of what he has stated about the state of the sellers, whether there would be any follow-up on that clause to the effect that Government has to pay more to Infinity Tower after the construction of the building?

**Mr Jugnauth:** Of course, I will look into the point that has been raised and ultimately give the information to the House.

### **MAURITIUS/RODRIGUES – FREIGHT CHARGES**

**(No. B/42) Mr J. F. François (Third Member for Rodrigues)** asked the Minister of Industry and Commerce whether, in regard to freight and other charges on the Mauritius/Rodrigues/Mauritius route, he will state -

- (a) if he is in presence of any recent report in connection therewith and, if so, table a copy thereof;
- (b) their implications on the cost of living in Rodrigues, and
- (c) if Government intends to subsidise basic commodities for Rodrigues to put the price at par with that in mainland Mauritius and, if so, when, and, if not, why not.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Deputy Speaker, Sir, with your permission, I shall reply to this question addressed to my colleague the hon. Minister of Industry and Commerce.

With regard to part (a) of the question, I wish to inform the House that in June 2009, after consultation with the Ministry of Finance and Economic Development, a consulting firm KPMG was appointed after the tender process to undertake a comprehensive review of the financial and organisational structure of Mauritius Shipping Corporation Ltd. The report concluded that the Mauritius Shipping Corporation Ltd was in a difficult financial situation and proposed a series of restructuring measures, including the revision of tariff for both freight and passenger on Rodrigues route, which Government approved in February 2011.

The Ministry of Fisheries and Rodrigues was consulted in connection with the tariff increase on the Rodrigues route. The House may wish to note that, notwithstanding the fact that the last tariff revision was conducted in November 2008, freight and passenger travel on

Rodrigues route was still highly subsidised. The question of tariff is only one issue dealt with within the review, and there are other major issues which are being looked into.

Mr Deputy Speaker, Sir, I will reply to part (b) and (c) together. I am informed that the Central Statistics Office estimated the cost of living increase in Rodrigues, as a result of tariff reviews, would be around 0.5% annually. In order to mitigate any possible hardship to vulnerable persons in Rodrigues, Government has agreed to allocate an additional amount of Rs10 on a monthly basis to beneficiaries of existing income support. I am informed that the question of subsidising other basic commodities, namely rice and flour, was raised by the Chief Commissioner of the Rodrigues Regional Assembly with the Ministry of Finance and Economic Development on 21 February 2011 during his visit to Mauritius, and that the Ministry of Fisheries and Rodrigues would be looking into the matter.

***JEUX DES ILES DE L'OCEAN INDIEN 2011 - RODRIGUAN ATHLETES -  
FACILITIES***

**(No. B/43) Mr J. F. François (Third Member for Rodrigues)** asked the Minister of Youth and Sports whether, in regard to pre-selected Rodriguan athletes for the *Jeux des Iles de l'Ocean Indien 2011*, he will -

- (a) give a list thereof and their respective disciplines, and
- (b) state the arrangements being made and facilities put at their disposal, indicating if these are available in Rodrigues.

**Mr Ritoo:** Mr Deputy Speaker, Sir, as at date, we have 34 Rodriguan athletes who have been pre-selected for the Indian Ocean Island Games 2011. I am tabling a list of those athletes and the disciplines in which they will be participating.

As regards part (b) of the question, the following facilities and assistance are being extended to the pre-selected athletes -

- (i) technical equipment has already been provided to the athletic group;
- (ii) a joint training camp Mauritius-Rodrigues in athletics was organised in Rodrigues in December 2010;
- (iii) a seminar in anti-doping was held in Port Mathurin in December last for coaches and pre-selected athletes;

- (iv) a physical fitness evaluation test was organised on the pre-selected athletes from 01 to 04 March 2011;
- (v) my Ministry has also planned to organise medical tests in due course and to provide vitamins to the pre-selected athletes;
- (vi) my Ministry has also provided Rodriguan athletes with the services of a massage therapist in the person of Mrs Perrine;
- (vii) boxers from Mauritius and Réunion Islands were recently in Rodrigues for a tournament and a coaching course;
- (viii) Rodriguan athletes will also be invited for training camps to be organised by federations in Mauritius, and
- (ix) an allowance is being allocated to coaches in Rodrigues who are involved in the preparation for the games.

Moreover, during my last visit in Rodrigues, I personally met all the pre-selected athletes to encourage them, and I handed over equipment worth Rs350,000 to the Commissioner for Youth and Sports in Rodrigues, and I am also planning another visit soon to see the progress achieved.

However, Mr Deputy Speaker, Sir, I admit that the main constraint for Rodriguan athletes remains the very bad state of the synthetic track at the Camp du Roi stadium. I can understand the difficulties encountered by those athletes who have to use the track. My Ministry is working in close collaboration with the Commissioner for Youth and Sports in Rodrigues to remedy the situation.

**The Deputy Speaker:** The Table has been advised that PQ B/50 has been withdrawn. We move to PQ B/44. Hon. Li Kwong Wing!

### INFLATION RATE

**(No. B/44) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to inflation, he will state the -

- (a) rate of inflation for the period November 2010 to February 2011;
- (b) percentage of price increase of the main commodities comprised in the Consumer Price Index during that period;

- (c) forecast inflation rate for calendar year 2011, and
- (d) the measures taken to control the increase in consumer price, and mitigate the effects thereof on the economy and on lower income groups.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Deputy Speaker, Sir, according to the Central Statistics Office, the headline inflation for the year ending February 2011 (i.e. March 2010 to February 2011) reached 3.6%, while the 4-month average CPI for the period November 2010 to February 2011 rose by 5.8%.

Lately, a general rise in inflation rate has in fact been observed across many countries. Based on current trends in inflation and outlook for the coming months, most countries are expecting to register an inflation rate higher than that recorded in 2010. The increase is explained by several factors. We have noted a sharp rise in food prices in the world market due to weather related supplies shocks and subsequent imposition of export restrictions by some major suppliers. In addition, energy product prices are again hitting record levels. This is driven both by global recovery and speculations regarding possible negative effect that the existing political instability in the Arab world may have on energy supplies. These factors are likely to continue exerting pressures on prices throughout 2011.

Mr Deputy Speaker, Sir, Mauritius is not immune to such developments, especially when its main suppliers are also facing rising inflation in their own markets.

I am tabling the information requested by the hon. Member in part (b) of his question. This information has been spelt out in three tables as follows -

- (a) table 1 shows the evolution of the sub-indices during the period October 2010 to February 2011 for the 12 divisions of consumptions expenditure, as used in the CPI;
- (b) table 2 shows the weighted contribution of the main divisions of the CPI basket to the change in CPI, and
- (c) table 3 shows the main changes by commodity as from November 2010 to February 2011.

As regards forecast of inflation for the year 2011, I would like to inform the House that the CPI will continue to be influenced by external factors such as rising commodity prices,

mainly food and energy, both of which weigh heavily in the CPI basket, currency fluctuations and higher inflation rate in many supplier countries. Moreover, recent market information points to still higher food and energy prices in the near term. The Food and Agriculture Organisation has warned that food prices worldwide may harden during 2011, while the US Energy Information Administration (EIA) forecast firmer oil prices in 2011 and 2012.

Given the high import price pass-through to domestic prices, these international price developments would certainly impact on domestic inflation. On the positive side, the Mauritian rupee exchange rate has fairly well-behaved in effective terms, due to a large extent to the favourable interest rate differential and sustained capital inflows.

These factors indicate that there are high uncertainties regarding price development in the international market and its spill over effect on domestic prices. At this stage, the CSO has not issued any projection of the rate of inflation for 2011.

In regard to part (d), I would like to reassure the House that we are committed to take the necessary policy measures in the interest of the country and the population. As I indicated in my interventions in this House, this Government will ensure that the interest of the country is protected and that the benefits of growth are fairly distributed. We have taken major policy measures under the Economic Restructuring and Competitiveness Programme and in the 2011 Programme-Based Budget. The measures taken are in fact paying dividends. Increased dynamism has been noted in several sectors which were hit by the crisis, including the export oriented sectors such as manufacturing and tourism. Public finances are under control, and measures are being taken to improve our debt ratios. We ended 2010 with net international reserves of Rs108 billion. Our market diversification initiatives are well underway, and these will help to address external vulnerabilities.

Mr Speaker, Sir, these are comforting signs, especially during a time when we are still not out of the crisis and new emerging challenges such as the food and energy crisis are looming over us. As the House is aware, the three main thrusts of the 2011 Budget were: rebalancing growth, making a great leap forward on productivity, and consolidating social justice. We are committed to work in this direction. Any new policy measure will have to take into account these objectives and the wider implications for the economy.

Government is closely following price developments at international and domestic level and has been consulting the relevant stakeholders on the appropriate course of action that needs to be taken in the short term and in the longer term. As the House is aware, we have already taken mitigating measures. The Ministry of Industry and Commerce has had meetings with different importers and traders to see how the prices of goods, which are regularly consumed by people, are reduced or at least not increased in the short term. These importers and traders reacted positively by reducing their margins, and consequently the retail prices of some 89 items have been reduced with effect from 16 March 2011. The reduction ranges from 2% to 28%. Consultations were held yesterday with local producers, and the prices of some 25 more products will decrease. These initiatives will obviously help to alleviate the burden of consumers, more particularly those of the lower income groups.

Furthermore, the income support for our vulnerable citizens has been doubled, as I announced on 18 March 2011. Income support has been increased to Rs246 per head, and for an average family of four persons the total income support will amount to Rs984. This is an unprecedented measure which speaks volumes of this Government's determination to provide support to our most vulnerable citizens and promote the cause of social justice.

Unprecedented also is the level of subsidies on rice, flour and cooking gas. These subsidies would reach an estimated Rs1.45 billion this year. Had these subsidies not been given, the price of one pound of rice would have been Rs8.35 instead of Rs5.40; the price of one pound of flour would have been Rs8.35 instead of Rs5.85, and the cooking gas cylinder of 12 kilos would have cost consumers Rs498 instead of Rs300.

In addition to measures already initiated as regards prices, an Advisory Committee has been set up under the Ministry of Industry and Commerce to come up with recommendations about pricing policies and strategies that could be adopted by Government to effectively deal with price increases of goods of regular consumption.

The hon. Member might wish to note that the Committee consists of members from the private sector, the consumers' associations and the public sector. It is expected that it would make its recommendations by the end of April 2011.

At the level of the Ministry of Business, Enterprise, Cooperatives and Consumer Protection, an '*Observatoire des Prix*' has been set up, and consumers are being provided with

information on prices at different selling outlets on a comparative basis, so as to help them to make the best buying choices cost-wise. The fourth edition of the '*Savoir Choisir*' magazine published by this Ministry has just been released.

Furthermore, a Ministerial Committee under the Chairmanship of my colleague, the Minister for Social Integration and Economic Empowerment, has been set up to follow up on the issue of prices, particularly the pricing of essential commodities.

**Mr Li Kwong Wing:** Mr Deputy Speaker, Sir, can the Minister of Finance explain to the House how come his Ministry is unable to forecast the rate of inflation - forecast; not estimate - for the year 2011, when the Mauritius Chamber of Commerce and Industry, the Bank of Mauritius, and the Economic Intelligence Unit have already made forecasts of anything between six to seven per cent? How come the Ministry of Finance is unable to give any forecast rate?

**Mr Jugnauth:** Mr Deputy Speaker, Sir, I take note of the forecasts that have been made by institutions of the private sector. But, as a Government, and the Ministry of Finance - any government for that matter - we have always relied on the figure that has been produced by the Central Statistics Office, and that is the institution on which I am going to rely. Until and unless they produce a report estimating the rate of inflation for this year, I cannot obviously prejudge, and I cannot come to this House and just put in any figure.

**Mr Li Kwong Wing:** Can the Minister, therefore, inform the House what is the core rate of inflation? The core rate of inflation is the rate of inflation excluding the effect of rise in food prices and energy prices. The Minister of Finance has explained that it is the rise of imported food prices and energy prices that has caused so much increase in inflation. So, what is the core rate of inflation during the period November 2010 to February 2011? Is the core rate of inflation higher than the estimated rate of inflation that he has given as being 5.8%?

**Mr Jugnauth:** This is a technical question, Mr Deputy Speaker, Sir. I will get my technical people and the CSO to work on it, and provide the information to the House next time.

**Mr Li Kwong Wing:** The Minister of Finance also explained that there has been a revision of certain consumer prices made by the Ministry of Commerce instead of the Ministry of Prices. Does the Minister of Finance agree with the enquiry made by the association for the

protection of the environment and consumers, which said that, in the list of new prices, the items that are on sale are now much more expensive...

**The Deputy Speaker:** This does not relate to the main question.

**Mr Li Kwong Wing:**...meaning, therefore, that this measure is a gimmick?

**The Deputy Speaker:** No. I won't allow this question.

*(Interruptions)*

This has nothing to do with the main question. The main question is with regard to the rate of inflation.

*(Interruptions)*

**Mr Bérenger:** The main question relates to measures taken, and it is the Minister who referred to a specific measure, as if it was a big success. So, the question is whether he is aware that the consumers' association has said that it is a gimmick. I think it is perfectly in order.

*(Interruptions)*

**The Deputy Speaker:** Any other supplementary, please.

**Mr Li Kwong Wing:** I was just trying to quote that the association said "*on se demande comment le Premier ministre peut tolérer une telle incompétence au sein de son gouvernement*", in relation to all these 65 articles with the supposedly lower prices.

*(Interruptions)*

The next question is with regard to the increase in the income support from Rs123 to Rs234. Does not the Minister think that this is discriminatory to the other low income groups like the handicapped, old pensioners and other vulnerable groups?

**Mr Jugnauth:** I am a bit puzzled, because they are the...

*(Interruptions)*

*Mo pas pé guet twa ; mo pé guet Johnny.*

**The Deputy Speaker:** Hon. Minister, address the Chair, please!

**Mr Jugnauth:** I am not looking at you! I am looking at Johnny!

**The Deputy Speaker:** Hon. Minister, please address the Chair.

**Mr Jugnauth:** Mr Deputy Speaker, Sir, there are three categories of people who benefit from this income support. One is those whose consumption of electricity is less than 75 kW per month; the second is for those who benefit from social aid, and the third category is those who get a pension, but who would have qualified had that pension not gone beyond a certain limit. This measure is going to concern 90,000 beneficiaries, and the people whom the hon. Member has mentioned will, of course, form part, provided they are in the three categories.

### INDIAN OCEAN GAMES - SPORTS FEDERATIONS - FUNDS

**(No. B/45) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the Trust to be set up for the raising of funds for Sports Federations for the forthcoming Indian Ocean Games, he will state where matters stand.

**Mr Ritoo:** Mr Deputy Speaker, Sir, the objective of Club Maurice Trust Fund was to raise funds for the financing of major international competitions. However, we have been advised to rather set up a Club Maurice Company, with the same objectives, instead of a Trust. Thus, the Club Maurice Company has been incorporated as Club Maurice, and is now operational.

Several companies have favourably responded, and have expressed their interest and wish to support financially the activities of Club Maurice, and it is in the process of finalising these partnerships.

As you are aware, a sponsorship agreement for an amount of Rs3 m. has been signed with the Mauritius Commercial Bank on 31 January 2011. This money will be used for the purchase of general equipment in favour of the Mauritian delegation proceeding to Seychelles to participate in the forthcoming IOIG to be held from 05 to 14 August 2011.

**Mr Quirin:** M. le président, dans le budget 2011, le ministre des finances avait annoncé que le ministère des Sports allait mettre sur pied un *Trust Fund* pour venir en aide aux différentes sélections nationales. Mais on constate que ce *Trust Fund* a été remplacé par le *Club Maurice Company Ltd*. Est-ce qu'on peut connaître les raisons de ce changement ?

**Mr Ritoo:** Mr Deputy Speaker, Sir, in fact, the objective was the same, that is, to raise funds. *Au fait la forme est différente mais le fond est le même.* We have now come up with a Club Maurice Company, and we are trying to raise funds. So far, not even one federation has been penalised as regards funding prior to the preparation of the IOIG.

**Mr Quirin:** M. le président, le ministre peut-il nous expliquer comment une compagnie privée peut devenir *CSR compliant* ?

**Mr Ritoo:** This is a landmark. It has lengthily been discussed with lawyers, and we have now come up with this company. As I said, it is the first time that we are having such a company. It has been registered; we have got the certificate of incorporation, and we have gone through all the implications.

**Mr Quirin:** M. le président, je voudrais avoir plus de détails du ministre par rapport au fonctionnement de cette compagnie.

**Mr Ritoo:** It is set up under the Companies Act 2001. It is, in fact, an innovative element in the landscape of company registration. I can later submit all the related documents with regard to its functions.

**The Deputy Speaker:** Time is over!

## MOTION

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

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

**The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval) rose and seconded.**

*Question put and agreed to.*

## PUBLIC BILLS

### *First Reading*

*On motion made and seconded, the following Bills were read a first time -*

- (a) The Energy Efficiency Bill (No. XVI of 2010)
- (b) The International Criminal Court Bill (No. XXIII of 2010)
- (c) The Divorce and Judicial Separation (Miscellaneous Provisions) Bill (No. XXIV of 2010)

*At 4.30 p.m the sitting was suspended.*

*On resuming at 5.07 p.m. with Mr Speaker in the Chair.*

## **MOTION**

### **POPULATION CENSUS**

*“This Assembly resolves that a census of the population of Mauritius be taken between 19 June 2011 and 1 August 2011, in respect of all persons alive at midnight on 03 July 2011.”*

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Speaker, Sir, I am presenting the motion in virtue of section (9) of the Statistics Act of 2000. This stipulates that before a population census is undertaken the President shall, subject to the approval by resolution of the National Assembly, make an order to that effect and that order may specify the date or the dates on or between which the census is to be carried out.

The population census is normally carried out every ten years. This is a crucial exercise in data collection and dissemination. Our economy has undergone major changes during the past decade in terms of demography, education attainment, health and employment, which are the core topics that are being covered by the census. This census is thus an important exercise which will help to identify and analyse the changes that have taken place over time and thus provide better insight of the socioeconomic characteristics of the population. We are proposing to undertake a 2011 census between 19 June and 01 August. The census was initially planned for 2010, but subsequently had to be postponed on account of the National Assembly elections and uncertainties over the global economic crisis.

Mr Speaker, Sir, we are proposing a few changes in the 2011 Census Questionnaire compared to the 2000 Census Questionnaire. First, the 2011 Census Questionnaire design has been changed so as to ensure optimal scanning and recognition of data. In fact, the Central Statistics Office will, for the first time, be using scanning and recognition technology for census data capture, in order to speed up data processing and dissemination of census results. This is an

improvement we are making over the last census. Accordingly, it will be possible to make public the results of the census at an earlier date.

Second, we are integrating in the questionnaire a few new questions. The first new question relates to the National Identity Card number in respect of all Mauritians. The purpose of this question is to set up an integrated population database that combines census data with survey and administrative data for broader and deeper statistical analysis. The second new question relates to place of residence. Accordingly, data will be obtained on the number of persons who live in the Republic of Mauritius continuously for the past 12 months as well as on the number of persons intending to live in the Republic of Mauritius continuously for, at least, 12 months. This question has been introduced as per the latest UN principles and recommendations for population and housing censuses, so as to have a standard definition for resident population.

For Mauritian citizens enumerated at the census who were not in the Republic of Mauritius continuously for the past 12 months and who do not intend to live in the Republic of Mauritius continuously for at least 12 months, the census will seek information on whether working abroad, studying abroad, on medical treatment abroad or for any other reasons.

The purpose of this question is to obtain an estimate of the number of Mauritians living abroad by reason of stay. For non-Mauritian citizens enumerated at the census, information will be collected on whether working, studying, on medical treatment or any other reasons for stay. The purpose of this question is to obtain an estimate of the number of non-Mauritians present in the country on census night by reason of their stay.

Third, we are removing one question relating to income from this Census Questionnaire. The question on income received by each person was asked in Census 2000. Upon comparing the census data on income with data from other sources, it was found that the income data from the census was largely underreported. Accordingly, we are proposing not to include the question on income in the 2011 Census.

Mr Speaker, Sir, with these words I move for the motion.

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

(5.10 p.m.)

**The Leader of the Opposition (Mr P. Bérenger):** Indeed, Mr Speaker, Sir, the 10-yearly population census is an important exercise. I listened to what the hon. Minister of Finance had to say about the contents of the questionnaire that will be used as compared to the 2010 questionnaire. The last part I find a bit amusing. I did not have time to think about it. I agree with the fact that you put a question on income and when you compare it, I suppose to the MRA statistics, you find that there has been understatement, and so you do away with the question altogether. I am not really, *au pied levé*, convinced that this is the right thing to do.

