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REPUBLIC OF MAURITIUS

FIFTH NATIONAL ASSEMBLY

**PARLIAMENTARY
DEBATES
(HANSARD)**

**FIRST SESSION
TUESDAY 12 APRIL 2011**

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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>
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Cooperatives and Consumer Protection*

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Members

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MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 4 of 2011

Sitting of Tuesday 12 April 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)

PAPERS LAID

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

A. Prime Minister's Office –

Certificate of Urgency in respect of The Professional Architects' Council Bill (No. V of 2011).

B. Ministry of Industry and Commerce –

The Annual Reports 2006-2007 and 2007-2008 of the Mauritius Standards Bureau (MSB) (In Original).

C. Ministry of Civil Service and Administrative Reforms –

The Annual Reports of the Public Officers' Welfare Council for the financial years 2007/2008 and 2008/2009 (In Original).

D. Ministry of Business, Enterprise, Cooperatives and Consumer Protection –

- (a) The Consumer Protection (Control of Price of Petroleum Products) (Amendment) Regulations 2011 (Government Notice No. 49 of 2011).
- (b) The Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 3) Regulations 2011 (Government Notice No. 50 of 2011).
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 7) Regulations 2011 (Government Notice No. 51 of 2011).
- (d) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 8) Regulations 2011 (Government Notice No. 52 of 2011).

ORAL ANSWERS TO QUESTIONS

BAGATELLE DAM PROJECT

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Bagatelle Dam Project, he will state the –

- (a) funding agencies that turned down requests for funding;
- (b) names of the bidders for consultancy services at the first closing date; giving details of the challenge of one of the unsuccessful bidders;
- (c) section of the Public Procurement Act under which tender documents were sent to only one contractor, and
- (d) value of the bid received, indicating the composition of the Evaluation and of the Negotiating Committees.

The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun): Mr Speaker Sir, the Bagatelle Dam Project was initiated in 2000 to harness additional water resources to meet water demand for Port Louis, Lower Plaines Wilhems and part of Black River district.

With your permission, Mr Speaker, Sir, I will reply to parts (b) and (c) of the question in the first instance.

With regard to part (b), the House may refer to my reply to Parliamentary Question B/29 wherein I stated that a first consultancy contract for the detailed design was awarded in August 2001 and the first phase of the feasibility report was submitted in August 2003. It recommended the construction of a dam across River Terre Rouge and River Cascade for storage of 15 million cubic meters of water. A site of an extent of 230 hectares was identified as being the most suitable site for the dam.

However, in April 2004, the then Government decided that the siting of the dam has to be reviewed because part of the site (90 hectares out of 230 hectares identified) was prime private land, owned by Mon Désert Alma Sugar Estate.

This decision which necessitated a review of the site caused an undue delay with financial and other technical implications.

Subsequently, a fresh feasibility study was initiated in June 2004 and completed in April 2006, recommending a dam with a storage capacity of 9 million cubic meters. The final feasibility study was submitted in May 2006 and approved by Government in September 2006. In December 2007, the approval of the Central Tender Board was obtained for the launching of the Consultancy services for detailed design and construction supervision.

Bids were launched on 04 January 2008 and proposals from six consultants were received on 14 May 2008. The bidders were -

- (i) Sogreah Consultants in association with Mega Design;
- (ii) National Engineering Services Pakistan (Pvt) Ltd in association with CES Consulting Engineer Salzger GmbH and Lux Consult (Mauritius) Ltd;
- (iii) Frischman Prabhu India Pvt Ltd in association with Dagon Ingenieur Conseil Ltée;
- (iv) C. Lotti and Associati Societa di Ingeneria S.P.A in association with Scene-ries Consult Ltd;
- (iv) Coyne et Bellier Bureau d'Ingénieurs Conseils in association with Servansingh Jadav and Partners;
- (v) Ninham Shand in association with Gibb Mauritius Ltd.

On 19 November 2008, the Central Procurement Board approved the award of the contract to Coyne et Bellier Bureau d'Ingénieurs Conseils in association with Servansingh Jadav and Partners.