I take it that there are no other changes to questions put in 2010, but I will ask the hon. Minister of Finance to confirm and in a way to reassure us on two points. One is about communities. Last time, in a population census, it was asked to which community you belong and the four communities offered were the four ones contained in the Schedule to our Constitution for best loser purposes. The last time that question was put was in 1972. In 1982, after the 60-0, on the occasion of those general elections, it was done away with. I wish to have confirmation that this question will not be asked in the course of the forthcoming population census.

The second one is trickier. It relates to religions. I understand that religious subsidies have been paid over the last years on the basis of outdated figures, but adjusted by the Central Statistics Office. In the past, it has happened that people were just asked: 'What is your religion?' And that led to a lot of confusion. So, I would wish to know what is the question, if any, relating to religions that will be asked. Will members of the population just be asked: 'What is your religion', which could lead to a lot of confusion - and even controversy - or are the members of the population going to be given a choice? You tick - there is the list of religions that you can claim to belong to and others if you want. But there are two ways of doing it, of leaving it to the population to say: 'I belong to this and that religion.' I would wish to know whether any figures contained in relation to religions in that forthcoming population census will be used in any way to impact on religious subsidies.

Thank you, Mr Speaker, Sir.

**Mr Jugnauth:** I thank the hon. Leader of the Opposition for having intervened and made those remarks.

Let me first come to the issue of community. In fact, he is right to say that the last time that community was asked with regard to the population was way back in 1972. In fact, we know that the system is based - especially the best loser system - on those figures. But ever since then, no other census has asked questions about community, and indeed this census also - I can confirm - will not be asking any question about community.

With regard to religion, this is funny, because I was reading the debates with regard to the census of 2000. At that time, there was a question about 'to which religion do you belong', and probably you would be surprised that some 200 religions were selected with regard to what people have answered. Therefore, first of all, it does not make really sense, but then I agree that we should not be asking questions about religion and more so that, probably, some people might think that it is because we want to direct subsidies with regard to religions. So, that is also not included.

But with regard to the issue of income, I must say it is unfortunate - because it would have been a good thing to know - as all this information - probably people are not aware - is confidential information. The people who carry out this census have to take an oath, to swear that they are not going to divulge any information and, at the level of the CSO, this information is treated with care and all the confidentiality that is required. But, unfortunately, Mauritius being what it is, from what we have seen in the past, figures that have been collected with regard to declaration of income are really not according to what is the reality. Therefore, instead of burdening the questionnaire - because the questionnaire is quite a document, I must say; there is quite a number of questions - we thought that, since there is data which is unreliable, it will not be useful to have it on record. So, we'll see next time there is going to be one; by that time, we will see how the situation has evolved.

Therefore, Mr Speaker, Sir, with these remarks, I move in terms of the motion.

**Mr Bérenger:** Can I have some clarifications with your permission, Mr Speaker, Sir? Did I get the hon. Minister of Finance correctly that there would be no question relating to religions at all? Because there was in the past. I must point out that I did not take a stand that there should not be. I said we should be careful in putting the question; I didn't take a stand that there should be no question. So, did I get the hon. Minister of Finance right that there is a change and that, unlike 2010, there will be no question at all on religions?

**Mr Jugnauth:** From what I have seen - probably I'll get confirmation from the CSO - I don't see any question in relation to religion. Probably there is one; I see that there is a question on religion.

**Mr Bérenger:** How will it be done? Will you indicate your religion or will there be a list of religions from which you tick?

**Mr Jugnauth:** Well, if the House can bear with me, as it is something...

**Mr Speaker:** The Chair will wait for the information to come. It is very important.

**Mr Jugnauth:** From what I understand, each individual who is going to fill this form will tell his religion, and the information will be compiled as reported. But let me say that, apart from those changes that I have just mentioned, the questionnaire will be the same as the one in 2000, and that questionnaire is available on the website. So, apart from the changes that I have mentioned today in the House, that is, the new questions and the one concerning income that we are removing, the questionnaire will be identical.

*The motion was, on question put, agreed to.*

## **PUBLIC BILLS**

### *Second Reading*

## **THE CODE CIVIL MAURICIEN (AMENDMENT) BILL**

**(No. XV of 2010)**

*Order for Second Reading read*

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, I move that the *Code Civil Mauricien* (Amendment) Bill (No. XV of 2010) be read a *second* time.

Mr Speaker, Sir, according to Article 122 of the *Code Civil Mauricien*, there are two scenarios where a person can be declared absent. The first scenario is where a period of five years has elapsed since a person has been presumed absent, following his *présomption d'absence* declared by the Judge in Chambers. Such a decision may follow an application made by either an interested party or the *Ministère public* to the Judge in Chambers to declare the person absent. The second scenario is the situation where there has been no *présomption d'absence*, but the person has ceased to appear at his place of domicile or residence for a period of at least ten years.

Here as well, any interested party or the *Ministère public* may apply to the Judge in Chambers to have the person declared absent.

Article 122 of the *Code Civil Mauricien* applies to all cases of absence. Absence has been defined as “... *l'état d'une personne physique qui a cessé de paraître à son domicile ou à sa résidence et dont on n'a point eu de nouvelles, de sorte que son existence est incertaine et qu'on doit présumer d'abord sa survie et ensuite son décès...*”. (Encyclopédie Dalloz Civil, Vol I, Vo. Absence).

Mr Speaker, Sir, it is believed that the time delay applicable to both scenarios mentioned earlier, namely five years and ten years, is unduly long. Recent events, in particular the disappearance of fishermen following the capsizing of King Fish II and V, and the resulting distress that their families experienced at the time because of the impossibility of having a *déclaration d'absence* pronounced, illustrate how families have suffered unnecessarily due to the long waiting periods.

Mr Speaker, Sir, Government has, therefore, decided to introduce the *Code Civil Mauricien* (Amendment) Bill, in order to reduce the time limits applicable to declare a person absent.

The Bill accordingly provides that, in the first scenario, namely where there is already a *déclaration d'absence* with regard to a person, the time limit before that person may be declared dead will be reduced from five years to three years. This will allow any interested person or the *Ministère public* to make an application for *présomption d'absence* to the Judge in Chambers, once a period of three years has lapsed from the time that person was presumed absent.

As regards the second scenario, namely where there is no *présomption d'absence* with regard to a person, but that person has ceased to appear at his place of domicile or residence, this Bill provides that, instead of waiting for at least ten years before applying for a *déclaration d'absence*, an interested person or the *Ministère public* may make the application after a period of five years only.

Mr Speaker, Sir, some of the main advantages that will result from the proposed amendment are as follows -

- (a) the psychological and emotional distress faced by the families will be reduced, as they will be able to come to terms with the death of that person sooner. This will allow families to *faire le deuil plus tôt*;
- (b) the delay for the processing of pension payments to orphans and widows entitled to pensions under the National Pensions Act will be shortened, and
- (c) the earlier opening of the succession, which may to some extent reduce the financial hardship of the spouse or heirs, as they may be encountering financial hardships following the absence of the main or sole breadwinner of the family.

Mr Speaker, Sir, it is believed that the proposed time limit in both scenarios, namely three years and five years, are sufficiently long to allow insurance companies and other relevant authorities to verify the *déclaration d'absence*. Indeed, it has been noted that an overwhelming majority of applications for *déclaration d'absence* result from natural catastrophes or accidents at sea, where the possibility of survival after three years or five years can safely be ruled out.

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

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

(5.26 p.m.)

**The Leader of the Opposition (Mr P. Bérenger):** I wish to thank the new and young Attorney General for coming forward on an early occasion with that piece of legislation. I wish to thank him on behalf of the families concerned and on my own behalf. It's a very good thing. Families who have lost the head of the family or a member of the family, especially at sea, are already in great distress, and bringing down the time frame within which they can get some relief, including emotional, as the hon. Minister has said, and not just financial, material advantages, is a good thing. Therefore, I think it is a very good initiative, and I thank the hon. Minister for that.

**Mr Varma:** Let me thank the hon. Leader of the Opposition for supporting the Bill, Mr Speaker, Sir. This, in fact, reflects the maturity of our democracy. It shows that, in certain cases, especially of general public interest, our legislators, from whichever side of the House they are, can rise above party politics. This Bill, Mr Speaker, Sir, is the first to be debated, and I hope the same spirit prevails throughout the year.

*Question put and agreed to.*

*Bill read a second time and committed.*

**THE DIVORCE AND JUDICIAL SEPARATION (MISCELLANEOUS  
PROVISIONS) BILL**

**(No. XXIV of 2010)**

*Order for Second Reading read*

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, I move that the Divorce and Judicial Separation (Miscellaneous Provisions) Bill (No. XXIV of 2010) be read a *second* time.

Mr Speaker, Sir, this Government has always, as can be gathered from a reading of the Government Programme 2010-2015, laid a lot of emphasis on the need for modernising our judicial and legal system in order to cater for current realities and address whatever lacunas there may be in our laws, which cause unnecessary problems both for the individual members of society and our Court system generally.

One such area of our law, Mr Speaker, Sir, which Government undertook to review and where the need for reform has been felt for a number of years, is the law on divorce. Indeed, Mr Speaker, Sir, a divorce can be said to be one of the most painful and stressful experiences which a married couple and a family can ever go through. It affects not only the spouses, but also their children, and the rest of their lives - and very often through no particular fault of any of the spouses. This is precisely why it is increasingly felt that our law on divorce, as it presently stands (having regard to the grounds on which a petition for divorce may be lodged), worsens the inherent stressful and harmful experience which a divorce can be, instead of ensuring that a marriage is dissolved with dignity and in a manner which is not embarrassing, humiliating and, as far as possible, fair to the spouses and their children, if any.

Mr Speaker, Sir, the grounds on which a divorce petition can presently be lodged are provided for in Article 229 of the *Code Civil Mauricien*, by virtue of which - "*Le divorce peut être prononcé, soit en cas de faute, soit en cas de rupture de la vie commune.*"

In relation to '*faute*', Article 230 provides, that -

*“Le divorce peut être demandé par un époux pour des faits imputables à l’autre, lorsque ces faits constituent une violation grave ou renouvelée des devoirs ou obligations du mariage.”*

As for ‘*rupture de la vie commune*’, Article 235 of the *Code Civil Mauricien* provides as follows -

*“Un époux peut demander le divorce, en raison d’une rupture de la vie commune, lorsque les époux vivent séparés de fait depuis cinq ans.”*

The grounds of divorce under our law, Mr Speaker, Sir, are, therefore, quite limited. In fact, this was the view expressed by the Law Reform Commission (LRC), in its Report on ‘Law on Divorce’, dated December 2008, and in which the evolution of our own law and practice, as well as developments and discussions on this area of the law in other jurisdictions have been examined. The Law Reform Commission was thus of the view that our law on divorce is inadequate, that it must be adapted to the realities of conjugal life, and that the concept of divorce by mutual consent, which had existed in our Civil Code from 1808 to 1884, should be reintroduced.

As is highlighted in the said Report, Mr Speaker, Sir, a good law on divorce must seek to achieve two objectives -

- firstly, it should buttress, rather than undermine, the stability of marriage;
- secondly, if a marriage is dead, and here I quote - “the object of the law should be to afford it a decent burial. It should achieve this in a way that is just to all concerned, including the children as well as the spouses, and which causes them the minimum of embarrassment and humiliation. Above all, it should seek to take the heat out of the disputes between husband and wife, and certainly not further embitter the relationships between them or between them and their children. It should not merely bury the marriage, but do so with decency and dignity (...)”

The LRC considered that -

- firstly, insofar as the second objective is concerned, the current law and practice does not fulfil the said objective, and that the need to file a petition for divorce to make allegations most probably causes considerable bitterness and resentment,

distress and humiliation. This, Mr Speaker, Sir, can be said to explain the high number of undefended cases of divorce;

- secondly, - “a legal process which facilitates agreement can help couples to reorganise their lives...whereas a process which concentrates on establishing which spouse is the guilty party increases antagonism and discourages constructive solutions. There is thus the need for re-introducing in our law divorce by mutual consent, with certain safeguards, so as not to reduce marriage to the level of a private contract...”;
- thirdly, divorce by mutual consent would spare the parties to divorce proceedings the embarrassment and humiliation to which they are now subjected, and would make the proceedings less of a source of bitterness and recrimination;
- as far as ‘*rupture de la vie commune*’ is concerned, the LRC was of the view that the period of separation required, which is presently five years, is rather long and may impose unnecessary hardship on people whose marriages have genuinely and irretrievably broken down and who may be in a severe state of distress as a result. The LRC thus considered that a period of two years would be more appropriate.

The Law Reform Commission accordingly proposed two new grounds of divorce.

The first new ground of divorce proposed was divorce by mutual consent, which could be resorted to where both spouses in a marriage agree to a divorce and the consequences thereof, and where they may give a joint notice to the Supreme Court of their intention to divorce by mutual consent (‘*consentement mutuel*’).

The second new ground proposed was divorce by ‘*acceptation du principe de la rupture du mariage*’. Thus, where the spouses agree to a divorce but not the consequences thereof, one or both parties may give notice to the Supreme Court of their intention to divorce on this ground.

The main object of the present Bill, Mr Speaker, Sir, which has been prepared on the basis of the LRC Report on ‘Law on Divorce’, to which I have just referred to, is, therefore, to provide for the following new grounds of divorce, i.e -

- divorce ‘*en cas d’acceptation du principe de la rupture du mariage*’;
- divorce ‘*en cas de consentement mutuel*’.

Mr Speaker, Sir, I here congratulate the former Attorney General, under whose tenure of office the Draft Bill was prepared.

Divorce, and more particularly divorce by mutual consent, being a very sensitive issue, whereby the marital life and future of individuals are at stake, Government deemed it fit to circulate the Draft Bill for public consultation, in order to have the views of society at large thereon. This was done in June 2010. I wish to thank the hon. Minister of Gender Equality, Child Development and Family Welfare, the Judiciary, the Mauritius Bar Association, the Mauritius Law Society, the Chamber of Notaries, the barristers, the attorneys and the members of the public who made representations and proposals, which were given due consideration in the finalisation of this Bill.

The salient features of the Bill, Mr Speaker, Sir, are that it -

- provides for divorce or judicial separation by mutual consent or acceptance in principle of the breakdown of a marriage;
- reduces, from five to three years, the period of separation required for a divorce or judicial separation on the ground of '*rupture de la vie commune*';
- simplifies the process following the lodging of a petition;
- provides for the automatic conversion of a provisional decree into a permanent decree three months after the provisional decree has been granted, unless one of the parties objects to same not later than 15 days before the expiry of the three months.

I shall now, Mr Speaker, Sir, indicate the changes and new provisions which the Bill proposes to bring.

The most important amendment which the Bill proposes to bring is found in clause 2(a) of the Bill, by virtue of which the existing Article 229 of the *Code Civil Mauricien* is repealed and replaced by a new Article 229, which retains divorce on the grounds of '*faute*' and '*rupture de la vie commune*', but provides, in addition, for two new grounds of divorce, i.e divorce -

- '*en cas d'acceptation du principe de la rupture du mariage*', and
- secondly, '*en cas de consentement mutuel*'.

Clause 2(b), for its part, amends Article 235 of the *Code Civil Mauricien*, which provides for divorce on the ground of '*rupture de la vie commune*', by replacing the period of five years separation required for this type of divorce by a period of three years.

In view of the new grounds of divorce proposed, clause 2(c) of the Bill further amends the *Code Civil Mauricien* by introducing three new subsections in '*Section Première*' of the chapter relating to divorce, which are respectively entitled -

- *du divorce par acceptation du principe de la rupture du mariage* (sub section III);
- *du divorce par consentement mutuel* (sub section IV);
- *des modifications du fondement d'une demande en divorce* (sub section V).

With regard to divorce '*en cas d'acceptation du principe de la rupture du mariage*', the new Articles 238-1 and 238-2 will provide that, where the parties to a marriage agree to a divorce but not the consequences thereof, one or both parties may give notice to the Supreme Court of the intention to divorce. It is to be noted that a period of two years should have elapsed since the celebration of the marriage before the parties can seek this type of divorce. Furthermore, the Judge to whom the petition is presented, will have to ensure that all efforts for a reconciliation have been made, and it is only if he is convinced that the parties have of their own free will given their acceptance in principle of the breakdown of the marriage that he will grant the divorce and decide upon the consequences thereof.

As for divorce by mutual consent, the new Articles 238-3 to 238-5 of the new subsection IV will now provide that, where both spouses agree to a divorce and the consequences thereof, they may give joint notice to the Supreme Court of their intention to divorce by mutual consent by submitting to the Judge, for his approval, a '*convention*' (i.e an agreement) setting out the consequences of the divorce.

It is to be noted that each of the spouses may cause the petition to be lodged by their respective attorney or by an attorney agreed upon by them.

Moreover, just as for divorce '*en cas d'acceptation du principe de la rupture du mariage*', divorce by mutual consent cannot be sought before a period of 24 months since the celebration of the marriage, and the Judge will again have to ensure that all efforts have been made for a reconciliation. He will, therefore, grant the divorce and ratify the agreement

submitted by the parties only if he is convinced that the parties have freely consented to the divorce.

It is worth stressing, Mr Speaker, Sir, that the Judge may refuse to ratify the agreement and to grant the divorce if he finds that the agreement does not sufficiently provide for the interests of the children or of any of the spouses. He can also order the deletion or modification of any clause of the agreement which he considers not to be in the interests of the children or of any of the spouses.

Once the divorce is granted and the agreement is ratified, the spouses themselves give effect to the consequences of the divorce, as set out in the agreement.

As for new subsection V, it provides -

- firstly, in its new Article 238-6, that where a petition for divorce on the ground of *'faute'* or *'rupture de la vie commune'* has been lodged, the spouses may, at any stage of the proceedings, make a motion that the divorce be granted on the ground of *'acceptation du principe de la rupture du mariage'*, and
- secondly, under new Article 238-7, where a petition for divorce on the ground of *'faute'*, *'rupture de la vie commune'* or *'acceptation du principe de la rupture du mariage'* has been lodged, the spouses may, at any stage of the proceedings, make a motion that the divorce be granted on the ground of *'consentement mutuel'*, by submitting to the Judge a *'convention'* setting out the consequences of the divorce.

Mr Speaker, Sir, in view of the new grounds of divorce proposed, the provisions relating to *'mesures provisoires'* (i.e. *'Section Deuxième'* of the chapter relating to divorce) are accordingly amended under clauses 2 (d) and (e) of the Bill by -

- repealing Article 239 and replacing it by a new Article 239, which provides for the *'mesures d'urgence'* which a District Magistrate can take following a petition for divorce on the ground of *'faute'*, *'rupture de la vie commune'* or *'acceptation du principe de la rupture du mariage'*;
- repealing and replacing Article 240 by a new Article 240, which sets out in more detail the *'mesures provisoires'* which the Judge in Chambers may make for the

well-being of the spouses and the children, until such time as the judgment takes effect.

Article 246, which relates to the date on which a divorce takes effect between the parties, insofar as their property is concerned, is repealed and replaced, under clause 2(f), by a new Article 246 which makes provision, in relation to each of the four grounds of divorce, for the date the divorce will take effect between the parties, as regards their property.

Under clause 2(g) of the Bill, where a divorce is pronounced for '*acceptation du principe de la rupture du mariage*' or '*consentement mutuel*', new Articles 253-1 and 253-2 provide for the consequences thereof as far as the '*donations et avantages*' made or given during the marriage are concerned.

As regards the consequences of a divorce, for the children, under clause 2(h), new Article 262-1 provides that where a divorce is pronounced on the ground of mutual consent, the provisions of the '*convention*' relating to '*l'autorité parentale*' may, at the instance of any of the spouses or the *Ministère public*, be reviewed for '*motif grave*'.

Mr Speaker, Sir, as far as '*séparation de corps*' is concerned, under clause 2(i) of the Bill, new Articles 280 and 281 are proposed, according to which -

- judicial separation may be converted into divorce by mutual consent;
- where judicial separation was pronounced on the ground of mutual consent, it can be converted into divorce only by mutual consent;
- by virtue of the conversion, the ground for judicial separation becomes the ground for divorce.

These, Mr Speaker, Sir, were an overview of the amendments being proposed to the *Code Civil Mauricien*.

Coming to clause 3 of the Bill, Mr Speaker, Sir, in view of the amendments being proposed to the *Code Civil Mauricien*, a number of procedural amendments are consequently proposed to be brought to the Divorce and Judicial Separation Act 1981. The proposed amendments, in essence, simplify the process following the lodging of a petition and speed up proceedings for the parties, whilst however maintaining the provision relating to reconciliation.