Following the notification of the award, one bidder Sogreah Consultants made representations on the grounds that during the opening of the financial bids on 06 October 2008 at the Central Procurement Board, the representative of Coyne et Bellier insisted on the bidders' legitimate right for the technical scores to be disclosed to bidders. Sogreah further averred that

its request for same had been denied, thus depriving it of a means of ensuring that the scores meet the information and evidence of capabilities provided in the proposals.

On 15 December 2008, the Central Procurement Board informed my Ministry that -

- (i) the bidding document did not provide for the announcement of technical scores of bidders,
- (ii) the evaluation - technical and financial - has been carried out in accordance with the criteria spelt out in the bidding documents. The bid of Coyne et Bellier is the best evaluated proposal,
- (iii) Section 24(6) of the Public Procurement Act provides for public announcements of the result of the technical evaluation only, and
- (iv) my Ministry may wish to consider Regulation 48 issued under the Act whereby a challenge under Section 43 of the Act shall be made in the form set out in the Second Schedule and decide whether a challenge has been made in the proper manner.

On 18 December 2008, based on the advice of the CPB, my Ministry drew the attention of Sogreah Consultants to Section 43 of the Public Procurement Act 2006 and Regulations 48 of the Public Procurement Regulations which prescribed the procedures for submitting a challenge.

There was no formal challenge - I repeat, there was no formal challenge - to the award of the consultancy services contract, as prescribed under the Public Procurement Act.

Mr Speaker, Sir, I now come to part (a) of the question. With the delay encountered by the previous Government's decision to relocate the dam solely on SLDC land excluding the prime private land of Mon Désert Alma Sugar Estate, mobilisation of funds and implementation of project were also consequently delayed.

The Bagatelle Dam project was presented for financing to Development Partners including, *inter alia*, World Bank, Agence Française de Développement, European Investment Bank, African Development Bank and European Commission as from 2006. At the Annual Business Plan meetings, there was no positive response for financing of the project.

Mr Speaker, Sir, during the visit of the Prime Minister to China in November 2006, the Chinese authorities offered to provide highly concessionary financing of an amount of RMB 800 m. Yuan for project financing.

Some RMB 220 m. Yuan has been committed as complementary finance for the Plaines Wilhems Sewerage project while the balance of RMB 580 m. Yuan would finance projects to be mutually agreed upon.

This concessionary financing would have expired by the end of 2009.

At the 8th Session of the Sino-Mauritian Joint Commission held in Beijing in September 2009, it was agreed that this balance of RMB 580 m. would be used to finance the Bagatelle Dam project.

The financing package offered by the Chinese Government was highly concessionary at 2% fixed rate basis as compared to around 4% prevailing rate. They further offered a moratorium of 5 years and repayment period of minimum 10 years negotiable for a longer period.

Mr Speaker, Sir, as for part (c), one of the conditions of the loan from Exim Bank of China is that the works should be undertaken by Chinese contractors.

Accordingly, the Embassy of the People's Republic of China was requested to submit to the Ministry of Finance and Economic Development the names of at least three contractors that would be invited to submit bids for the construction works.

After protracted discussions between the Chinese Embassy and the Ministry of Finance and Economic Development, between May and September 2010, the Embassy of the People's Republic of China informed the Ministry of Finance and Economic Development that, under delegated authority of the Ministry of Commerce of the People's Republic of China, the China International Contractors' Association has designated Messrs China International Water & Electric to proceed with bid negotiations with the Mauritian side for the implementation of the Bagatelle dam project. Mr Speaker, Sir, I am tabling a copy of the letter.

The contractor proposed by the Chinese Government satisfied the eligibility criteria and had the required experience in the construction of dams.