Clause 3(a) of the Bill, first of all, amends section 5 of the Divorce and Judicial Separation Act to provide for the contents of a petition for divorce or judicial separation under Articles 230, 231, 235, 238-1 or 238-3 of the *Code Civil Mauricien*. Thus, a petition for divorce on the ground of ‘*acceptation du principe de la rupture du mariage*’ has to be accompanied by a statement that the parties accept that the marriage has broken down. As for divorce by mutual consent, the petition must be accompanied by a copy of the agreement referred to in Article 238-3 of the *Code Civil Mauricien*.

Under clause 3(b) of the Bill, section 6 of the Act, which provides for service and presentation of petition, is amended to provide for cases where a petition is lodged by the spouses jointly. New subsection (5), which is proposed to be added in section 6, provides that, for petitions under Article 238-1 or 238-3 of the *Code Civil Mauricien*, the Judge has to go through the petition in the manner provided for in Article 238-2 or 238-4, as the case may be.

Under clause 3(c) of the Bill, section 7(2) of the Divorce and Judicial Separation Act, which presently provides for the setting down of a petition for preliminary hearing, following the presentation of a petition, where the parties are unlikely to be reconciled, is amended to do away with this procedure.

Section 8 of the Divorce and Judicial Separation Act, which presently deals with preliminary hearings, is accordingly repealed and replaced under clause 3(d) of the Bill by a new section 8 entitled “Further proceedings”, by virtue of which, in cases of divorce petitions on the ground of *acceptation du principe de la rupture du mariage* or *consentement mutuel* where a reconciliation is unlikely, or in cases where a petition is not resisted, the Judge has to fix the case for trial on a date determined by him.

On the other hand, Mr Speaker, Sir, where the respondent was not present on the day fixed for presentation of the petition or was present and indicated that the petition is resisted, the Judge will cause the matter to be mentioned on a date determined by him and the respondent may, on that date -

- admit the contents of the petition;
- file his reasons of objection, or
- file a cross petition.

The case will thereafter be fixed for trial.

Moreover, under clause 3(e) of the Bill, section 9 of the Divorce and Judicial Separation Act is repealed and replaced by a new section 9, which provides that the Court shall grant a provisional decree -

- (a) in the case of a petition for divorce on the ground of *acceptation du principe de la rupture du mariage* or *consentement mutuel*, where the Court is satisfied that the divorce should be pronounced;
- (b) in every other case, where the Court is satisfied that the petitioner has established his case or that both parties are to blame.

Clause 3(f), for its part, seeks to bring another important amendment by repealing and replacing the present section 10 of the Divorce and Judicial Separation Act, which deals with “Permanent decree” and which provides for an application to the Court for a provisional decree to be made permanent by a new section 10, which provides for the automatic conversion of a provisional decree into a permanent decree three months after the grant of the provisional decree, unless one of the parties objects to same not later than 15 days before the expiry of the three months.

Section 11 of the Divorce and Judicial Separation Act is, under clause 3(g) of the Bill, amended, to provide for restrictions on provisional decree. Thus, the Court shall not grant a provisional decree, unless it is satisfied as to the matters provided for in the said petition.

As for clause 3(h) of the Bill, it introduces a new section 11A, which provides for the conversion of a provisional decree into a permanent decree. Thus, except where a notice of objection is lodged, the Court shall, upon expiry of the period of three months, specified in section 10(1) of the Divorce and Judicial Separation Act, order that the provisional decree be made permanent. The Registrar then issues a rule to that effect.

As far as decrees of judicial separation are concerned, whilst presently the respondent to a decree of judicial separation may, not earlier than three years after the date of the decree, apply to the Court for the conversion of the decree into a decree of divorce, this period is now reduced to two years, by virtue of the amendment brought to section 12 of the Divorce and Judicial Separation Act, under clause 3(i) of the Bill.

Clause 3(j) of the Bill seeks to amend section 15 of the Divorce and Judicial Separation Act, which provides for amendment of orders and agreements, to also provide for the amendment of agreements made under Article 238-3 of the *Code Civil Mauricien*.

Finally, under clause 3(k), the last amendment which the Bill proposes to make to the Divorce and Judicial Separation Act, relates to section 21, which is amended to provide for the making of regulations by the Chief Justice.

Mr Speaker, Sir, in view of the procedural amendments to the Divorce and Judicial Separation Act, amendments are being proposed to the Divorce and Judicial Separation Regulations of 1981, under clause 4 of the Bill, to bring them in line with the changes being brought to the Divorce and Judicial Separation Act.

The main amendments are as follows -

Regulation 3, which relates to service of documents where a petition is lodged, is amended to cater for situations where a petition is lodged by the parties jointly, while Regulation 5, which presently provides for the procedure as regards preliminary hearing, is revoked. As for the Schedule to the Regulations, it is repealed and replaced by a new Schedule.

Finally, Mr Speaker, Sir, by virtue of the transitional provisions provided for in clause 5 of the Bill, any petition for divorce or judicial separation or any application incidental to or consequential upon it pending before the Supreme Court at the commencement of the Divorce and Judicial Separation (Miscellaneous Provisions) Act shall be deemed to have been made under the Act and any such petition or application shall be continued in accordance with the Act.

I have, Mr Speaker, Sir, highlighted the main amendments being proposed in the Bill. Bearing in mind the way society has evolved, Mr Speaker, Sir, the above amendments are, therefore, being proposed in order to align our existing laws with the current realities of conjugal life and also for the sake of the future of those people whose marital life has regrettably broken down.

Indeed, Mr Speaker, Sir, society has changed, and it is a fact that sometimes sheer incompatibility between individuals, for instance, can make life intolerable not only for both spouses, but also very often for the children born out of the said marriage. The amendments being brought to the *Code Civil Mauricien*, Mr Speaker, Sir, are primarily meant to cater for

situations where a marriage has broken down, for one reason or the other, and very often without any of the parties being at fault, in order to enable spouses who have definitely made up their mind to get separated, to get a divorce without having to throw accusations at the other spouse, as the case very often is under the present state of our law.

I have to point out, Mr Speaker, Sir, that we have endeavoured to strike a right balance between, on the one hand, preserving the institution of marriage and our values and, on the other hand, accepting the realities of our modern society.

In order to ensure that our law on divorce does not undermine the institution of marriage, the amendments proposed contain certain safeguards, for example -

- 1) the lapse of a period of two years since the celebration of the marriage before divorce on the ground of '*acceptation du principe de la rupture du mariage*' or '*consentement mutuel*' may be sought, and
- 2) the conversion of the provisional decree into a permanent decree not before a period of three months, during which, hopefully, the parties would have had the time to further reflect on the implications of their choices.

It is considered, and I am convinced, Mr Speaker, Sir, that our society is honest and mature enough to favourably welcome the amendments proposed.

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

**Dr. A. Boolell rose and seconded.**

(6.01 p.m.)

**The Leader of the Opposition (Mr P. Bérenger):** I don't mind doing that, because we are in full agreement with this Bill also, Mr Speaker, Sir. But, in preparing myself to take part in today's debate, I did some research - if you would allow me - to offer to the House. As a historical fact, a long time back, a lot of countries didn't have any divorce legislation. The number of countries without any divorce legislation has decreased over the centuries, and then years. I found out that, today, every country, except Malta, Philippines and Vatican City have some form of divorce legislation. In the case of Malta, as an alternative to divorce, for moral or religious reasons, is the legal separation or annulment.

As you know, Mr Speaker, Sir, legal separation is a legal process by which a married couple may formalise a *de facto* separation while remaining legally married. Those arrangements provide for interim financial arrangements or temporary arrangements for the care of children. Whereas annulment, especially in the Catholic Church, is a legal procedure for declaring a marriage null and void and, unlike divorce, it is usually retroactive, that is, it is as if the marriage never took place.

In Philippines, Mr Speaker, Sir, there is no divorce legislation, except for Muslims, provided in the law; for the others, only annulment is available. There is no divorce legislation in the Vatican City, but divorce legislation exists in Italy as a whole since the 1974 referendum.

We, Ile de France, now Mauritius, have had a law for divorce purposes for a very long time. Indeed, as a historian, I found it very interesting - and the only reference to that by the hon. Attorney General was reintroduction of divorce by mutual consent - that, from 1808 to 1884 - *le divorce*, as it was in that old French *Code Napoleon*, Article 233 - *le divorce par consentement mutuel* was, in fact, in our legislation. It was removed by the British Colonial Administration through an 1884 Ordinance, after having been in our legislation, and to come back after 127 years. I find that amazing, and I wonder how many countries have been a French colony and then a British colony and found themselves in that kind of very interesting situation, Mr Speaker, Sir.

Indeed, as the hon. Attorney General said, divorce by mutual consent was recommended to be reintroduced in our legislation in the Law Reform Commission Report of December 2008.

I shall end by quoting two paragraphs from the Law Reform Commission of Mauritius Report dated December 2008. I quote -

“A divorce must surely be one of the most stressful and damaging experiences that a couple or a family can ever go through. It is not simply a day in court, but a whole process of painful change and adjustment, which will affect the parties and their children for years to come, if not for the rest of their lives.”

And their concluding remarks, Mr Speaker, Sir - we are fulfilling their wishes today - I quote -

“We are confident today that our proposals would go some way towards improving our law on divorce, by ensuring marriage is dissolved with dignity and in a manner which is fair to the parties and to their children.”

Thank you, Mr Speaker, Sir.

(6.07 p.m.)

**Mr J. Seetaram (Second Member for Montagne Blanche & GRSE):** Mr Speaker, Sir, I thank the Leader of the Opposition for his speech. Mr Speaker, Sir, I believe this amendment is rarely a breath of fresh air for all litigants and for all parties who are in a divorce case or might be in a divorce case. Most importantly, the reasoning behind is to relieve parties concerned in divorce matters, avoiding them to cast accusations, allegations upon their partners, upon the other spouse, that is, parties no longer have to aver *faute* to obtain a provisional decree of divorce and thereafter a permanent decree. That indeed is a *soulagement*. In practice, Mr Speaker, Sir - you would know of experience - it is, however, extremely burdensome, traumatising for parties to come to court, to swear, to defend or put forward arguments in the hope of averring fault on the other party to win their case.

Hence, this legislation is not removing the provisional decree of divorce by way of fault, but is adding a first option, which is divorce or judicial separation by mutual consent and, second, divorce or judicial separation by acceptance in principle of a breakdown of a marriage. For the divorce or judicial separation by mutual consent, parties, before coming to court, before going to see their lawyers would come to an agreement on the divorce and on the consequences of the divorce. They would finalise all matters in relation to that particular divorce, be it *pension alimentaire*, that is, alimony, be it custody, that is, *droit de visite* or *droit d'hébergement*, maintenance of the child or property issues that I shall come later on. All can be finalised in an agreement between parties; they come and are all agreeable to that very fact; they put it on paper and go to court to file a divorce on mutual consent. That is one.

Secondly, divorce or judicial separation by way of acceptance in principle of breakdown on marriage, that is to say parties which are agreeable to the aspect of divorce only *des deux personnes*, whereas ancillary issues, for example, alimony, custody, *droit de visite* or property matters can be decided thereafter or before the court of law. So, I believe that such an innovative legislation would relieve all parties going in that direction.

As I said, parties would not have to impose *faute* on the other. If ever a party has filed a petition for *faute* and, in the middle of proceedings, he finds that he no longer wants to go for *faute* and wishes to change, he can do so. He is allowed either to go for mutual consent or for breakdown of marriage. So, this also, I find it a very innovative procedure.

Further, most importantly, Mr Speaker knows very well how embarrassed litigants come to court, waiting in long queues. These used to be on Fridays where mostly all Judges used to take Family Court matters, but now it is every day. All of us, barristers and attorneys at law, know how many couples come before the Supreme Court for divorce. Such an innovative legislation would no longer embarrass litigants or make them face quarrels and tensions. Most importantly - and this is a pity - who is at the wrong end in this whole story? It is the child! It is the child who suffers at the end of the day. Such legislation, of course, would not have parties to aver *faute* on each other. I believe this is also in the best interest of the child.

We won't have lengthy and bulky defended or contested cases before the Supreme Court. Those cases can be reduced to divorce or judicial separation by mutual consent or acceptance in principle of breakdown on marriage cases. What I find also very encouraging is the automatic permanent decree of divorce. The actual procedure is that, in fact, the divorce is given at a provisional level and, after three months, one has to apply for a permanent decree, whereas as per this legislation the permanent decree would be given automatically after three months. If one has to object, he has to do so 15 days before the three months are over. So, this is automatic, and relieves the burden; it relieves the litigant of the waste of time before going to court and all subsidiary connected matters. Further, the lodging procedure is simplified.

Concerning the mutual consent divorce and judicial separation, both parties can retain the services of an attorney to file a case for mutual consent, or they can choose two different lawyers. So, that saves costs. Further, the whole population benefits from such legislation and, in conjunction with such legislation, there are some areas where maybe one can propose to have a few amendments.

Concerning property issues, we know how lengthy court procedures are. We know very well that it might mostly take more than a divorce case concerning its time. Regarding property issues, one suggestion can be that, within the community which is, of course, a battle in itself, one can propose a mediation to settle community property issues. The Judge can be appointed or

another Judge, not necessarily from the Family Court, to do mediation in relation to those property issues concerning the community of marriage. This can be one proposal, because you have parties/spouses coming to court for divorce matters. The divorce is sorted out, whereas the property issues can be left aside, and it is not dealt with yet. So, why should those parties/spouses, when they have already divorced, come back to court again for a few years more to settle property issues? No. Let the divorce case be dealt with together with the property issue and, henceforth, parties can start a new life and don't have to bother about coming to court again for the same matter.

Concerning children from the marriage, one can also provide another reasoning for *l'entretien de l'enfant*. While the divorce is pronounced by either procedure, one can entwine the maintenance of the child. If the child has to go to school, maybe at secondary level, or for further studies, it makes provision for that.

Concerning *droit de visite* and right of stay, as referred to by the Attorney General, one can also propose more child psychologists to make psychologist reports available within a shorter time and also for social enquiry reports to be made available much quicker, so that judgments in cases concerning custody of child can be given earlier.

Concerning section 262.1, where the *motifs graves* have been proposed, it says -

*« En cas de divorce par consentement mutuel, les dispositions de la convention homologuée par le juge relatives à l'exercice de l'autorité parentale peuvent être révisées, pour des motifs graves, à la demande de l'un des époux ou du Ministère public. »*

I believe instead of *motifs graves* one could replace it by 'interests of the child'. It is in the interest of the child that one should take any decision as, at the end of the day, the one who suffers the most out of a divorce or this particular procedure is the child. Basically, being very much in favour of that Bill, I believe we have room to amend further, and I believe this Bill should be commended to the House.

Thank you.

(6.21 p.m.)

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Speaker, Sir, as rightly pointed out by the hon. Leader of the Opposition, we, on this side of the House, fully support the Bill. However, we should put some questions, probably for the hon. Attorney General to answer and make certain remarks, to ensure that, in practice, it does work properly. We can have a very good legislation but, unfortunately, when it comes to the practical part of it, we see that it does not function as it should be.

There is no doubt that *divorce par consentement mutuel* has many advantages, and it is well described in the report of the Law Reform Commission. Moreover, it minimises the psychological damage done not only to the parties, but also to the children of the family. If the marriage is dead, both emotionally and physically, there is no point keeping it alive. It creates more problems and more damage to the families. When one looks at the statistics of divorce in our country, according to the CSO, in 1975, there were 110 divorces out of 6,888 civil marriages. In 2005, there were 1,133 divorces out of 11,076 civil marriages; that's nearly 10 per cent, and this doubled in four years. In 2009, we had 2,154 divorces out of 10,446 marriages; that's nearly 20 per cent. There is no doubt that divorce in our society today is increasing, and we should bring forward law not only to facilitate it, but to humanise it, and make it less harmful to the parties and to the families.

When we look at the Family Division itself - the statistics are not from the CSO, but from the Family Division, which I gathered yesterday - nearly everyday now, there are about 15 cases being heard by the Judge of the Supreme Court. Out of these 15 cases, ten of them are undefended. We have to go for the cause of these undefended divorces, which I will come to later. Ten cases are undefended, and out of the five cases which were defended, four of them go on a *torts partagés*. So, only one divorce, probably, per day is heavily contested in our court. Clearly, the concept of consent or undefended is already established by the facts themselves, without the law being now in practice. We have these statistics, which show us clearly that people are prepared to "give way" for a divorce than to contest it seriously in court. When we look at these statistics, it's clear that the issue of divorce by consent has gone forward and, in fact, has moved faster than the law.

However, when we look at the law concerning the issue of consent itself, I think we should be very careful. We know that in Mauritius, in most of the families, one party, mostly the

husband, has the economic power. He is the one who has the most economic power; he is the one who is the boss in the house, and he dictates the rules in many families up to now - let's be honest. Concerning this consent, I think the court should go deeper. It should not content itself as the amendment says that the Judge « *s'assure si tous les efforts ont été faits pour tenter la réconciliation* ».

« *Le juge prononce le divorce s'il a acquis la conviction que la volonté de chacun des époux est réelle et que chacun d'eux a donné librement son accord.* »

As to “*librement son accord*”, I don't think it is sufficient. The Judge should go deeper. In the French law, they have the concept of *la volonté doit être libre et éclairée*, which means that both parties have to know the full consequence of that *convention* they are signing. There have been examples of *consentement forcé*; it has been pressed on one party. *Le consentement mutuel se résume parfois d'une pression; le chantage sur les enfants, le chantage sur l'argent et les biens, le chantage sur le logement, le chantage qui rend infernal la vie commune. Le consentement mutuel peut être, a-t-on dit, le consentement forcé.* This is why that consent issue is of great importance, and it becomes more important in cases where there is only one attorney who presents that *contrat* - that arrangement - made between parties. Who retains the service of the attorney? It is the one who has got the money to pay the attorney. The attorney, at the end of the day, will take instructions from whom? I am not saying that the attorney will be an accomplice in this issue, but we have to be careful, because in France again, there have been cases of *conflits d'intérêts* between the attorney and the parties. Very often, these documents will be drafted at the instructions of the one which is economically *plus dominant*. I will quote from a French civil book, ‘*Divorce par consentement mutuel*’, which I have here -

« *Cette dernière règle avait été critiquée tant qu'il est vrai que malgré le consentement mutuel, il peut y avoir conflits d'intérêts et que l'avocat unique est parfois mal placé pour déterminer les intérêts particuliers de chacun de ses clients.* »

We have to be careful here; we have to put it in the context of Mauritius: a common attorney, a common attorney-at-law. There might be conflict of interest; the interests of one of the party may be neglected at the expense of the other. This is why I say we have to look again at the issue of legal aid. Legal aid is very important in this case.

Mr Speaker, Sir, there are many cases which go undefended because, very often, the wife does not get legal aid and cannot afford to defend that petition of divorce. She has to accept the *faute*. Why does she not get legal aid? It is because she has married under the *régime de la communauté de biens*. There is a property in the name of the family, a house in the name of the husband and wife and, because of this, she is not qualified for legal aid, and if she does not work, she can't afford to defend. This will become worse in the case of *consentement mutuel*, if one party wishes to take a legal advice, an independent attorney, and he or she is not qualified for legal aid and the one who can afford retains the services of an attorney to do the common work for both parties.

This is very important, and I think we have to be careful on that issue because we live in Mauritius and the economic structure in our family is still one-sided. So, this is a point which I wanted to make on the issue of consent, linked to the issue of legal aid. When I say legal aid, I mean that it becomes more important in these cases, and I think we have to review or probably we have to see in the future whether the idea that both parties retain the services of one attorney is convenient or if we are protecting equally the interests of both parties.

When we say *consentement mutuel*, we have to look at all the issues. It must be a divorce *en bloc*, because we don't want the parties to come back again in court. There is another issue to which I wish to draw the attention of the court. It is the issue of joint custody or joint *autorité parentale* if we want to have limited psychological damage on the children. In England, there is this issue of joint custody. The children are allowed to stay in both places, especially if the family lives in the same surroundings, attend school and live with both families. Probably this won't be practical as such in Mauritius, but joint *autorité parentale* is essential.

In practice, what do we have? Once one parent gets the custody of the child, he or she thinks she is the owner of the child, and that she is doing a favour by giving the child for the weekend to the other party. What is worse very often is that one parent - the one who doesn't have custody - does not get access to the education and the health files of the child, because the other parent goes to school and presents that paper, saying - "Look, I have the *autorité, zis moi ki gagne droit guet mo zenfant dan l'école*, and you give the report only to me, not to him, because he has got only a right of visit or a *droit d'hébergement*."

Once again, we have to look at this issue of joint custody if we really want to limit the psychological damages. We should not limit to divorce with consent, which will benefit only the parents. We should go further to joint *autorité parentale*, where both parties will have their say and follow the children, especially with regard to education and health.

I come now to the Family Court. We don't have a Family Court in Mauritius. Let's stop keep saying that we have a Family Court; we have a division of the Supreme Court, where two Judges are attached every now and then. There were two when we transferred the two courts from the Supreme Court to the Court House, and now we have another two Judges where one, at least, has moved back to the Supreme Court. We don't have a specialised Family Court. The Family Court should not restrict itself to divorce only. There are many issues which a family Court should attend to. It should not limit itself by giving a permanent decree, a decree of divorce, giving custody and *droit d'hébergement*. There are other issues, and here, with due respect to our learned Magistrate of the District Court, I must say that many of them are not qualified enough to advise, to take decision on family matters. This is why I am a bit worried on this legislation. Once a petition is presented, we give certain powers to the Magistrate. I think we should leave it to Judges, who are more mature and experienced to look in such important issues as family matters.

Let us be honest. We voted a very good law in the House, namely the Domestic Violence Bill, but in practice it does probably more harm than good to the family because of a lack of institutions and professionals to handle the matter. Again, we need a Family Court which does not compose only of Judges. Yes, they are mature Judges, but they are not mature lawyers. So, we need the Family Court with assessors, psychologists like in Australia, where even priests are affiliated to the Family Court - priests, psychologists, councillors. So, this is where we have to reform our Family Court, if we want this law to function. It is not enough just to vote a law on *consentement*. We need the proper institution, and we need a proper Family Court to ensure that we have the best from this law we are voting today.

Mr Speaker, Sir, I don't want to repeat myself too much. I have drawn three points, which I think are important, namely the issue of consent. We have to ensure that the person giving the consent *est bien encadrée*; there is no pressure on her; there is no *chantage*. We have to ensure that legal advice, wherever needed, is available, and we have to ensure the interests of

the children. I think one of the main issues here is the joint parental authority we can give, which is not in our law and which I think we should introduce in such cases. Of course, we need the institution and, in my humble submission, we need a proper Family Court with proper assistance not only of Judges and lawyers, but of professionals who can assist, to ensure less and less or no psychological damage to a divorce.

I have done, Mr Speaker Sir.

Thank you.

(6.36 p.m)

**The Minister of Gender Equality, Child Development and Family Welfare (Mrs S. Bappoo):** Mr Speaker, Sir, I wish, at the first instance, to congratulate my colleague, hon. Yatin Varma, the Attorney General, for introducing the Divorce and Judicial Separation Bill before the House today.

This Bill ensures, first of all, equality for all citizens, and respect of all fundamental rights and freedom through the introduction of divorce by mutual consent. It forms part of the latest trend that reflects new and fundamental shift to ease and simplify the divorce proceedings, but it also encourages harmonious relationship in the future and helps the parties finally to reshape their lives. Concurrently, as has been mentioned by the hon. Attorney General, under our law, the ground for divorce is quite limited, and Articles 2 to 9 of the *Code Civil Mauricien* provide only that “*le divorce peut être prononcé soit en cas de faute soit en cas de rupture de la vie commune.*”

But, Mr Speaker, Sir, it is a fact that women and children are always victims in cases of divorce. We all understand *le trauma, le calvaire, la stigmatisation, l’humiliation et la douleur* caused to many women who have to undergo years of court proceedings and procedures before the final judgment is being given to cases of divorce.

So, with the introduction of this Bill, the government is redeeming a pledge made especially to the women of this country and, in fact, since 2005, we underscore the fact that the protection of the rights of every family as well as disintegration of the family unit against violence, social harassment, insecurity would form part of our social policies to provide for the promotion of social justice and gender equity. At paragraph 130 of the Government Programme

2010-2015, it specifically underlines that government will sustain its policies for the promotion for family welfare and protection from domestic violence, in spite that we do have more hurdles to overtake. You will agree, Mr Speaker, Sir, that the Bill should not be left only to the hon. Attorney General to defend, but I am happy also to see that the whole Bill has the support of the Opposition; the support and loyalty, I suppose, of all men and women in a good and just cause, because it provides much better illustration of a progressive piece of legislation. I do understand also the various queries put forward by hon. Baloomoody, but I am sure that the hon. Attorney General will respond to the various questions that have been put.

Mr Speaker, Sir, divorce by mutual consent should not be taken as a license in itself to seek divorce *comme certains veulent le faire croire. Des garde-fous sont importants; c'est nécessaire.* These *garde-fous* are being provided in the Bill. The Bill is a major milestone in the process of simplifying and humanising divorce proceedings, and to allow the final termination of marriage by what we call today mutual consent. It also allows for quick and easy resolutions, reducing from five to three years the duration of marriage before the proceeding on the ground of *rupture de la vie commune* is set. Finally, it comes to cancel the need for a provisional decree, which is normally followed after quite some time by a permanent one. Parties seeking divorce on ground of one's fault and that of *torts partagés* need not to wait for long procedures. So, this piece of legislation is indeed a milestone in our endeavour to bring social justice, to ensure equality of rights, in line with the government vision for a society devoid of discrimination.

M. le président, la nouvelle loi évite au couple ayant décidé de se séparer de le faire dans des conditions inhumaines et humiliantes. Il faut que les divorces aient lieu dans les meilleures conditions. Il ne faut pas penser que la rupture de la vie commune pour l'épouse ne soit qu'un phénomène de rejet pour elle. Les amendements apportés - il y a toute une gamme d'amendements - aux paragraphes 238, 240, 246, 253 indiquent clairement les mesures d'accompagnement et les appuis accordés à la femme, surtout en termes de la jouissance du logement, du mobilier du ménage - ou cette jouissance partagée entre eux - de la fixation de la pension alimentaire et des frais des tribunaux. Il est aussi intéressant de savoir que les amendements prévoient tout un assortiment de mesures pour statuer sur la gestion des biens communs. Les nouvelles procédures favorisent ainsi des accords susceptibles d'aider les couples à réorganiser leur vie, leur relation de manière civilisée finalement.

Un autre point sur lequel je voudrais m'appesantir concerne la sauvegarde de la vie privée du couple. Très souvent, des choses intimes entre couples sont dévoilées lors des procès en cour. C'est triste. L'intimité du couple étant tachée, c'est l'épouse du conjoint qui subit le plus de coups. C'est inacceptable, M. le président. Une plateforme de médiation peut jouer un rôle important pour sauvegarder les intérêts des parties concernées, et surtout de la femme au sujet de sa vie privée, avant que les procédures ne soient enclenchées en cour. La médiation, la conciliation ; beaucoup de provisions ont été travaillées pour pouvoir garantir ce processus.

The first amendment provides for dissolution of marriage by mutual consent. A divorce may be obtained *pour rupture de la vie commune* for a period of five years, and when there has been an established *faute* by one partner. But the new amendment now allows for new safeguards. For example, a period of two years should elapse since the celebration of the marriage before the parties can seek a divorce. The second amendment talks about the reduction of five to three years the period of separation required for a judicial separation on the ground of *rupture de la vie commune*, as this is viewed, Mr Speaker, Sir, being long and creating hardship for people whose marriages have genuinely broken down. Here again, Mr Speaker, Sir, we pay great respect to women in this country. We have always been saying that their rights should be safeguarded. Any law on divorce should preserve the stability of the marriage, but a piece of legislation that cannot allow sorting out matters more cordially with the minimum bitterness, minimum distress and humiliation remains for me personally a failure. It will be less hectic to look for the parties' whereabouts and no need to issue summons time and again to parties, as a new amendment is made to cancel any preliminary hearing following the presentation of a petition. This will inevitably speed up proceedings for both parties and, more importantly, not creating hardship to the parties, especially their children.

On ne peut leur faire subir autant d'épreuves qu'ils ne peuvent endurer. En ce faisant, le gouvernement adopte une position plus pragmatique, c'est-à-dire une politique d'imposition comparée à celle qui soit plus pragmatique et flexible.

This Bill, Mr Speaker, Sir, makes provision for the simplification of various procedures relating to the elimination of a provisional order and the establishment of a permanent decree. I believe that this has always been a loophole in our jurisdiction. As a result of this practice from provisional decree over the years, many women have been waiting and waiting for months and

years before obtaining dissolution of marriage. In practice, this has been a situation whereby it created great injustice and hardship for any party to be settled as regards children, custody, visits, alimony, private belongings, sharing of properties. So, it goes that the Bill today, Mr Speaker, Sir, is most relevant to modern times, to modern legislation.

Mr Speaker, Sir, divorce must be the last resort to allow...

**Mr Speaker:** I am sorry to interrupt the hon. Minister here. This is an amendment to the law as it exists. We are just extending and granting two more grounds for a person to apply for a divorce. *Faute* is still there; the other reasons are still there. We are not going to debate on the philosophy of divorce. We have to stick to the two grounds which have been put in the Bill, please.

**Mrs Bappoo:** You are right, Mr Speaker, Sir, but I just wanted to say that, in general, it should not be as if it is a licence to just put an end to any marriage, because in our country we have always been promoting the concept that marriage is an institution.

Le mariage est un univers, M. le président, qui doit être rempli d'enseignement conformément aux exigences de loyauté, d'égard l'un envers l'autre et de respect mutuel. Donc, c'est applicable dans toutes les religions de notre pays qui voient dans le mariage la foi, en quête d'une longue vie de couple...

*(Interruptions)*

Nous avons vu bien souvent pas mal de couples célébrant...

**Mr Speaker:** Oui, tout cela c'est pour un autre forum ; ce n'est pas encadré dans le *Bill*. If you want to educate people, you have to do it elsewhere. Otherwise, we will never finish.

**Mrs Bappoo:** Mr Speaker, Sir, I just want to add something very important as it concerns my Ministry. It is about the number of programmes and policies which goes according to the Government Programme, where we have to consolidate our society so that the respect of the marriage is visible.

**Mr Speaker:** But, then, it is a general debate.

**Mrs Bappoo:** No. I do understand, Mr Speaker, Sir. I have already said it in this august House, but I just want to emphasise that, through the various programmes of the Ministry, we are

going to strengthen our effort, so that we can have at the end of the day the respect of this institution which we call marriage.

Mr Speaker, Sir, I do believe that today we are presenting to this House a Bill which is of very great importance, to bring equality to what crops up and ends as divorce among many couples. The legislation and, of course, the amendments give hope to our country and more to the poor, to the less privileged people, *et surtout les femmes les plus vulnérables* who do not have financial support. *L'honorable Baloomoody vient de parler du problème de legal aid, et je pense que ce serait des points à prendre en considération pour voir comment donner un appui à ces personnes*, because long duration of proceedings, prosecution in open cases of hearing, and blackmailing at times are constantly subject to these sorts of problems. In fact, at times, we also see, Mr Speaker, Sir, that legal barriers have for too long been as if a hurdle, and they block the empowerment of women at risk for denunciation of privacy matters.

Today, this Bill brings about better proceedings, as it has been done in the western laws; less adverse approaches to divorce settlement have recently emerged, such as mediation. I suppose that many of our brothers and sisters believe in mediation, and this is being taken care in our new Bill, in the amendments that are being brought. I would like, Mr Speaker, Sir, to say that legislation can be a powerful tool in shaping a policy response to parties, particularly women in a stressful divorce case.

There are also children. They might be minors, they might be older children of a certain age, but who endure distressful attitudes, which reflect in their behaviour among friends, among their peers at school, in society. So, when based on universally accepted human rights standards and appropriately enforced and implemented, the law can support positive gender issues, and enables individuals, particularly women, and communities to realise their rights without fear.

Thank you, Mr Speaker, Sir.

(6.53 p.m.)

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** Mr Speaker, Sir, we are today debating two new modes of terminating marriage.

Marriage is not only a consensual contract between two spouses. It is an institution with legal consequences and social consequences; it is the bedrock of civilization. In many quarters,

marriage is considered a sacred bond, a divine covenant, a sacrament, the meeting of two souls. There is a saying that weddings are made in heaven; people marry *pour le meilleur et pour le pire*.

**Mr Speaker:** Perhaps I should remind the hon. Member that we are talking about divorce, and not marriage.

*(Interruptions)*

**Mr Uteem:** Yes. Against this background of marriage...

*(Interruptions)*

Mr Speaker, Sir, we are debating a very important...

**Mr Speaker:** Yes, carry on.

**Mr Uteem:** We are debating a very important Bill, because it affects the religious belief of many people in this country. Up to now, in many religions, divorce is forbidden...

**Mr Speaker:** Can I, as a matter of clarification, ask my hon. friend whether he is against divorce? Because he is saying that, for many religious communities, divorce is not in line with their faith. So, I am asking him whether he is, in fact, against divorce. If he says that he is against divorce, then he cannot speak on this amendment, because this amendment is only extending the grounds of divorce by adding two more grounds. So, he has to speak on the two grounds which have been put in the Bill and say whether he agrees or disagrees with them.

**Mr Uteem:** If Mr Speaker had allowed me thirty more seconds, he would have received the answer. It is a background...

**Mr Speaker:** No, I am just drawing the attention of the hon. Member.

**Mr Uteem:** We are in favour. On this side of the House, we are supporting the Bill, as the Leader of the Opposition stated. The divorce against the background setting out this Bill should not be seen as a licence for people to get divorce easily. There have to be safeguards.

**Mr Speaker:** I stopped the Minister of Gender Equality on that.

**Mr Uteem:** Yes, Mr Speaker, Sir. The two new ways of getting divorce impose a lot of responsibility on the Judge to ascertain that the parties have freely consented to the divorce, and

that there has not been pressure given on one party to accept. I think the Bill should have made it compulsory that a probation report be ordered in all cases where petition for divorce on mutual consent is entered, so that this Probation Officer would help the Judge to come and ascertain whether the consent of the parties has really been given freely or not.

The Bill introduces two new consequences which automatically from the new modes of terminating divorce in Articles 253-1 and 253-2 provide that *chaque époux peut révoquer tout ou partie des donations et avantages qu'il avait consentis à l'autre*. Mr Speaker, Sir, this is very far reaching. As a consequence of divorce by mutual consent or *rupture de vie commune*, one spouse can actually force the other spouse to return all the donations or the gifts that have been made. This is very far reaching, and again I would humbly ask that an amendment be brought so that this process is done under the supervision of the Judge, because at the moment nothing is said about the Judge giving his consent. It says clearly *que les époux décident eux-mêmes du sort des donations et avantages qu'ils s'étaient consentis* in the case of divorce by mutual consent, or in the case of *divorce pour rupture de mariage*, *chaque époux peut révoquer tout ou partie des donations*. I think it is very important that this be under the supervision of a Judge to protect the interests of the weaker side of the family.

Another consequence of the new amendment, which I think needs to be thought out again, is in respect to alimony. Mr Speaker, Sir, under the existing legislation, even after the termination of a wedding, there is an *obligation de secours*. The spouse against whom divorce has been pronounced - *le fautif* - has an obligation to pay alimony to the other spouse if she or he is in need, and the faulting party has the means. Unfortunately, when I see the amendment that is proposed, whereas under divorce by mutual consent it is clearly stated at Article 238(5) that it is the parties themselves who are going to determine how to deal with the consequences and the Judge can intervene if the interests of the parties and the children are not protected. When we come to *divorce pour rupture de mariage*, under 238 *alinéa 2*, we see simply that '*le juge prononce le divorce et statue sur ses conséquences*.' Blanket powers are given to the Judge and absolutely no guidance as to how the Judge is going to determine what these consequences are. Do not forget, Mr Speaker, Sir, that we are talking in a situation where the parties have not agreed among themselves on the consequence of the divorce.

What criteria will the Judge apply? Will it now try to see whether there is a party who is more *fautif* than the other? Will it go on the ground of means, whether one is wealthy or the other not so wealthy? We may have a situation, Mr Speaker, Sir, where the parties have come to an arrangement because the wife, for example, one of the parties, was adulterous. However, in order to avoid all the stigmas relating to divorce by *faute*, they have agreed to *séparer, rupture de la vie commune*, but the party who is not at *faute* have the means. In this case, the party who originally caused the disruption in *la vie commune* of the couple will also benefit, because that person does not have the means and the other person has the means. I think that, instead of leaving it to the Judge to resolve this dilemma of how to regulate the consequence of the divorce, it is for this House to give some indications in this case about what criteria the Judge should apply when considering alimony.

Considering children, it is easy. It will always be the interest of the children who will prevail, but when it comes to alimony I think it is important that the law clearly states what criteria needs to be put.

My friend, hon. Seetaram, touched on the other amendment that is being brought as a consequence of the new form of divorce, namely Article 262 *alinéa* 1, which allows the Judge, upon the request of one spouse or the *Ministère public* to review the exercise *de l'autorité parentale* and also only for *motif grave*. I fully agree with my friend that this should not be restricted to only *motif grave*, but should be extended to what is in the interest and welfare of the children. But I would go further and state why limit it only to cases of *autorité parentale*. Why not give the Judge the power, in certain circumstances, to be able *ex post facto*, after weeks, months or years of the divorce to come back and revisit what had been agreed to the parties in the light of new evidence, in the light of the situation of the parties. Again, on this Article, I would ask the House to consider extending this amendment to cover other cases where the Judge can intervene.

Mr Speaker, Sir, I would end by reiterating that the aim is reconciliation, and all the parties should do whatever is necessary to reconcile. The Judge, again in the amendment, is given the power to ascertain that all efforts have been made to reunite the parties. And again, I would humbly press the House to consider making it compulsory for the parties not only to talk to the Judge but to actually go to a marital counsellor and make sure that the counsellor signs a

report that, as professional psychiatrists, they come to the conclusion that the marriage cannot be retrieved.

Thank you, Mr Speaker, Sir.

(7.04 p.m.)

**Mr Varma:** Mr Speaker, Sir, I would like, first of all, to thank and congratulate Members from both sides of the House who have participated in the debates, and it is good that there is consensus in the House on the Bill.

Mr Speaker, Sir, I will, first of all, reply to what the hon. Second Member for Constituency No. 10 has stated in his speech.

As regards the property issues and issues relating to children, Mr Speaker, Sir, I will refer the House to section 238 (2) on '*acceptation du principe de la rupture du mariage*', where it will be a requirement that *le juge prononce le divorce et statue sur ses conséquences*. As far as section 283 is concerned, divorce by mutual consent, *la convention réglant les conséquences du divorce* is clearly stated.

Concerning the other point raised by the hon. Member on revision of *disposition de la convention relative à l'exercice de l'autorité parentale* only for *motif grave*, we should leave that to the appreciation of the court, Mr Speaker, Sir. In practice, matters relating to best interest of the child are likely to be considered by the court as *grave* enough to justify revision. There was a point also raised by hon. Seetaram on child psychologist and other support mechanism, and this point was raised by hon. Baloomoody as well.

Mr Speaker, Sir, we are in the process of working on a Family Court Bill, and we will need to consult different stakeholders before finalising this piece of legislation. I do agree with the point raised by the hon. Third Member for Constituency No. 1 that we need to have a Family Court. Now we have a division of the Supreme Court, and I will request hon. Members to be patient. We are working on a draft Bill.

Just to reply to what hon. Baloomoody stated on consent, Article 238(2) clearly states *volonté libre et éclairée*. This should be read as opposed to *volonté réelle* and *le juge doit avoir acquis la conviction que la volonté est réelle*. The law provides that the Judge has to be satisfied to the highest standard and not just have a reasonable belief that the *volonté est réelle*, and that

there is no coercion or pressure. Therefore, the Judge will assess and put such questions, as may be required, and may even question each spouse separately, then both together.

As far as the point raised on legal aid by the hon. Third Member for Constituency No. 1 is concerned, the hon. Member will appreciate that we have circulated a green paper on the reforms to be brought to the legal aid system, and the public was invited to give their comments. In fact, tomorrow and the day after tomorrow, I am having consultations with the Bar Council, the Law Society and the *Chambre des notaires* precisely on the reforms to be brought to the legal aid system. I will request again the hon. Member and other Members of the House to be patient, because we are currently working on the reforms to be brought to the Legal Aid Act.

The other point being raised on the common attorney, Mr Speaker, Sir, section 238(3) states -

*« La demande peut être logée, soit par les avoués respectifs des parties, soit par un avoué choisi d'un commun accord. »*

It is clear that the discretion is there. The point being raised is precisely as far as legal aid is concerned, but I have informed the House that we are working on the reforms to the Legal Aid Act.