The Procurement Policy Office was consulted and advised that -

- (i) if the condition for negotiating with the only one Chinese contractor is a mandatory one of the loan, then Section 3(3) of the Public Procurement Act will apply and the Ministry may proceed with negotiations, subject to the approval of Government;
- (ii) as per Section 14(6) of the Act, the Central Procurement Board is not concerned by Direct Procurement. The Ministry may therefore, envisage negotiations in the manner prescribed to ensure due diligence;
- (iii) in view of the negotiating process, the Evaluation Committee may have to identify the sectors that need to be negotiated and the reasonable parameters for same, and advise on the possibility of review of certain design aspects of the work or work methods that may after negotiations with the contractor, bring down the contract price, and
- (iv) the Ministry may therefore consider having a couple of the members of the Evaluation Committee along with the Negotiating Panel to support the latter in negotiating technical matters.

In the light of the above, on 22 October 2010, Government approved that -

- (i) China International Water and Electric Corporation be invited to submit a proposal in line with the bid document prepared by the Consultant;
- (ii) an Evaluation Committee to be chaired by a representative of my Ministry, and comprising the Consultant for the project, a representative each from the Prime Minister's Office, the Ministry of Finance and Economic Development, the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping and the Ministry of Environment and Sustainable Development to evaluate the proposal, and
- (iii) subject to the proposal of the contractor being found to be acceptable by the Evaluation Committee, a Negotiating Team to be chaired by a representative of the State Law Office and comprising representatives of Prime Minister's Office, Ministry of Finance and Economic Development and Ministry of Public Infrastructure, National Development, Land Transport and Shipping and my

Ministry, will negotiate with the Contractor with a view to finalising the award of the contract.

In December 2010, the bid document was submitted to the Contractor, and the closing dated was 07 March 2011.

The value of the bid is Rs3,418,569,001.89, inclusive of 15% VAT and 10% contingencies.

The bid is currently being evaluated.

Mr Speaker, Sir, I can assure the House that all procedures have been followed and we are lucky – I consider that we are lucky to get this project, but what we have to ensure is that we get value for money and my Ministry is setting up the appropriate instances to make sure that this does happen.

Mr Bérenger: Mr Speaker, Sir, I'll start my question in the order which I put the question. I have asked about the funding agencies that turned down requests for funding. I heard, *en passant*, of the World Bank, EIB, *l'Agence Française de Développement* and APP. I think the Deputy Prime Minister will agree with me that clearly a sustained effort to get one of these funding agencies to fund was not made and the result was that there was no international open bidding for the project.

The Deputy Prime Minister: Mr Speaker, Sir, sustained effort was made. The financing of dam was considered to be not very interesting for funding agencies. We have, apart from these annual meetings, approached various agencies. I, myself, have talked to various funding agencies unofficially and with no positive response. It is only when the Chinese authorities came forward with the funding of Bagatelle that suddenly there is a sort of mushrooming of interests again in the other dam to be built and I can assure the hon. Leader of the Opposition that all efforts were made to secure funding.

Mr Bérenger: This is not an explanation, as if because the Chinese Government was kind enough to offer a loan, suddenly the donors woke up. We are talking about the dam and it does not hold water at all, hon. Deputy Prime Minister.

I am not targeting the State of China at all; I am talking about private firms in China. The Deputy Prime Minister says that it was cheap money. Will he remember the Terre Rouge/Verdun case where again there was restricted bidding at the request of the Chinese

authority? There were three bidders. Clearly, they cooked it among themselves. I am not putting the State into question, but clearly they cooked it among themselves. They came forward with huge proposals; we raised hell – if that is the Parliamentary expression – Government backpedalled, went to the donors, went for an opening international bid and the cheapest that got the award was Rs500 m., the cheapest among the three contractors that had come in. Are we going to have a repeat of the same exercise again?

The Deputy Prime Minister: Mr Speaker, Sir, we see events from different angles. I can assure the Leader of the Opposition that the Terre Rouge/Verdun road project was annulled by us on this side of Government at the request of the Prime Minister who was not satisfied there had been some concoction, collusion or whatever term the Leader of the Opposition is using. There has been apprehension, I suppose, from the Chinese Government, that this may repeat itself again and this may be the reason why in spite, and I quote, “protracted negotiations” to nominate three bidders the Chinese authorities were adamant. They were not going to spoil their reputation by naming three firms and having collusion or whatever term is being used among the three to up the price. I remind the House again that the decision of discarding the proposals for Terre Rouge/Verdun came from the Prime Minister and the Government.