Mr Speaker, Sir, as far as the point raised about the institution of marriage is concerned, I stated in my speech that we have tried to strike the right balance in preparing this piece of legislation, and I clearly stated that our law on divorce does not undermine the institution of marriage.

The Probation Report, Mr Speaker, Sir, should be compulsory in some cases to see if the *volonté* is *réelle*. It should be left to the discretion of the Judge, who has to enquire and ascertain if the *volonté* is *réelle*. The Probation Report may not be necessary in all cases, Mr Speaker, Sir.

As far as the joint *autorité parentale* is concerned, this is a matter which we will have to discuss.

These are the points which have been raised by the hon. Members of the House, Mr Speaker, Sir, to most of which I have replied.

*Question put and agreed to.*

*Bill read a second time and committed.*

### COMMITTEE STAGE

*(Mr Speaker in the Chair)*

*The following Bills were considered and agreed to -*

- (a) The Code Civil Mauricien (Amendment) Bill (No. XV of 2010)*
- (b) The Divorce and Judicial Separation (Miscellaneous Provisions) Bill (No. XXIV of 2010)*

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

### *Third Reading*

*On motion made and seconded, the following Bills were read the third time and passed -*

- (a) The Code Civil Mauricien (Amendment) Bill (No. XV of 2010)*
- (b) The Divorce and Judicial Separation (Miscellaneous Provisions) Bill (No. XXIV of 2010)*

### ADJOURNMENT

**The Deputy Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 29 March 2011 at 11.30 a.m.

**Mr Bachoo rose and seconded.**

**Mr Speaker:** The House stands adjourned.

### MATTERS RAISED

(7.13 p.m.)

**Mr Speaker:** I will have to inform hon. Members that I have 14 hon. Members on my list, and we have 30 minutes to accommodate all those Members.

### ***RADIER DE MACONDÉ - REINSTATEMENT***

**Mr A. Ganoo (First Member for Savanne & Black River):** Mr Speaker, Sir, I am aware that there are many other Members who will intervene. I just wanted to raise a matter concerning hon. Minister Bachoo, who is responsible for public infrastructure. It concerns *le vieux radier de Macondé, M. le président.*

Avant la construction du nouveau pont de Macondé, c'était le vieux radier de Macondé qui reliait Le Morne, La Prairie, La Rivière Noire à Baie du Cap, Bel Ombre et le sud ouest. Ce vieux radier a fait son temps et avait commencé à prendre des rides. C'est vrai qu'il était devenu dangereux, et l'État a fait construire le pont de Macondé qui a été conceptualisé à l'époque. Je ne vais pas faire de la politique. Il a été construit et inauguré. Tant mieux!

Malheureusement, après que le nouveau pont soit devenu opérationnel, un malheur s'est abattu sur le vieux radier, qui était à un demi-kilomètre du nouveau pont et ne dérangeait personne, moins encore les autorités, puisque ce radier qui n'était plus opérationnel, a été *decommissioned*.

Donc, le vieux radier était devenu un lieu de rencontre pour les habitants de la région de Baie du Cap, Choisy, St Martin et Bel Ombre. C'était devenu un jardin, un boulevard, un parcours de santé, un *jogging track* et un lieu de prédilection pour les pêcheurs qui s'y rendaient régulièrement. Malheureusement, les autorités - et je comprends que c'est le ministère des infrastructures publiques - sont venues un jour et ont vilement et gratuitement défoncé ce vieux radier sur une longueur de trois mètres au centre même. Donc, maintenant, le radier est défiguré ; c'est *useless*. En ce moment même, une pétition est en circulation dans la région, car les habitants se mobilisent pour demander gentiment au ministre et à l'État d'y remédier, de faire amende honorable et de réparer ce radier.

My appeal today to the hon. Minister, who is a reasonable Minister, is to see to it that his Ministry...

*(Interruptions)*

The Minister knows that I always appeal to him. Sometimes he does not respond, sometimes he does, but I am sure this time he will see to it that this *radier* is reinstated into its former state to the satisfaction of all the members of the area.

Thank you.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I should have a look at it, but as far as I am aware, that *radier* had become a problem and that was the reason why my Ministry had taken the decision to remove it. Nevertheless, I am going to enquire into it and let the hon. Member know.

**ALBION PHARE - BELLE VUE HOTEL**

**Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):** Mr Speaker, Sir, I would like to raise an issue concerning the Ministry of Local Government and Outer Islands and the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.

There is an old hotel called *l'hôtel Belle Vue* at Albion Phare, which has been unused for years and years. It has become a *repère* for drug trafficking, prostitution and all sorts of evils.

So, I am appealing to the Minister of Local Government to look into this matter with the District Council. People of the region and me, when I was in Government, have tried for many years to find the relevant legislation. This building is also a danger to the people in the surroundings. It must be pulled down within the least possible time. So, could the Minister of Local Government see with the District Council about what type of legislation exists, together with the Ministry of Public Infrastructure which has a say as far as buildings are concerned, to have immediate action taken not only in the interest of the public at Albion, but also the public at large who go to Albion Phare?

Thank you.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** I will surely take up the matter with the District Council.

**VOLCY POGNET STREET & DR. A. G. JEETOO HOSPITAL - SEWERAGE**

**Mr R. Uteem (Second Member for Port Louis South & Port Louis Central):** Mr Speaker, Sir, I would like to raise a matter concerning the hon. Deputy Prime Minister, Minister of Energy and Public Utilities on a problem at Volcy Pougnet Street and the vicinity of Dr. A. G. Jeetoo Hospital.

Following the renovation of the hospital, there have been complaints regarding sewerage. I think that the Wastewater Authority has put certain pipes and when there is heavy rain, it causes overflow, and there is a very strong smell which is incommoding the inhabitants. Could the hon. Deputy Prime Minister take the matter up with the Wastewater Authority to see to it that the necessary is done, so that this does not cause nuisance to the public in that region?

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Mr Speaker, Sir, I have already visited the place on several occasions, and remedial measures are being considered. It is not only about Dr. Jeetoo Hospital, but about the whole surroundings, where there have been constructions on the natural drains and sewer

network. So, I would make a plea that the problems are not only due to renovation of the hospital.

### **PAILLES - WATER ACCUMULATION**

**Mr V. Baloomoody (Third Member for GRNW & Port Louis West):** Mr Speaker, Sir, I would like to draw the attention of the Minister responsible for the National Development Unit with regard to accumulation of rainwater at Pailles, more specifically behind the Livestock Feed Company, where not only there is a football ground but the weekly fair is held every Sunday. There is, in fact, a drain there, but I understand that the topography does not meet the needs, as it is either too high or too low. Whenever it rains, there is water accumulation, and this creates considerable inconvenience not only to the youth who want to play on the football ground, but also to the inhabitants and the vegetable sellers of that fair on Sundays. So, would the hon. Minister look into the matter?

Thank you.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** I will look into it, Sir.

### **CUREPIPE/HIGHER PLAINES WILHEMS - WATER SUPPLY**

**Mr S. Obeegadoo (Third Member for Curepipe & Midlands):** M. le président, je voudrais me faire la voix de mes mandants, en particulier les habitants de la région de Curepipe et des hautes Plaines Wilhems aussi qui sont accablés par le problème d'approvisionnement en eau, et cela depuis la mi-janvier.

Dans les hautes Plaines Wilhems, y compris Curepipe, les robinets coulent uniquement à partir de trois heures du matin jusqu'à dix heures du matin. Evidemment, vous réalisez, M. le président, quel problème cela pose pour les gens qui ne peuvent pas cuisiner, qui ne peuvent pas se doucher après une longue journée de travail, qui ne peuvent pas faire la vaisselle et qui ne peuvent pas laver le linge.

Je me suis renseigné auprès de la CWA qui confirme, donc, que c'est le cas depuis la mi-janvier pour toute la région des hautes Plaines Wilhems, certaines parties de la ville de Vacoas-Phoenix, une certaine région de Vacoas, mais aussi une partie du district de Moka ; toute la région qui est desservie par le réservoir de Mare aux Vacoas. Voilà où se situe le problème, et bien que tout le monde sait que le réservoir de Mare aux Vacoas est relativement moins rempli

ces jours-ci que les autres réservoirs, ce n'est pas une raison. Les habitants des hautes Plaines Wilhems ne sont pas responsables. Le problème d'approvisionnement d'eau est un problème d'ordre national. Ce n'est pas parce que cette région est desservie uniquement par Mare aux Vacoas qu'ils doivent en subir les résultats.

Le problème est d'autant plus révoltant pour les curepiens et les habitants des hautes Plaines Wilhems, parce que nous ne sommes plus en situation de sécheresse. Il pleut pratiquement tous les jours quand il n'y a pas d'averses à Curepipe, et c'est la région de l'île où il y a la plus forte pluviosité. Nous avons eu...

*(Interruptions)*

**Mr Speaker:** *Non, excusez-moi!* Please, the hon. Member cannot make a speech. I said that I have 14 Members who want to intervene. Give them an opportunity! The hon. Member should make his point.

**Mr Obegadoo:** Je termine, M. le président. Nous avons eu une émeute à Montagne Longue.

**Mr Speaker:** No, I am sorry. The issue concerns water supply in Plaines Wilhems, Vacoas and Moka. The hon. Member has to restrict himself to that and the issue of water.

**Mr Obegadoo:** Nous avons des problèmes à La Vanille, La Reunion et à Morcellement Avrillon, Forest Side. Donc, je demande au ministre d'intervenir d'urgence pour trouver une solution à ce problème avant qu'il n'y ait des dérapages.

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Several points have been raised, Mr Speaker, Sir. The problem at La Vanille, La Reunion was settled last night. It was a leakage in a pipe, which was within a solid concrete structure and detected with difficulty. But that is not the issue. Concerning the issue in question, the hon. Member has said it. There is a problem at Mare aux Vacoas, and it is not a small problem. We are at 45% storage level when it should have been about 80%. Seven hours of water supply is not negligible. We have to make some efforts. There are some places which have four hours.

*(Interruptions)*

Yes, this is the situation!

*(Interruptions)*

**Mr Speaker:** Order! Let the hon. Deputy Prime Minister answer!

**Dr. Beebeejaun:** Yes, this is the situation in Mare aux Vacoas. There are other regions where they have 18 or 24 hours water supply, depending on availability. The hon. Member is quite right. It is in the Mare aux Vacoas region. We are going to bring more water to Mare aux Vacoas, and we will make sure that we have water for the next 12 months as well.

Thank you.

(7.23 p.m.)

**POINTE AUX SABLES - COMPLEX GUILLARD - SEWERAGE SYSTEM**

**Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West):** Merci, M. le président. Je voudrais intervenir sur un sujet concernant le ministre des utilités publiques. Il existe le complexe Guillard à Pointe aux Sables, complexe qui comprend plusieurs appartements, donc, plusieurs familles. Il n'existe aucun réseau de tout-à-l'égout. Ce qui fait qu'en période...

**Dr. Kasenally:** Mr Speaker, Sir, on a point of order. The hon. Member called me 'bachiarà'. I can tell him that I am no 'bachiarà'.

*(Interruptions)*

**Mr Speaker:** Who is the hon. Member? I did not hear it. I was concentrating on my paper and listening to the hon. Member. What happened? What is the incident? Hon. Minister Kasenally, what is the incident? Tell me what happened. You have to tell me who said it! Tell me! I will act.

**Dr. Kasenally:** I just passed a remark to my friend.

**Mr Speaker:** No! Tell me who is the person!

**Dr. Kasenally:** I said: "zot pe amerde dimoune". This is what I said. "Amerde dimoune" is not as lethal as...

*(Interruptions)*

**Mr Speaker:** No! Who is the hon. Member the hon. Minister is referring to?

**Dr. Kasenally:** Hon. Baloomoody as usual!

*(Interruptions)*

**Mr Speaker:** Hon. Baloomoody!

**Mr Baloomoody:** The hon. Minister...

**Mr Speaker:** No! Let me finish! I am on my feet. Is the hon. Member aware of how he creates problems in this House? We have another ten Members on the list, and we are wasting our time. Hon. Baloomoody, the hon. Minister has raised a point of order saying that you have called him ‘*bachiara*’. Did you call him a ‘*batiara*’? If you did, you should withdraw the word.

**Mr Baloomoody:** I was not addressing myself to him. He was saying “*zot pe amerde dimoune sa bane la*”. I was talking to my friend. I used the word ‘*bachiara*’, but it was not addressed to him.

**Mr Speaker:** If it was not addressed to him, be satisfied on that!

*(Interruptions)*

We leave it to him and to his conscience!

**Mrs Navarre-Marie:** M. le président, je voudrais intervenir sur un sujet concernant le ministre des utilités publiques. Je parlais, donc, d’un complexe d’appartements à Pointe aux Sables, précisément, le complexe Guillard, où vivent plusieurs familles. Il n’existe aucun réseau de tout-à-l’égout. En période de grosses pluies et d’inondations, les cours sont inondées de matières fécales, ce qui cause d’énormes inconvénients aux familles qui y résident.

Le même problème existe à la rue Caverne et à la rue Odette Ernest. Je fais un pressant appel au ministre concerné pour qu’il fasse le nécessaire.

Merci, M. le président.

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Mr Speaker, Sir, I will certainly look into the matter.

(7.26 p.m.)

#### CAMP LEVIEUX - NHDC - GRASS CUTTING

**Mr D. Nagalingum (Second Member for Stanley & Rose Hill):** Mr Speaker, Sir, I would like to raise an issue that concerns both the Ministry of Housing and Lands and the

Ministry of Local Government. It concerns the NHDC at Camp Leveux, and I guess that this is the case in all the NHDC sites. Grass has not been cut for several months. To prevent health hazards like Chikungunya and other diseases that can spring up in these places, I appeal to both the Ministers of Housing and Lands and Local Government to come up with a sort of permanent agreement so that grass be cut regularly by whatever means in the NHDC complex.

**The Minister of Housing and Lands (Dr. A. Kasenally):** Mr Speaker, Sir, I have been to visit the site with the hon. Member. Actually, the compound of the NHDC is under the syndic or the people there. They are supposed to cut the grass; otherwise, my Ministry will go and cut grass all over the island.

(7.26 p.m.)

#### **MILITARY ROAD - REPAIRS**

**Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East):** Mr Speaker, Sir, I have an issue addressed to the hon. Minister of Public Infrastructure concerning the very bad state of Military Road in Constituency No. 3. I raised that issue some time back in August 2010, and I am, therefore, raising this issue the second time in this august Assembly. May I remind the hon. Minister that everyday hundreds of vehicles pass along this road which links Cité Martial region directly to that of Boulevard Pitot at Vallée Pitot. This road is in a very bad state due to rainfall, and several potholes have been formed thereat. The drains are obstructed because it is not properly maintained, and the inhabitants have made several representations to the Municipality of Port Louis but, unfortunately, nothing has been done up to now. Therefore, I am re-appealing to the hon. Minister to look into that matter as soon as possible.

Thank you.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, following the site visit that we conducted together with hon. Shakeel Mohamed, works order to the tune of Rs29 m. has already been issued, and work is starting in the days to come.

(7.29 p.m)

### CHEBEL - NHDC - BUS SERVICE

**Mr F. Quirin (Third Member for Beau Bassin & Petite Riviere):** M. le président, avec votre permission, je vais me référer à une de mes questions en date du 27 juillet 2010 que j'avais adressée à l'honorable ministre des infrastructures publiques concernant un gros inconvénient auquel sont confrontés les habitants du nouveau complexe NHDC à Chebel, et comme libellé dans ma question, c'était *a lack of proper bus service* au niveau de la région. Les habitants eux-mêmes avaient sollicité la NTA en juin 2007 en vue d'étendre la route 182 jusqu'à cette région, tout en assurant le service vers Rose Hill.

Cela ne fut pas possible, vu l'étroitesse de la route et l'absence de trottoirs et, comme confirmé dans la réponse du ministre, je vais citer la dernière partie de la réponse rapidement -

*“After consultation with Rose Hill Transport Services limited, it was finally agreed to serve the locality with 29 seater buses. On 30 July 2009, the company submitted an application to operate two 29 seater buses between Rose Hill and Chebel new NHDC complex. The application has already been published and will be urged soon.”*

Mais, malheureusement, jusqu'à présent, les habitants de cette région attendent toujours, et je compte sur l'intervention du ministre pour mettre fin au calvaire de ces habitants.

Merci.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, the application was already published, and I have now to inquire into the cause why Rose Hill Transport has not taken over these routes. If Rose Hill Transport fails to take it, then I have no alternative but to seek the support of other companies.

### LA LAURA & GENTILLY, MOKA - BRIDGES

**Mr S. Dayal (Third Member for Quartier Militaire & Moka):** Mr Speaker, Sir, the point which I am going to raise concerns the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping, the Ministry of Local Government and Outer Islands and the Ministry of Environment and Sustainable Development. In fact, it concerns the bridges at La Laura and Gentilly, Moka, which are in a very poor state, and I am sorry to say that they can crumble at any time. Therefore, before anything untoward happens, I would like to

appeal to the hon. Minister to take urgent and immediate action. Also, at La Laura near the bridge, at the slightest rainfall, there is an overflow of water, and same thing at Malinga. I would like the hon. Minister to attend to these problems.

**The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, the hon. Member is aware that, in fact, site visits have been conducted, the design has been worked out, a sum of approximately Rs25 m. to Rs30 m. has been earmarked for the project, and I have announced another Rs25 m. project at Dagotièrè. We have the whole country to look after, and we cannot put all the money in one constituency.

#### CONSTITUENCY NO. 16 - WATER SUPPLY

**Mrs F. Labelle (Third Member for Vacoas & Floreal):** Merci, M. le président. En cette journée internationale de l'eau, je souhaite que vous ne me teniez pas rigueur, M. le président, si je parle moi-aussi du problème d'eau qui affecte ma circonscription. Le ministre a répondu qu'il y a une fourniture de sept heures. Dans la plupart des régions de ma circonscription, l'eau commence à couler à 03.00 pour s'arrêter vers 08.00, 08.30. M. le président, demandons-nous aujourd'hui à nos femmes de se réveiller à 03.00 pour faire la lessive, mettre la machine pour réveiller toute la maisonnée? Donc, parler de fourniture à partir de 03.00, c'est retourner le couteau dans la plaie, M. le président. Voilà pourquoi les habitants de ma circonscription m'ont demandé à plusieurs reprises d'être leur porte-parole pour avoir au moins une heure d'eau dans l'après-midi. Ils n'ont de l'eau que le matin, de 03.00 à 08.30, mais rien l'après-midi. Donc, la requête c'est de fournir au moins une heure d'eau les après-midis.

Je vous remercie, M. le président.

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Mr Speaker, Sir, I have looked into this matter. We have discussed it at length. If we split the hours of supply, we will have lesser pressure in the afternoon. We allow the pressure to build up, but I will look into it and see whether we can improve. But I will make an appeal, as we should also learn how to store water. We have now the water tank scheme, and those who cannot afford it will be able to obtain a help.

#### KEWAL NAGAR & OLIVIA - PAVEMENT & STREET LIGHTING

**Mr J. Seetaram (Second Member for Montagne Blanche & GRSE):** Mr Speaker, Sir, my question would concern the hon. Minister of Local Government and Outer Islands and the hon. Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. It concerns the new installation of street lighting from Kewal Nagar to Olivia. It is a danger for the public at night, as it is very dark and there are trees on both sides of the road. The public usually uses that road to travel from Kewal Nagar to Olivia back and forth and, at night, it is a problem, and there is also no pavement on either side of the road. I am making an appeal to the hon. Ministers to look into the matter and see whether installation of street lighting can be done in that area from Kewal Nagar to Olivia, and whether pavements also can be put, just to avoid this risk for the public that uses that road at night, mainly around 8.00 to 9.00 when the traffic is quite consistent.

**The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, I am not aware whether we have any other village between Kewal Nagar and Olivia. If that is not the case, it is impossible for us to put up a footpath. But, as far as street lighting is concerned, we will have a look at it.

#### **ST LOUIS AVENUE, QUATRE BORNES - 'NO ENTRY' SIGN**

**Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes):** M. le président, je souhaite adresser une requête au ministre des infrastructures publiques concernant une doléance de la part des habitants de l'avenue St Louis à Quatre Bornes afin que la direction du 'No Entry' sign soit inversée, car du rond point de St Jean jusqu'à Rose Hill, il n'existe aucune entrée pour pénétrer la région de St Louis, et cela cause pas mal d'inconvénients aux habitants de la région.

**The Minister of Public Infrastructure, Land Transport and Shipping (Mr A. Bachoo):** Mr Speaker, Sir, this is a very technical issue, and I will have to take it up with the TMRSU.

*At 7.37 p.m. the Assembly was, on its rising, adjourned to Tuesday 29 March 2011 at 11.30 a.m.*

### **WRITTEN ANSWERS TO QUESTIONS**

#### **ICTA - CHAIRPERSON**

**(No. B/2) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Information and Communication Technology Authority, he will, for the benefit of the House obtain from the Authority, information as to the name of the Chairperson thereof, indicating, since 2005 to date, the

- (a) allowances drawn;
- (b) number of meetings held, and
- (c) number of overseas missions undertaken, giving details of the expenditure incurred in relation thereto.

**Reply (Minister of Information and Communication Technology):** For the period January 2005 to date, the Board of the Information and Communication Technologies Authority has had two Chairpersons, namely, Mr Dev Ramdeo Erriah for the period January to July 2005 and Mr Trilok Dwarka from 16 December 2005 to date. During the seven-month period extending from January to July 2005, Mr Erriah, the then Chairperson, drew total allowances to the tune of Rs480,410, including fees paid to him as Chairperson of the Postal Authority and as Chairperson of the Radio Frequency Management Committee, and also a travelling allowance. Mr Erriah chaired ten Board Meetings of the ICT Authority and six Board Meetings of the Postal Authority, and during that period of January to July 2005, that is seven months, he proceeded on mission overseas on 11 occasions, involving Rs202,921 as cost of air tickets and Rs396,437.25 *as per diem*.

From August to 15 December 2005, the position of Chairperson remained vacant.

Mr Trilok Dwarka was appointed Chairperson of the Board of the Information and Communication Technologies Authority on 16 December 2005. To date, he is still the Chairperson. During the period December 2005 up to end of February 2011, he has drawn allowances to the tune of Rs6,465,209, including fees payable to him as Chairperson of the Postal Authority, the Radio Frequency Management Committee, the National Cyber crime Prevention Committee and the Staff & Remuneration Committee, as well as a Member of the Universal Service Fund Management Committee. The fees also include a travelling allowance.

Mr Dwarka has chaired 80 Board Meetings of the ICT Authority, 22 Board Meetings of the Postal Authority and 18 committee meetings since his appointment till now. During that

same period, that is from December 2005 to date, he has proceeded on 23 missions overseas, involving expenditure of Rs1,521,085.00 as cost of air tickets, Rs1,396,522.56 as *per diem* and Rs88,293.67 as participation fee.

### ELECTORAL REFORMS

**(No. B/10) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Electoral Reforms, he will state if he has started consultations in relation thereto and, if so, where matters stand.

**Reply:** Electoral reform remains on our agenda.

In the electoral manifesto of the *l'Alliance de l'Avenir*, it is mentioned that we intend to have wide consultations about electoral reform.

It is also mentioned in the Government Programme of 2010-2015.

Let me quote paragraphs 5 and 6 of the Government Programme.

Para 5 -

“The Constitution we inherited from the founding fathers of the nation has served us well. However, no matter how well our institutions may be seen to be functioning, they need to be adjusted to help the country face new challenges. We need a constitutional regime that will strengthen our democracy, promote nation-building and further entrench the fundamental rights and freedom of all Mauritians”.

Para 6 -

“As part of this process of constitutional review, Government will start wide-ranging consultations and will appoint a team of constitutional experts which will assess the application of the Constitution since 1968 and consider the appropriate constitutional reforms, including the reform of our electoral system”.

In my reply to PQ 1B/376 last August, I stated that the process of consultations on electoral reform has started internally.

As I said before, this is not a matter upon which we should embark lightly. There are deep implications; Rodrigues is a glaring example of what can go wrong.

We need wide consultations, not just among ourselves but also with Constitutional experts.

In fact, the former Government elected in 2000 set up a Commission on Constitutional and Electoral reform under the chairmanship of Justice Albie Sachs of the Constitutional Court of South Africa.

However, nothing came out of it because of disagreements between the partners in Government.

We intend to have further consultations with Constitutional experts both international and local.

In this regard, Professor Carcassone, who is a French Constitutional expert, will be in Mauritius in mid April so that he can give us his preliminary views on the matter. He will be given a copy of the Sachs Report as well.

Once the preliminary consultations with these constitutional lawyers have taken place, then we shall be in a position to have consultations among the different political parties in the National Assembly as well as invite the views of others.

Therefore, as I explained before, no precise time-frame can be set.

However, I strongly believe that if we are to embark on electoral reform, it should not come on the eve of the next general elections in 2015. Otherwise, it might appear as if we are changing the goal posts just prior to the general elections. The whole purpose is to strengthen democracy not weaken it.

#### **CANDOS HILL - SPECIAL MOBILE FORCE FIRING RANGE**

**(No. B/11) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he is aware that the Special Mobile Force Firing Range at Candos Hill is a source of disturbance for the residents in the surroundings and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to whether consideration will be given for its delocalization.

**Reply:** In my reply to Parliamentary Question B/296 on 29 April 2008, I indicated that, in the interests of the local inhabitants and their safety, Government had decided to relocate the Gallery Range at Candos to an alternative site.

Accordingly, a site has been identified in the vicinity of Midlands Dam. The new site is of an extent of about 330 *arpents* of State land. Out of the 330 *arpents* of State land, 34 *arpents* have been leased to La Chartreuse Tea Manufacturing Company Limited, of which some 20 *arpents* are being occupied by 20 *metayers*. Two *arpents* have been leased to two tea planters.

The Ministry of Agro-Industry and Food Security is making necessary arrangements to resume possession of the State land for eventual vesting with the Police Department.

I am informed that the planning and design phases for the construction of the Gallery Range at Midlands have been completed. Necessary funds have already been earmarked for that purpose during this Financial Year.

An Indian expert has been deputed to Mauritius for the planning and construction of the New Gallery Range.

However, pending the construction of the New Gallery Range at Midlands, the Gallery Range at Candos is currently being used with six firing lanes instead of eight, of a range of 300 metres instead of 600 to avoid possible risks of endangering life and property in its immediate vicinity.

#### **UNITED NATIONS OFFICE ON DRUGS & CRIME - WORLD DRUG REPORT**

**(No. B/12) Mr V. Baloomoody (Third Member for GRNW West & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he has taken cognizance of the latest World Drug Report of the United Nations Office on Drugs and Crime in which Mauritius has been ranked first in Africa for the second consecutive year for drug abuse and, if so, will he state the actions Government is proposing to take to strengthen the fight against drug abuse.

**Reply:** I have taken note of the latest edition of the World Drug Report, which was released by the United Nations Office on Drugs and Crime on 23 June 2010 where Mauritius is ranked among the countries with the highest prevalence of opiate use in Africa.

I indicated to the House, in reply to Parliamentary Question 1B/272 on 13 July 2010, on this very issue that the UNODC itself has admitted that the 2010 edition of its report presents certain limitations such as irregularity and incompleteness in reporting by Member States; the irregular intervals at which some Governments report may result in absence of data in some years; the lack of regular data, for which UNODC tries to compensate by referring to other Government sources which can influence the reported trend in a given year; submitted questionnaires are not always complete or sufficiently comprehensive; and the wide range of the data collected are themselves subject to limitations and biases. These factors, no doubt, affect the quality, the quantity and the comparability of information received.

In the report, mention is made of Mauritius amongst countries in the region with the highest prevalence of opiate use. However, the figures mentioned for Mauritius in the 2010 Report date back to 2007. On the other hand, for other African countries with which Mauritius has been compared, figures mentioned date back to between 2001 and 2006. In some cases, no mention of any figures has been made in the absence of recent reliable statistics. The figures contained in the 2010 World Drug Report in respect to Mauritius do not reflect the current drug situation in the country. In fact, the figures of 2007 have been used to analyse the situation in 2010 and even the figures of 2007, they were not collected in 2007 but in previous years. Therefore, the figures relating to Mauritius contained in the report are misleading.

The attention of the UNODC has been drawn to the shortcomings contained in the report in respect of Mauritius.

It is worthwhile to note that, in 2004, a Rapid Situation Assessment and Response and Substance Abuse carried out in Mauritius, with the assistance of a consultant from the UNODC, estimated that the number of injecting drug users in Mauritius among those aged 15-54 years as being between 17,000 and 18,000. Another survey carried out in 2009, still with the assistance of the UNODC and the World Health Organisation, estimated this figure as being in the range of 5,699 to 10,444, which represents a decrease of more than 50% as compared to figures for the year 2004. We can safely reach the conclusion that there has been a decrease in the number of opiate drug users during the past five years.

I would like to inform House that, according to the International Narcotics Control Strategy Report 2011 released by the United States Department of State on 03 March 2011, the

country report on the situation of illicit drug trafficking in Mauritius reveals that Mauritius is not a major producer or exporter of illegal drugs, or a transit route for drug trafficking. Moreover, in regard to money laundering and financial crimes, the report indicates that Mauritius is in the “Other Jurisdiction Monitored”, a category where countries and jurisdictions observed do not pose an immediate concern.

My Government recognises that the drug problem is a global challenge and poses a serious threat to health, development and security to citizens of all countries. To address this problem, a multi-dimensional strategy has been adopted, geared towards supply and demand reduction, education, treatment and very importantly, rehabilitation.

On the supply reduction front, the Anti-Drug and Smuggling Unit, assisted by other Units and Branches of the Police Department, the Customs Department and the Mauritius Post Limited continue to clamp down on drug traffickers with systematic surveillance and making optimal use of advances of technology for tracking such offenders.

We are having positive results through the repressive measures taken by the law enforcement agencies. The figures speak for themselves. The number of persons arrested in connection with drug-related offences has increased from 1,504 in 2000 to 1,899 in 2010. The large quantities of illicit drugs have also been seized, for instance, in 2010 about 3 kg of heroin, 55 kg of cannabis and 20,301 tablets of subutex were seized.

International cooperation and coordinated action are needed to address the worldwide challenge posed by drug trafficking and transnational organised crime. In this regard, effective liaison is being maintained with neighbouring countries, regional and international organisations to ensure the exchange of intelligence and expertise.

Insofar as legislative framework is concerned, we are coming forward shortly with a new Asset Recovery Bill, which addresses difficulties currently being encountered for the forfeiture of assets of drug dealers. The Bill will provide for the recovery of assets which are proceeds or instrumentalities of crime, of terrorist property, even in the absence of a criminal conviction.

On the demand reduction and prevention side, we are continuing our prevention campaigns on substance abuse in schools, the youth, in families, in work places and in the communities.

In regard to treatment and rehabilitation of drug addicts, I am informed that NATReSA, in collaboration with other NGOs, is providing such facilities through 10 centres, including two in Rodrigues. In addition, there are three drop-in centres which provide counselling and support services. These services are provided free of charge both on a day care or on a residential basis.

Moreover, the Ministry of Health and Quality of Life, in collaboration with the NATReSA, has put in place a comprehensive harm reduction programme. This programme includes the Methadone Substitution Therapy and the Syringe and Needle Exchange Programme, which started in 2006.

As I have repeated on many occasions, the fight against the drug scourge should concern each and everyone of us. This should not be a partisan issue. We, in the Government, have the political will to combat the drug scourge but we need the support and collaboration of each and everyone to guarantee success.

#### **WOMEN - DECISION-MAKING LEVEL**

**(No. B/13) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the representation of women at decision-making level, he will state the additional measures Government proposes to take for the uplifting thereof.

*(Withdrawn)*

#### **EQUAL OPPORTUNITIES ACT - AMENDMENTS**

**(No. B/14) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the proposed amendments to the Equal Opportunities Act, he will state where matters stand.

*(Withdrawn)*

#### **TSUNAMI EMERGENCY SCHEME - NATIONAL PREPAREDNESS PLAN**

**(No. B/15) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the National Preparedness Plan under the Tsunami Emergency Scheme, he will -

- (a) give details of the warning systems in force as at now;
- (b) state whether an audit thereof has been carried out and, if so, when, and
- (c) indicate the initiatives, if any, Mauritius has taken to foster Regional and International Cooperation in connection therewith.

**Reply:** In regard to part (a) of the question, the Cyclone and Other Natural Disasters Scheme 2010-2011 issued by my Office in November last provides for a warning system for tsunami.

Under existing arrangements, Tsunami Bulletins are issued by the Mauritius Meteorological Services and are based on advisories received from the Japan Meteorological Agency and the Pacific Tsunami Warning Centre.

The warning system for tsunami consists of three stages, namely -

- (i) Tsunami Watch Bulletin
- (ii) Tsunami Warning Bulletin
- (iii) Tsunami Termination Bulletin

The Tsunami Watch Bulletin implies that a strong earthquake has occurred in a region adjacent to the Indian Ocean and the likelihood of a tsunami being generated is evoked. This bulletin is issued as a means of providing an advance alert to areas that could be impacted by destructive tsunami waves. Members of the public, sea-goers and fishermen, in particular, are advised not to venture out at sea or on the beach; boats should be secured ashore and vessels are advised to proceed off lagoon. The situation is closely monitored. Watches are updated, as and when new information is received.

The Tsunami Warning Bulletin confirms that a destructive tsunami will affect Mauritius/Rodrigues within the next 5-7 hours. In case the incident point is closer to Mauritius/Rodrigues, the lead-time will be correspondingly lesser. Plan for the evacuation of vulnerable coastal areas will be implemented.

The Tsunami Termination Bulletin is issued after confirmation has been obtained to the effect that there is no significant danger of tsunami waves hitting the coasts.

In regard to part (b) of the question, the Central Cyclone and Other Natural Disasters Committee under the aegis of my office is responsible for updating the tsunami warning system after consultation with all relevant stakeholders.

The Tsunami Emergency Scheme was last updated in October 2010, and was subsequently presented to Government for endorsement.

The audit of the tsunami warning system is carried out by way of simulation exercises both with local and international stakeholders.

Locally, tsunami simulation exercises are carried out on a regular basis and involve all stakeholders including the police, the local authorities and the Mauritius Red Cross Society.

On the regional front, a case in point is the tsunami simulation exercise “*Indian Ocean Wave 09*” organised by the Intergovernmental Coordination Group for the Indian Ocean Tsunami Warning and Mitigation System on 14 October 2009 for 18 countries around the Indian Ocean Rim, including Mauritius.

The simulation exercise aimed at identifying weaknesses and areas for improvement, with a view to enhancing preparedness and improving coordination throughout the region. It thus provided an opportunity for the Mauritius Meteorological Services and other local stakeholders to test their operational lines of communications, review their tsunami warning and emergency response standard operating procedures, and promote emergency preparedness.

The feedback obtained, following this simulation exercise, indicated that all stakeholders in Mauritius responded in a timely manner to the warnings issued by the Mauritius Meteorological Services.

The last audit was carried out on Wednesday 16 March 2011, that is, last week, by the UNESCO Intergovernmental Coordination Group for the Indian Ocean Tsunami Warning and Mitigation System for Regional Tsunami Warning Centres, in which the Mauritius Meteorological Services successfully participated. This main objective of this exercise was to validate dissemination processes for tsunami bulletin notification messages between the Regional Tsunami Watch Providers and the National Tsunami Warning Centres.

The next exercise is due to be conducted in October 2011.

In regard to the last part of the question, different initiatives at international and local levels have been taken to reinforce the Tsunami Emergency Scheme.

Following my participation in the Clinton Global Initiative in 2006, I personally forwarded to the US former President Clinton an action plan for the setting up of a Tsunami Early Warning System in Mauritius. Under this project, Mauritius was granted an overall budget of US\$ 332,463, which has been used for the purchase, installation and commissioning of tide gauges, procurement of siren and satellite communication systems, purchase of radios for fishers and for the training of personnel, among others. These items of equipment and the acquisition of the technical skills have greatly contributed to strengthen national capacity for Tsunami Early Warning and Response Systems.

During my visit to the Nanyang Technological University of Singapore in September last, I visited the Earth Observatory of Singapore, which comprises the Faculty for Catastrophe Risk Management. After discussions, I invited the Director to undertake a complete risk assessment for Mauritius and Rodrigues in the event of a tsunami. The Director has responded positively to my request, and the Mauritius Oceanography Institute has already submitted all relevant data to the Singapore authorities to enable them to carry out a Tsunami Risk Assessment for Mauritius.

During my official visit to Reunion Island in January this year, the functioning of the “*Centre Opérationnel de la Préfecture pour la Gestion des Catastrophes*” was presented to my delegation. Arrangements for dealing with natural catastrophes were explained. I informed the French side that a Disaster Management Centre has already been established in Mauritius under the responsibility of the Commissioner of Police, and that I looked forward to greater collaboration between the two institutions.

The French side has agreed to our proposal for assistance in the formulation of a coordinated action plan to deal with problems relating to natural disasters, as well as assistance in the setting up of a proper legal and institutional framework to deal with such issues. The modalities for such assistance were finalised with the “*Préfet de la Reunion*” during his official visit to Mauritius last week.

For its part, the Indian Ocean Commission is implementing a project “*Prévention et Gestion des risques et des catastrophes naturelles*” as a regional initiative for early warning system for tsunami. This project provides, *inter alia*, for the exchange of information, training

and improvement of the level of preparedness and response to natural calamities, including tsunamis.

With a view to further enhancing cooperation for early warning arrangements for tsunami, my Office has already signed a Memorandum of Understanding with the Indian National Centre for Ocean Information Services. This MoU provides for the establishment of cooperative linkages between the Mauritius Meteorological Services and the Indian Institute, especially for tsunami early warning arrangements and preparedness, mitigation of tsunami hazards, as well as exchange of advisories/information/data necessary for tsunami warning.

### **ROUTE DES PAMPLEMOUSSES - TRAFFIC CONGESTION**

**(No. B/16) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to road traffic at Route des Pamplemousses, Port Louis from its junction with Cité Laval Street to the Abercrombie Roundabout, he will state if he is aware of the acute traffic congestion thereat during peak hours in the morning and in the afternoon and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the posting of Police Officers thereat for the monitoring thereof.

**Reply:** I am informed by the Commissioner of Police that, during peak hours, i.e. between 07.00 and 10.00 hours and 15.00 to 18.00 hours, approximately 10,000 vehicles coming to and from the Northern and Eastern regions via Terre Rouge use the stretch of Pamplemousses Street, Port Louis, from its junction with Cité Laval Street to Abercrombie Roundabout, to enter the city centre and vice versa. Consequently, the traffic is slow and even stagnant for brief intervals along this stretch of the road.

It must be brought out that buses from the North and the East form a large part of the traffic. They embark and disembark passengers at some four bus stops found along this stretch of the road, and there is only one bus stop with a proper lay-by off the road. Other businesses, shops, schools and the Cité Martial fair, found on the same stretch of the road, also add to the vehicular flow.

During peak hours, two police officers perform fixed point duties along that stretch of Pamplemousses Street as follows -

- one at the junction of Bernardin de St Pierre Street from Vallée des Prêtres, and
- one at the junction of Nicolay Road.

In addition, two riders from the Divisional Traffic Police, and two riders from the Traffic Branch perform mobile patrols on the stretch of that road, as well as the adjoining roads to ensure traffic fluidity.

The traffic congestion problem along that stretch results from the limited capacity of the road to accommodate the intensity of the traffic flow during peak hours, and will not be alleviated by the posting of more police officers thereat.

However, in the long term with the implementation of the Ring Road and Terre Rouge-Verdun projects, it is forecasted that the vehicle load along this road will be reduced by some 40% resulting in a more fluid traffic.

#### **BELLE TERRE - INCIDENT - 01 MARCH 2011**

**(No. B/17) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the incident which occurred on or about 01 March 2011 at Belle Terre in the course of which two vehicles were destroyed by fire, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if any Police inquiry has been carried out thereinto and, if so, the outcome thereof.

*(Vide reply to PNQ)*

#### **POLICE FORCE - PROMOTION EXERCISE**

**(No. B/18) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of -

- (a) Police Constables
- (b) Police Sergeants, and

- (c) Police Inspectors who sat for the last promotional examinations, indicating the dates thereof in each case.

*(Vide reply to PQ No. B/6)*

### **RÉUNION ISLAND - MAURITIAN NATIONALS - VISA**

**(No. B/21) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the visa for Mauritian nationals travelling to Réunion Island, he will state if he proposes to hold discussions with the authorities in Réunion Island with a view to facilitating the procedural requirements for the obtention thereof.