(Interruptions)

I, myself, when I was Minister there...

(Interruptions)

Mr Speaker: Let the Deputy Prime Minister answer!

(Interruptions)

Order! Order!

The Deputy Prime Minister: Mr Speaker, Sir, it was unacceptable. Anyone could see that the margins between estimated and bid prices were exorbitantly high. Anyone could see that. We did not need to have experts and the Prime Minister said “No way. We are going to cancel the exercise and have an open tender.” Today we have a concessionary loan on terms unequalled. I can’t say anything better. I have dealt in the past with various agencies. We never had any terms as good as this but, as I said, the Chinese authorities considered what would be best in

terms of value for money. The Government's reputation is at stake and I think they are mindful of this and this is the result.

Mr Bérenger: Mr Speaker, Sir, can I be allowed to quote something just to make my point? I am not targeting China as a State, it is the firms. May I be allowed to quote the Editorial in the Economist of the 12 March to make my point? I quote –

“Three decades ago, pretty much all business in China was controlled by one level of the State or another. Now, one estimate, the share of GDPs produced by enterprises that are not majority owned by the State at 70%. Zheng Yumin, the Communist Party Secretary for the Commerce Department, told the Conference last year that more than 90% of China's 43 million companies are private and those private companies behaved like all private companies.”

That is why we are again to end up with the same kind of situation, Mr Speaker, Sir.

If I can move on with the consultancy services, my question was clear “at the first closing date”, there was an extension of the date. I'll put the question differently: at the first closing date, before the date was extended, was Coyne and Bellier on the first list and who requested for that extension?

The Deputy Prime Minister: Mr Speaker, Sir, I do not have the information. The question was not specific enough. At the first closing date...

Mr Bérenger: Coming to what the hon. Deputy Prime Minister replied to only two weeks ago, your officers and yourself could not have misunderstood it. I want to know when a decision was taken to award the contract to so and so, were the other bidders – we are talking about Consultancy Services – informed so that they could appeal if they wanted to or did we have the same scenario as in Med Point where the unsuccessful bidders were not even informed that they have lost their bid?

The Deputy Prime Minister: Mr Speaker, Sir, yes, they were informed. I'll provide the information.

Mr Bérenger: I would find another sitting. If I can move on to section 3! So, we are informed that it is under section 3(3) that there has been direct bidding, no international tendering and so on. If I heard the hon. Deputy Prime Minister correctly, it is only the Public

Procurement Office, a department of the Ministry of Finance that advised that this could take place under section 3(3) of the Public Procurement Act. Am I to understand that legal advice was not sought, that this is in order? Section 3(3), Mr Speaker, Sir, reads as follows –

“Where any provision of this Act conflicts with the procurement rules of a donor organisation, the application of which is mandatory pursuant to an obligation entered into by Mauritius under any treaty or other form of agreement, those rules shall prevail.”

Mr Speaker, Sir, we are talking about an organisation, not a country. We are talking about procurement rules of a donor organisation. Clearly, the spirit of the law is that in case the European Union or somebody else has procurement rules tighter than ours, stricter than ours, we will go by the stricter rules. But I believe that this is not in order at all to have acted under this paragraph and I asked: was legal advice sought or was Government satisfied with the opinion of civil servants sitting in the Public Procurement Office?

The Deputy Prime Minister: Mr Speaker, Sir, the Public Procurement Office is there to tender advice...

(Interruptions)

And, of course, they may seek advice elsewhere if they deem necessary and then they provide the advice.

(Interruptions)

Mr Speaker: Order! Let me listen to the reply, please! I order!