**Reply (The Prime Minister):** I wish to inform the House that, prior to 2007, Mauritian nationals had to obtain a visa before travelling to Réunion Island. My government initiated discussions with the French authorities for relaxation of entry requirements for Mauritian nationals, and in April 2007, the Government of the Republic of France and the Government of the Republic of Mauritius signed an agreement with a view to facilitating the movement of Mauritian Nationals to Reunion Island. The Agreement made provisions for Mauritian nationals to be exempted from visa for a stay of 15 days in Réunion Island. A maximum period of stay of 120 days was allowed in a calendar year, provided that there was an interval of minimum seven days between each trip. The Agreement entered into force on 01 December 2007.

The following requirements have to be complied with by Mauritian nationals -

- (i) they must hold a valid passport for the duration of their stay in Réunion Island;
- (ii) they must have a valid return passage ticket;
- (iii) they must confirm booking for hotel room or an original sponsorship letter for accommodation, known as a "*certificat d'hébergement*";
- (iv) they should have sufficient funds to meet the cost of stay, that is, a minimum daily amount of Euro 56.20 for persons staying in a hotel and Euro 28.10 for persons staying at the place of friends or relatives;
- (v) they must have a travel insurance cover for a minimum amount of Euro 30,000, and

- (vi) for persons travelling on business, they need to produce appropriate documentary evidence.

In December 2009, the French authorities further relaxed the movement of Mauritian nationals to Réunion Island, whereby the traveller is entitled to a stay of three months in a period of six months.

I understand that the difficulty faced by some Mauritian nationals travelling to Réunion Island is that they produce to the immigration authorities in Réunion Island only a copy of the “*certificat d’hébergement*” and not the original one. In the absence of the original document, the Mauritian national is not granted authorisation to enter Réunion Island and is sent back to Mauritius.

The Ministry of Foreign Affairs, Regional Integration and International Trade has approached the “*Préfet de la Réunion*” for greater flexibility in the implementation of entry requirements for Mauritian nationals.

Also, during my visit in Réunion Island in January last, new synergies for greater cooperation have been created at the highest level. It is proposed to open a Consulate-General of Mauritius in Réunion Island with a view to further enhancing relations between the two sister islands and addressing consular issues in a more effective manner.

In this context, a “*Groupe de contact*” has been set up comprising high officials from Réunion Island and Mauritius which will discuss important bilateral issues. The first meeting of the “*Groupe de contact*” was held in Mauritius on 14 March 2011 and has amongst other things established a sub-committee to look at the facilitation of movement of people between our two islands as well as cooperation for marketing jointly our two islands as a complementary tourist destination. The issue of ‘*certificat d’hébergement*’ will be again taken up by the sub-committee.

#### ***LA FONDATION POUR LA FORMATION DU FOOTBALL - FUNDS***

(No. B/46) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to *La Fondation pour la formation du football*, he will give details of the present financial situation of the *Fondation*, indicating the -

- (a) funds raised, and

- (b) expenses incurred in projects, since the setting up thereof.

**Reply:** The *Fondation pour la Formation du Football* is a charitable Trust duly registered according to the Trust Act 2001 and is not accountable to my Ministry. However, upon my request, the Chairman of the *Fondation* has given the following information -

- (i) as at date, the Foundation has raised Rs11 m. since its creation in 2008;
- (ii) the above amount has been spent in financing national projects for the development of football in general, including -
  - (a) setting up of around 70 *Ecoles de foot*, 13 regional technical centres and one national technical centre, known as the *Centre Technique National Francois Blaquard*;
  - (b) supply of football equipment, and
  - (c) organising regular competitions for our young football players.

#### **EMPLOYMENT RIGHTS ACT & EMPLOYMENT RELATIONS ACT - AMENDMENTS**

**(No. B/47) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the proposed amendments to the Employment Rights Act and Employment Relations Act, he will state where matters stand.

**Reply:** I would like to refer the hon. Member to the reply made to PQ 1B/625, wherein I informed, among others, that the proposals received from stakeholders in the context of the amendments to be brought to the labour legislation were being examined at the level of my Ministry. This exercise has already been completed and Government has set up a High Powered Committee under the chairpersonship of the Deputy Prime Minister and Minister of Energy and Public Utilities to re-examine the proposals received. Once the High Powered Committee completes its assignment, consultations will be held with relevant stakeholders at the level of the National Tripartite Forum prior to the introduction of the amendment Bills into the National Assembly.

#### **MOGAS & DIESEL - PRICE**

(No. B/48) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the retail price of mogas and diesel respectively, he will state -

- (a) the absolute and percentage increase in the rupee amount per litre that has been caused by the Budget measures in respect of excise duty and VAT;
- (b) the percentage contribution of Government taxes, levy and non-operational charges to the rupee price per litre, and
- (c) whether it is proposed to reduce the excise duty and VAT or any other charges on petroleum products and, if not, the reasons therefor.

**Reply:** In the 2011 Budget, the rates of excise duty on mogas and on diesel were increased, but not the rate of VAT.

The increase in excise duty on mogas was Rs1 a litre, whilst the increase for diesel was 30 cents. In addition, the MID levy on those products was increased by 15 cents.

In respect of mogas, the current retail price is higher than the pre-budget price by Rs6.60 for each litre. Allowing for VAT, the total increase in taxes on a litre of mogas after the budget measure is Rs1.32 only. Thus, only 20% of the increase in the price of mogas is due to budget increase in government taxes.

In respect of diesel, the retail price has increased by Rs8 per litre against the pre-budget price, whilst total increase in taxes, including consequential impact on VAT, amounts to 52 cents only. Thus, the tax measures have contributed to only 6.5% in the increase in the retail price.

Regarding part (b) of the question, the percentage contribution of government taxes, levy and non-operational charges to the retail price per litre has in fact fallen since the Budget.

- For mogas, it is currently at 47%, compared to 49% prior to 2011 budget.
- For diesel, the percentage contribution is presently 36% against 39% before the 2011 budget.

As regards part (c) of the question, the reply is no.

The House should be aware that the rates of excise duty on mogas and diesel have remained fixed in rupee terms at Rs9.80 and Rs3.00 respectively for nearly a decade now, that is,

since 15 June 2002. During the period 2002 to 2010, cumulative inflation has been 67%, which has led to significant erosion in the real value of tax collection. As a careful and responsible government, we have however adjusted the rate by only 10% in the last Budget.

Before 15 June 2002, excise duty was levied on an *ad valorem* basis, at the rates of 150% for mogas and 25% for diesel. In other words, the rupee amount of excise duty was not constant but varied with the import price of those petroleum products. On that basis, had the excise duty structure not been kept in constant rupee terms, the weight of excise duty on the retail price of mogas would not have been at 21% currently but would have been 48%. Likewise, for diesel, the burden would have been 25% instead of the current 7.6%.

Regarding VAT, as the hon. member is aware, it has been levied at a single rate, irrespective of the good or service, since its introduction in 1998; and even before that date, under the Sales Tax. There is no plan to bring any change to that long-standing policy.

#### **CWA - BOARD MEMBERS**

**(No. B/49) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Water Authority, he will, for the benefit of the House, obtain from the Authority, information as to -

- (a) the names of the members of the Board thereof, indicating their professional status;
- (b) the name of the Chairperson, indicating the terms and conditions of his appointment, and
- (c) whether the Authority has recruited a General Manager and, if not, why not.

**Reply:** With regard to part (a) of the question, I am tabling the information.

As regard to part (b), since December 2010, Mr Meckduth Chumroo is acting as Chairperson of the Central Water Authority Board pending the appointment of a substantive Chairperson. He is drawing a monthly fee of Rs18,000. The official car which was used by the former Chairperson has been put at his disposal. He is entitled as the previous Chairperson to a petrol allowance of Rs7,690.

The post of General Manager will be advertised shortly.

### NTC - FINANCIAL SITUATION

(No. B/50) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to -

- (a) the present financial situation of the Corporation;
- (b) the amount due, if any to Government, and
- (c) the number of buses -
  - (i) in running condition, and
  - (ii) lying idle

*(Withdrawn)*

### HSC - ADMISSION CRITERIA

(No. B/51) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Education and Human Resources whether, in regard to the Sixth Form classes and the HSC course of study, he will state -

- (a) the reasons behind the decision for lowering the entry requirement thereto, indicating when the decision was announced, and
- (b) whether GCE “A” Level in two subjects is now being considered as an alternative.

**Reply:** As the House is aware, the Government Programme 2010-2015 underscores the need to improve access to upper secondary education through the establishment of new and innovative pathways either in the academic or technical/vocational stream for students who have successfully completed School Certificate/GCE ‘O’ Level.

The implementation of this measure involves the provision of new opportunities for a greater number of students to access upper secondary and post-secondary education, by introducing more flexibility in the system without compromising on the quality of education and its outputs.

Prior to 2011, the criteria applicable for promotion to Lower Six and which were based on 4 credits at School Certificate/G.C.E 'O' Level was a constraint to many students who were denied the possibility of having access to H.S.C/G.C.E 'A' Level Studies, in our secondary schools. However, under the previous formula, students having 3 credits at S.C/G.C.E 'O' Level were exceptionally allowed to be promoted to Lower Six only in the following circumstances -

- (i) in the event of a repeat at Form V level, they would thereafter be disqualified by virtue of their age for promotion to Lower Six that is, they should not have reached the age of 19 on 01 January in the year they are admitted to Lower Six;
- (ii) in case they have already repeated Form V and because of internal rules, they cannot repeat more than once.

This constraint faced by many students having 3 credits had to be addressed holistically in as much as seats were available in both State and private secondary schools in the relevant subject combinations offered.

The criteria had, therefore, to be reviewed such that all students having passed SC/GCE 'O' Level with 3 credits be allowed to join Lower Six, subject to their satisfying the requirement for subject combination as well as the age criterion.

In parallel with this strategic decision, we are advising students to further improve their 'O' Level qualification by sitting for the SC/GCE 'O' Level exams preferably while being in Lower Six.

As Members may be aware, a policy announcement was made in early 2010 on the provision of increased opportunities for students to follow HSC programs. Following a Government decision on 28 January 2011, the new criteria were formalised.

This measure will further facilitate access to education at post-secondary and tertiary levels in line with our vision to have a Gross Tertiary Enrolment Ratio (GTER) of 72% in 2015. It is worthwhile mentioning that most universities accept admission with 2 'A' Levels, and it is increasingly becoming a worldwide trend. I am pleased to inform the House that this new measure has benefited more than 1500 students having less than 4 credits and who have been promoted to Lower Six.

With regard to part (b), the major concern is to obviate the wastage of precious human resources and improve efficiency in the system. We have come across a number of cases whereby students, despite having met the minimum requirements for promotion to Lower Six, are not eligible for any subject combination in their school by virtue of their results.

As a result, under the previous conditions these students would have had to repeat Form V or else, leave the school in case they had already repeated the class or were over-aged.

With a view to offering such students the opportunity to obtain 'A' Level qualifications in a minimal number of subjects, it has been decided to review the current practice and allow them exceptionally to join Lower VI with 2 subjects at 'A' Level, 2 subjects at Advanced Subsidiary (AS) level and General Paper.

These students are being allowed to sit for at least 2 subjects at Principal Level. As for students who have passed in 2 subjects at GCE 'A' Level, their qualification is equivalent to the same 2 subjects offered at HSC Level.

The House would appreciate that, failing to usher in this measure, would have deprived many of our students with three credits of the opportunity to follow HSC classes and ultimately have access to post-secondary or tertiary education. We believe that the majority of these students come from deprived areas or from needy families. Education is in fact their major leverage to ensure upward social mobility. Hence, denying these students the possibility of promotion to Lower Six may further push them deeper into poverty instead of empowering them which is the primary mission of education.

I wish to reiterate that the criteria for having a minimum number of credits are not *per se* a requirement of Cambridge. It was rather a decision taken administratively years ago, in view of a limited number of seats available in Lower VI in those days.

Today, the situation has changed, and now that we have more than enough seats, there is no reason why students, especially the needy, should be deprived of such opportunities.

### **MED POINT CLINIC - ACQUISITION**

**(No. B/52) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Health and Quality of Life whether, in regard to the acquisition of the Med Point Clinic by the State, she will state -

- (a) when the decision was taken;
- (b) the initial and final valuation, indicating in each case, the name of the valuer;
- (c) when payment was effected, indicating the amount thereof, and
- (d) whether the medical equipments were assessed and, if so, when and by whom.

*(Vide reply to PNQ)*

### **MED POINT CLINIC - ACQUISITION**

**(No. B/53) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the acquisition of Med Point Clinic, by the State, he will state if -

- (a) his Ministry was involved in the transaction, and
- (b) officers of his Ministry sat on or presided any committee in relation thereto.

*(Vide reply to PNQ)*

### **TROU FANFARON POLICE STATION - RELOCATION**

**(No. A/1) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he is aware that the proposed relocation of the Trou Fanfaron Police Station to the Quay D Roundabout will cause hardships to the members of the public due to its remoteness and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for its relocation instead to the *Place Camions*, next to the Mariamen Temple, along the Abattoir Road, Port Louis.

**Reply:** I am informed by the Commissioner of Police that decision to relocate the Trou Fanfaron Police Station to a new site at Quay D Roundabout, Port Louis, has already been taken. In this regard, a plot of land of an extent of 4,200 m<sup>2</sup> belonging to the Mauritius Ports Authority has been identified. The construction of the new Police Station is planned for 2012.

I am also informed that the proposed site has been found to be suitable and meets the policing requirements for the region.

In regard to the site at *Place Camions*, next to the Mariamen Temple, along the Abattoir Road, Port Louis, I am informed by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping that the site has already been earmarked for extension of the existing Bus Station at Immigration Square.

#### **FLIC EN FLAC - CCTV STREET SURVEILLANCE SYSTEM**

(No. A/2) **Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, he is aware that some images cannot be properly captured by the CCTV Street Surveillance System installed in Flic en Flac due to the presence of trees and inadequate street lighting thereat and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the remedial measures that will be taken.

**Reply:** I am informed that the CCTV Police Information Operations Room carried out a routine survey of the CCTV Surveillance System at Flic en Flac.

The survey has revealed that 14 CCTV cameras were being obstructed by overgrown tree branches. Furthermore, there are six locations where there are insufficient street lighting, thus causing difficulties to view images at night.

The police have already requested the Black River District Council to make arrangements for trimming of branches of trees and also to increase the bulb capacity of the street lighting at the relevant locations.

#### **QUATRE BORNES - CCTV SURVEILLANCE SYSTEM**

(No. A/3) **Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Closed Circuit Television (CCTV) system installed in Quatre Bornes, he will, for the benefit of the House (a) obtain from the Commissioner of Police, information as to the number of cameras installed, indicating the streets covered and (b) if consideration will be given to extending the system to the adjoining and lateral areas of Quatre Bornes.

**Reply:** In regard to part (a) of the question, the CCTV Surveillance System in the region of Quatre Bornes is operational since 29 December 2009. The project comprises 39 cameras installed at strategic positions covering the following areas -

- (i) the stretch of road from St Jean along Royal Road, Quatre Bornes, to Victoria Hospital;
- (ii) the stretch of road from Avenue Tulip up to Hillcrest Avenue;
- (iii) the junction of Victoria and Ollier Avenues;
- (iv) the junction of Berthaud and R. Seeneevassen Avenues, and
- (v) the junction Palma Road and R. Seeneevassen Avenue.

In regard to part (b) of the question, the police have already worked out a priority list for extension of CCTV Surveillance System to other regions as follows -

- the towns of Beau Bassin and Rose Hill, and their adjoining areas;
- the tourist resort area starting from Belle Mare, passing through Palmar to Trou d'Eau Douce, including Ile aux Cerfs;
- the town of Curepipe and its adjoining areas and lateral areas;
- the Mahebourg Waterfront and adjoining areas;
- busy villages such as Goodlands, Central Flacq, Rivière du Rempart and Rose Belle which comprise market fairs and bus terminals and where socioeconomic and commercial activities are on the increase, and
- extension of the adjoining areas and lateral areas to the town of Quatre Bornes.

#### **RESIDENCE VALLIJEE - VOLLEYBALL PITCH**

**(No. A/4) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Local Government and Outer Islands whether, in regard to the construction of a social complex at Residence Vallijee on the volleyball pitch, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if a new volleyball pitch will be put up on an alternative site and, if so, if land has already been identified.

**Reply:** I am informed that the Municipal Council of Port Louis has decided to convert the existing basket ball pitch found at corner Cronin and Hazlitt Avenues, Residence Vallijee, into a basket ball cum volleyball pitch.

Currently, funds are not available, but the Finance Committee of the Council will, by end of April 2011, consider the possibility of funding the project from budgetary surplus when the amount will be known.

### **SILWF - CHAIRPERSON - CHAUFFEUR DRIVEN CAR**

**(No. A/5) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Sugar Industry Labour Welfare Fund, she will, for the benefit of the House, obtain from the Fund, information as to if the Chairperson of the Board is entitled to a chauffeur driven car and, if so, indicate overtime allowances paid to the driver since 2007 to date, on a yearly basis.

**Reply:** I am informed by the Sugar Industry Labour Welfare Fund that the Chairperson of the Board is not entitled to a chauffeur driven car.

However, as hon. Members of the House may be aware, the Sugar Industry Labour Welfare Fund (SILWF) operates 130 Community Centres across the island.

As it has always been the practice in the past, the Chairperson is called upon to attend activities and functions which are regularly organised in these centres for the local community. Moreover, the Chairperson has to attend meetings at the SILWF and the parent Ministry, as well as site visits.

With a view to facilitating the responsibilities of the Chairperson, the Sugar Industry Labour Welfare Fund has traditionally put a chauffeur driven car at his disposal, as and when required.

Overtime allowances paid to the driver who has conveyed the Chairperson for the period January 2007 to February 2011 are as follows -

<b>S/N</b>	<b>Month/Year</b>	<b>Rs</b>
(i)	January-December 2007	105,672.92
(ii)	January-December 2008	116,613.22
(iii)	January-December 2009	142,098.57

(iv)	January-December 2010	117,589.04
(v)	January-February 2011	24,110.62

It is to be noted that overtime allowances paid to the driver is calculated on hours worked and his salary, which has increased with the Pay Research Bureau (PRB) Report of 2003 and 2008.

The hon. Member may also wish to note that overtime allowances paid to the driver who has conveyed the Chairperson of the Sugar Industry Labour Welfare Fund in the years 2003 to 2006 are as follows -

S/N	Month/Year	Rs
(i)	January- December 2003	87,492.73
(ii)	January-December 2004	107,920.64
(iii)	January-December 2005	112,190.42
(iv)	January-December 2006	133,247.80

#### VACOAS/PHOENIX - STREET LIGHTING SYSTEM - INSPECTIONS

(No. A/6) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Local Government and Outer Islands whether, in regard to the street lighting system found on the motorways, classified and main roads falling under the jurisdiction of the Municipal Council of Vacoas/Phoenix, he will, for the benefit of the House, obtain from the Council, information as to -

- (a) if regular inspections are carried out at night to detect faulty street lanterns, and
- (b) whether it is proposed to put up additional ones for better visibility and road safety.

**Reply:** As regards part (a) of the question, I am informed that night inspections are carried out three times a week to cover the whole town within two weeks period, in order to detect any black outs and defective street lanterns along motorways, classified and main roads.

All defective lanterns are thereafter repaired within the next two working days, whereas blackouts are reported to the Central Electricity Board on the very next day for remedial action.

As far as the last part of the question is concerned, the Council continuously extends the street lighting network where night inspections have revealed that there are black spots and upon requests from members of the public.

#### **DR. MAURICE CURÉ SSS - BUS STOP**

(No. A/7) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the lay-by found near the Dr Maurice Curé State Secondary School, along the Saint Paul Road, Vacoas, in the direction of Phoenix, he will state if consideration will be given for the putting up of a bus stop thereat for the convenience of the school students.

**Reply:** I am informed that the existing lay-by located in front of Dr. Maurice Curé State Secondary School is already being used by the dedicated school buses catering for students attending that school.

Given that this lay-by has been constructed within the school premises, for the purpose of alighting and boarding of Dr. Maurice Curé SSS students exclusively, and for their own convenience, the question of converting it into a public bus stop cannot be considered on safety grounds.

#### **STANLEY/ROSE HILL - ROADS, PAVEMENTS & DRAINS**

(No. A/8) **Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he is aware of the bad state of the classified roads in Constituency No.19, Stanley and Rose Hill and, if so, will he, for the benefit of the House, obtain from the Road Development Authority, information as to the measures that will be taken, if any, for the upgrading of the roads, pavements and drains.

**Reply:** Resurfacing works along Vandermeersh Street A11 from Beau Bassin roundabout to its junction with Rose Hill roundabout was undertaken by the Road Development Authority in December 2010 and the road is in very good condition.

The main road Port Louis - A1 through the centre of Rose Hill is also in good condition. However, the Wastewater Management Authority has an ongoing project along Hugnin Road B76 from its junction with B75 at Rose Hill through Roches Brunes, Colonel Maingard to its junction with A1 at Beau Bassin and other classified roads in Constituency No. 19 and upgrading works cannot be undertaken at this stage.

#### **BEAU BASSIN/ROSE HILL - STREET LIGHTING SYSTEM - INSPECTIONS**

**(No. A/9) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the street lighting system on the motorways, classified and main roads falling under the jurisdiction of the Municipal Council of Beau Bassin/Rose Hill, he will, for the benefit of the House, obtain from the Council, information as to -

- (a) if regular inspections are carried out at night to detect faulty street lanterns, and
- (b) whether it is proposed to put up additional street lanterns for better visibility and road safety.

**Reply:** I am informed by the Municipal Council of Beau Bassin-Rose Hill that regular inspections are carried out at night on a fortnightly basis to detect faulty street lanterns along motorways, classified and main roads falling under its jurisdiction. All defective lanterns are thereafter repaired within a period of three days.

With regard to part (b) of the question, I am informed that the street lighting system within the township is adequate.

#### **CITE LA CURE - LEASE AGREEMENT**

**(No. A/10) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Minister of Housing and Lands whether, in regard to the lease agreement between the Ministry and the families occupying land behind the National Housing Development Company at Cité La Cure/Vallée des Prêtres, he will state whether they have been finalised and, if not, the reasons therefor.

**Reply:** 39 families occupying State land at Cité La Cure (behind the National Housing Development Company) were granted a building site lease over the subject in August 2005. Prior to the finalisation of the lease agreements, it was found that the site at Cité La Cure is prone

to flooding during heavy rainfall due to its proximity to Latanier River. Hence, in 2008, Government decided to relocate these 39 families to Karo Kalyptis, Batterie Cassée, Roche Bois for security reasons.

The plot allocation at Karo Kalyptis, Batterie Cassée, Roche Bois is expected to be finalised soon.

**MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT - PRIVATE  
OFFICE**

**(No. A/11) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether he will state if a private office has been set up at his Ministry and, if so -

- (a) when
- (b) the number of officers attached thereto, indicating their grades
- (c) the budgetary allocation, and
- (d) the tasks assigned thereto

**Reply:** There is no private office in my Ministry.

**VALLÉE PITOT - CANALS & DRAINS**

**(No. A/12) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he is aware that places in Vallée Pitot, namely Edwards and Alma Streets were flooded following the recent heavy rainfalls as a result of obstructions in various canals and blocked drains and, if so, will he state the remedial measures that will be taken.

**Reply:** NDU is aware of the flooding at Edwards and Alma Streets following recent heavy rainfalls. The Municipal Council of Port Louis has already taken appropriate action to clean the clogged canals and drains at Edwards Bridge and Alma Streets.

Moreover, emergency drain works in the area, namely at Upper Boulevard Hugon, Chalet, Pelte and Military roads are in the process of being awarded.

**HARRIS STREET, PORT LOUIS - SPORT COMPLEX**

**(No. A/13) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Youth and Sports whether, in regard to the sport complex in Harris Street, Port Louis, he will state -

- (a) if the construction works thereof
  - (i) have been stopped, and, if so, why
  - (ii) the expected date of resumption and
- (b) if he is aware that the construction materials found at the site have been washed away during the heavy rainfall blocking drains and causing flooding in the vicinity and, if so, the remedial measures that will be taken.

**Reply:** Construction works at the sport complex at Harris Street have been temporarily stopped due to abandonment of site by the contractor.

In fact, due to unsatisfactory performance of the contractor, my Ministry had notified him of its intention to terminate his contract unless all works are completed by 31 Dec 2010.

Thereafter, the contractor submitted a revised programme of work with 15 March 2011 as completion date.

However, as at that date, the contractor had failed to complete all outstanding works claiming inclement weather as justification and is absent on site.

My Ministry has therefore already initiated action to terminate the contract.

The outstanding works will now be entrusted to district contractors of the Ministry of Public Infrastructure, NDU, Land Transport & Shipping.

As regards part (b) of the question, I am informed that during the recent torrential rains rocks, debris, soil as well as construction materials have been washed away through the construction site to the drains.

My Ministry is taking necessary action for the clearing of the drains to prevent flooding.

#### **BEL OMBRE - PUBLIC BEACH - PARKING FACILITIES**

**(No. A/14) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Local Government and Outer Islands whether, in regard to the public beach at Bel Ombre, he will for the benefit of the House, obtain from the Beach Authority, information as

to whether there is any provision for parking facilities thereat and, if so, the details thereof and if not, why not.

**Reply:** I am informed by the Beach Authority that, in line with its objectives to provide parking facilities on all public beaches, it had prepared a concept plan for infrastructural development at Bel Ombre public beach, comprising among others construction of toilet block and parking facilities.

I am informed that a new toilet block has already been constructed during financial year 2010 whereas the parking project will be implemented during next financial year.

### **WAGE COMPENSATION - BENEFICIARIES**

(No. A/15) Mr K. Li Kwong Wing (Second Member for Beau Bassin and Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the wage compensation for 2011, he will state -

- (a) the number of
  - (i) old age pensioners
  - (ii) workers in the private and public sectors in each of the following categories earning up to Rs 5,000 per month, between Rs 5,001-12,000 per month, Rs 12,000-30,000 per month and above Rs 30,000 per month respectively benefitting therefrom and
- (b) if he is aware that the compensation has already been absorbed by the increase in the price of consumer goods and, if so, the action, if any, Government proposes to take to compensate for the loss of purchasing power in each category.

**Reply:** As regards part (a) (i), the number of old age pensioners, i.e. those above 60 years of age, as at end-December 2010 was estimated by the Central Statistics Office at 153,179.

As for part (a) (ii), according to the CSO, the number of workers in the private sector and in the public sector (i.e. central government, parastatal bodies, local authorities and Rodrigues Regional Assembly) as at end-December 2010 respectively is as follows -

<b>Monthly Salary Range</b> <i>(Rupees)</i>	<b>No of employees</b>

	<i>Private Sector</i>	<i>Public Sector</i>
Up to 5,000	83,600	940
5,001 to 12,000	153,200	24,260
12,001 to 30,000	71,000	61,570
Above 30,000	16,200	13,100
<b>Total</b>	<b>324,000</b>	<b>99,870</b>

As regards part (b), it has always been the practice to provide the yearly wage compensation on the basis of loss of purchasing power for the preceding financial year.

For the financial year 2010, the rate of inflation estimated by the CSO at the time of tripartite discussions was 2.7%. In spite of the difficult economic times, Government has in 2011 provided compensation at the rate of 3.2% for all those earning up to Rs5,000 per month, which is well above the inflation rate.

The same higher rate of compensation of 3.2% has been granted to all old age pensioners and all recipients of basic invalidity pensions, basic widows' pension and social aid.

For any loss in the purchasing power in the current financial year, compensation will be determined by the National Tripartite Mechanism for implementation as from 01 January 2012.

#### **CONSTITUENCY NO. 20 - LAND DRAINAGE PROGRAMME**

**(No. A/16) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Land Drainage programme in Constituency No.20, he will -

- (a) give a list of projects -
  - (i) identified;
  - (ii) under implementation, indicating in each case the region and project cost, and

- (b) state whether drain works at Butterfly street, Belvédère lane and the adjoining region of Belvédère, Beau Bassin are included in the list and, if so, when works are expected to start.

**Reply:** With regard to part (a) of the question, the projects identified are the following -

	<b>Region</b>	<b>Project</b>	<b>Estimated Cost (Rs)</b>
(i)	Epingle Street	Construction of Drains	7,000,000
(ii)	Napier Broome		500,000
(iii)	Cité Bethel		1,900,000
(iv)	Roussailles Road		500,000
(v)	Pavé d'Amour/ Goomany		5,000,000
(vi)	Seedoyal Lane (also includes Belvédère, Beau Bassin drain network)		29,000,000
(vii)	Verger Bissambar		1,000,000

There is no project under implementation during the Financial Year 2011 as priority of consideration has been given to emergency works in other flood-prone areas around the island.

As for part (b), drain works at Butterfly Street, Belvédère Lane and the adjoining region of Belvédère, Beau Bassin, are included in the drain network project of Seedoyal Lane. A first study reveals a very high cost around of Rs30 m. Further studies are being carried out to bring down the project cost to a reasonable level.

**ALBION VILLAGE - LAMP POSTS, CHILDREN'S PLAYGROUND & PUBLIC  
TOILET**

(No. A/17) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Local Government and Outer Islands whether, in regard to Albion village, he will, for the benefit of the House, obtain from the Black River District Council, information as to the action that has been initiated to -

- (a) effect repairs to lamp posts at Pellican Avenue on the landscaping area;
- (b) upgrade the children's playground, and
- (c) putting up of a new public toilet at Albion Public Beach.

**Reply:** I am informed by the Black River District Council that the solar switch of the street lighting system at Pelican Avenue, Albion was defective, and same has been temporarily repaired until its replacement by the Central Electricity Board. Furthermore, there were 20 "*boules de neige*" along the landscaping area which have been completely damaged. Electrical cables were partly stolen and the Council has disconnected the main power supply from the lighting network, as it represented a risk of electrocution to children playing in the vicinity and to the public at large. The Council will replace the damaged "*boules de neige*" upon availability of funds.

With regard to part (b) of the question, I am informed that the children playground is privately owned, and the Council is prepared to upgrade same subject to it being vested in the authority.

As far as part (c) of the question is concerned, I am informed that a new toilet block has already been constructed at the Albion Public Beach by the Ministry of Tourism and Leisure.

#### **MUNICIPAL COUNCIL OF VACOAS/PHOENIX - MAYOR'S FUND - DISBURSEMENTS**

(No. A/18) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Local Government and Outer Islands whether, in regard to the Mayor's Fund, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas/Phoenix, for the period October 2005 to date, information as to a breakdown of disbursements therefrom, indicating, in each case the -

- (a) names of the beneficiaries;

- (b) quantum thereof, and
- (c) purpose therefor.

**Reply:** The information requested by the hon. Member is being compiled by the Municipal Council of Vacoas-Phoenix, and will be placed in the Library as soon as same will be made available.

### **DR. REGIS CHAPERON SSS - REHABILITATION WORKS**

(No. A/19) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Education and Human Resources whether, in regard to the major rehabilitation and extension works to be carried out at the Dr. Regis Chaperon State Secondary School, he will state where matters stand in each case, indicating when works are expected to start.

**Reply:** Rehabilitation and extension works at the Dr. Regis Chaperon SSS are being carried out in two phases.

Phase I of the project consists of extension and related works to the existing building and comprises the following -

- (a) a new two storey toilet block;
- (b) a new three storey specialist room block that will accommodate one laboratory each for Biology, Chemistry, Physics and two computer rooms;
- (c) a boundary wall, and
- (d) covering of the canal crossing the school compound.

Tenders have already been floated in respect of the above works and the closing date is 23 March 2011. If everything goes on smoothly, works are expected to start by June 2011.

Phase II of the project will consist of rehabilitation of existing buildings and facilities. Survey works by the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping are ongoing and will be completed by mid-April 2011. It is expected, as per tentative implementation schedule, that tenders will be floated by September 2011. Works are expected to start in November 2011, should matters progress smoothly.

### **MORCELLEMENT MONTREAL, COROMANDEL - DRAINS**

(No. A/20) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Local Government and Outer Islands whether, in regard to drains in *Morcellement* Montreal, Coromandel, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to -

- (a) the expenses incurred for the construction of the drains along Emmaus Church;
- (b) the name of the contractor;
- (c) whether it has received complaints from the inhabitants in relation thereto and, if so, the remedial measures it intends to take, and
- (d) whether any other project for the construction thereof is envisaged in the region.

**Reply:** I am informed by the Municipal Council of Beau Bassin-Rose Hill that the total project cost for the construction of drains along Emmaus Church in *Morcellement* Montreal, Coromandel, was Rs2, 307, 245.70, and the contractor was Cimix Construction Ltd.

With regard to part (c) of the question, I am informed that the Council did receive minor complaints from the inhabitants of the region and same were attended to. Representations have also been made for the provision of additional drains in that region, and the request has been forwarded to the National Development Unit for its consideration.

#### **ALBION VILLAGE, CANOT VILLAGE & MORCELLEMENT LA CONFIANCE MAINGARD - FOOTBALL GROUNDS**

(No. A/21) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to football grounds in Albion village, Canot village and *Morcellement* La Confiance Maingard in Constituency No.20, he will state where matters stand in regard to the upgrading of existing ones and the construction of new ones.

**Reply:** The football ground at Albion Village will be considered in the next Budget. There is presently no football ground at Canot. Negotiation with Medine Sugar Estate to avail of a plot of land for the said purpose has not been fruitful so far. NDU and the District Council will continue efforts to obtain a plot of land for the football ground.

As regards the project of football ground at La Confiance Maingard, NDU's consultant is looking into the matter, and subject to availability of funds the needful will be done.

**REAL ESTATE AND CONSULTANCY SERVICES – DIRECTOR - VALUATION  
EXERCISES**

**(No. A/22) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Director of Real Estate and Consultancy Services, he will -

- (a) give a list of parastatal bodies, State-controlled enterprises and State-owned organisations which have retained his services for valuation exercises, indicating the nature, terms and conditions of the valuations carried out during 2010, and
- (b) state -
  - (i) if these exercises have been carried out by his officers during office hours, and
  - (ii) the fees he has received for the valuation services in 2009 and 2010.

**Reply:** The Director, Valuation and Real Estate Consultancy Services is authorised to provide valuation services to parastatal bodies, state-controlled enterprises, state-owned organizations and non-Government bodies in his personal capacity against remuneration, provided that such assignments do not conflict with the interest of his office and the works are carried out outside normal working hours.

I am accordingly informed that in respect of valuations carried out by the Director in his personal capacity, the Valuation Department does not keep records of -

- (a) the organisations which have retained the services of the Director;
- (b) the nature, terms and conditions of the valuation carried out, and
- (c) the fees received by the Director in connection with those works.

Regarding part (b) of the question, I am further informed that no other Valuation Officer was engaged in the valuations carried out by the Director in his personal capacity.

**TROMELIN - COGESTION - JOINT COMMITTEES**

(No. A/23) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the *cogestion* of Tromelin, he will state if any of the joint committees set up to look thereinto has met and, if so, indicate -

- (a) when;
- (b) the venue of the meetings;
- (c) the names of the Officials from the Mauritian side, and
- (d) the issue/s discussed.

**Reply:** The Framework Agreement on Economic, Scientific and Environmental Co-management relating to Tromelin Island and its Surrounding Maritime Areas, which was signed by Mauritius and France on 07 June 2010, provides for the establishment of a Co-management Committee (*Comité de cogestion*) for the implementation of the Agreement. The Committee, which will comprise an equal number of members from Mauritius and France, will meet at least once every year alternately in Mauritius and in France.

Mauritius and France have also signed on the same date three implementing agreements, namely an implementing agreement on archaeological research, an implementing agreement on fisheries and an implementing agreement on the protection of the environment.

The three implementing agreements equally provide for the setting up of specialised expert groups which will make proposals for consideration by the Co-management Committee.

However, the Co-management Committee and the expert groups have not been set up since the Framework Agreement, and the three implementing agreements have not yet entered into force. Both Mauritius and France have to ratify the Agreements for their entry into force. In this regard, it is reported that the French side has initiated action to enable the French Government to ratify the Agreements and that this process is not likely to be completed in the first half of this year.

On the Mauritian side, the authorities have already started the process for amending our domestic legislation, so as to enable both parties to ratify the Agreements around the same time.

#### **HOSPITALS FOR WOMEN & CHILDREN - CONSTRUCTION**

**(No. A/24) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Health and Quality of Life whether, in regard to the proposed construction of specialized hospitals for women and children, she will state where matters stand.

**Reply:** Following Government's decision to have specialised hospitals for women and children, my Ministry initiated procedures to float the bidding documents for the acquisition of a building to house an Institute for Women's Health. Consequently, public tenders were floated on 30 April 2010. As at the closing date, five bids were received.

However, in June 2010, Government decided that a new building should be constructed to accommodate the Institute for Women's Health.

A plot of State land of around three *arpents*, situated within the compound of the Sir Seewoosagar Ramgoolam National Hospital, and which is vested with my Ministry, has just been identified for the construction of the Institute.

The Terms of Reference for the selection of Consultants to carry out a Feasibility Study of this project have already been prepared.

As regards the project for Specialised Hospital for Children, now known as the National Paediatric Hospital, a feasibility study will also have to be carried out for this project. The Terms of Reference are being prepared.

#### **WOOTUN ROUNDABOUT - FOOTBRIDGE**

**(No. A/25) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he will state if consideration will be given for the construction of an overhead pedestrian bridge across the motorway at Wootun roundabout for the safety of pedestrians.

**Reply:** The Road Development Authority is currently undertaking a survey to identify the best possible location for a footbridge in the vicinity of Wootun roundabout. Due consideration is being given to the future widening of the motorway. Construction works are expected to start before the end of this calendar year.

The project could not be implemented in the past due to budgetary constraints. Part of the funds allocated to the Road Development Authority for the construction of footbridges on motorway M1 will be used for the implementation of project.

### **BIGARA CEMETERY - LIGHTING & INCINERATOR**

(No. A/26) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Local Government and Outer Islands whether he will state if he is aware of the problems encountered by the inhabitants of Curepipe due to inadequate lighting and an unoperational incinerator at Bigara Cemetery and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Curepipe, the remedial measures, if any, that will be taken in relation thereto.

**Reply:** I am informed by the Municipal Council of Curepipe that the 66 lighting points and one portable fog light available within the Bigara Cemetery are adequate. However, the gas propelled incinerator at the cemetery is not operational since 07 March 2011 due to repairs and upgrading works being presently carried out as per recommendations of the actual supplier of Liquefied Petroleum Gas.

I am informed that a press communiqué has been published to inform the inhabitants of Curepipe and the population at large to the effect that the incinerator is temporarily out of use. The incinerator is expected to be operational by next week.

### **CUREPIPE/MIDLANDS - ROADS, PAVEMENTS & DRAINS**

(No. A/27) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he is aware of the bad state of the classified roads in Constituency No.17, Curepipe and Midlands and, if so, will he, for the benefit of the House, obtain from the Road Development Authority, information as to the measures that will be taken, if any, for the upgrading of the roads, pavements and drains.

**Reply:** The Road Development Authority has recently undertaken the following works in Constituency No.17 (Curepipe and Midlands) -

- (i) construction of footpath and drains along La Brasserie Road over a length of 90 metres at the cost of Rs750,000;
- (ii) upgrading of drain and road along Couvent and Mgr Leen Streets in Curepipe at the cost of Rs16 m.

The upgrading of Phoenix-Plaisance Road (A10) near Royal College Curepipe is expected to start this week. The project cost is Rs800,000.

### **CUREPIPE - STREET LIGHTING SYSTEM - INSPECTIONS**

**(No. A/28) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Local Government and Outer Islands whether, in regard to the street lighting system on the motorways, classified and main roads falling under the jurisdiction of the Municipal Council of Curepipe, he will, for the benefit of the House, obtain from the Council, information as to -

- (a) if regular inspections are carried out at night to detect faulty street lanterns, and
- (b) whether it is proposed to put up additional street lanterns for better visibility and road safety.

**Reply:** As regards part (a) of the question, I am informed by the Municipal Council of Curepipe that night inspections are carried out on a weekly basis in order to detect faulty street lanterns along motorways, classified and main roads falling under its jurisdiction. All defective lanterns are thereafter repaired within one week.

With regard to part (b) of the question, I am informed that all roads falling under the jurisdiction of the Council are adequately provided with street lanterns, and additional street lanterns are fixed as and when required where deficient.

### **ROCHE BOIS - FLYOVER - REPAIRS**

**(No. A/29) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he is aware of the bad state of the flyover situated on the motorway M2 at Roche Bois and, if so, he will state if consideration will be given for -

- (a) its repairs, and
- (b) replacing the steps with ramps for the benefit of the disabled persons and senior citizens.

**Reply:** The flyover on motorway M2 at Roche Bois is in good condition except for regular cases of vandalism which are addressed by the Road Development Authority as and

when they occur. It has been recently reported that 80 cm of steel parapet has been stolen. The Road Development Authority is undertaking the necessary repairs.

The Road Development Authority is considering the replacement of the steps by ramps.