The Deputy Prime Minister: I am not sure why this is being questioned. We have a Policy Office to advise on procurement procedures and they may seek advice elsewhere and then they tender the advice. I met the person concerned this morning and he assured me this is quite in order. Secondly, Mr Speaker, Sir, I would like to say again, for the Consultancy Services, it was an open bidding and unsuccessful bidders were informed. I confirm that.

(Interruptions)

Mr Bérenger: Mr Speaker, Sir, am I therefore given to understand that the Public Procurement Office did not seek legal advice, that civil servants decided by themselves that it is in order?

The Deputy Prime Minister: I never said, Mr Speaker, Sir. The answer is that he will seek advice as he thinks fit to provide it to my Ministry.

Mr Bérenger: My point is: does the Central Procurement Office seek itself advice from the State Law Office which is there to give advice?

The Deputy Prime Minister: They do as and when they think it is necessary.

(Interruptions)

Mr Speaker: Order! Order! Order, please!

Mr Bérenger: Mr Speaker, Sir, if I understand correctly - it is quite amazing - Government through the Central Procurement Office, I suppose, sent the documents to one contractor only with the bid documents and the contractor came forward with a proposal, a bid worth, if I got it rightly, Rs3.2 billion. Mr Speaker, Sir, in all such cases the Ministry concerned - it has all the professionals and so on - works out its estimates for that project. Can I know whether the Ministry did that exercise, when and what was the figure?

The Deputy Prime Minister: Of course, the estimate was carried out. I don't want to mention it so as not to jeopardise the negotiation, but if the hon. Leader of the Opposition wants it for transparency, I am quite prepared to state that the estimate is Rs3.1 billion, inclusive of VAT and 10% contingency and the bid ...

(Interruptions)

... value is Rs3.4 billion and discussions are ongoing.

(Interruptions)

Mr Bérenger: On which bid Rs3.1 billion estimates were worked out?

The Deputy Prime Minister: It was worked out at the end of 2010. I will find the exact date.

Mr Bérenger: I thought I heard Rs3.4 billion. My colleagues told me it was Rs3.1 billion. It is, in fact, Rs 3.4 billion.

Mr Speaker: The bid is Rs3.4 billion.

Mr Bérenger: No, I thought I heard Rs3.4 billion, but my colleagues had heard Rs3.1. Therefore, I don't want to appear to hit at China at all, but I am not surprised that this private firm...

(Interruptions)

Mr Speaker: Order! Time is running out! Order!

Mr Bérenger: I am not surprised - I am not hitting at the State – but, at private firms, *ils ont fait le coup*, even China agrees. The last three *nous ont fait le coup* in the case of Terre Rouge-Verdun, Mr Speaker, Sir. Now we hear that this private firm in China has bid for Rs3.4 billion, whereas the Ministry had produced estimates of Rs3.1 billion. I must point out that the figure of Rs3 billion, round figure, was used in the Budget Speech and in the debates on the Budget. Can I request Government to keep us informed how negotiations between that firm and Mauritius evolve and that a friendly country like China, if required, and it will probably be required, will be asked to assist in getting a reasonable bid?

The Deputy Prime Minister: Mr Speaker, Sir, I confirm the information that has been requested, The Evaluation Committee being assisted by Coyne et Bellier - which I mentioned in my answer - has updated the evaluation estimate and at the end of 2010 it was Rs3.4 billion - not Rs3.1 billion, started with Rs3.1 previously, now it is Rs3.4. I can assure the House as far as the cost and prices are concerned, we are going to look closely ...

Mr Speaker: No! The question is very simple. I am sorry. The Deputy Prime Minister is entering into details. The question is whether the Opposition will be constantly informed on the evolution of the negotiations that are taking place. The question is so simple.

Mr Bérenger: Do I hear correctly that the last estimates were Rs3.4 billion *et comme par miracle* the bid from that private firm is Rs3.4. Then, what is being negotiated?

The Deputy Prime Minister: The negotiations are ongoing. Mr Speaker, Sir on one point, there is some crossline.

(Interruptions)

Mr Speaker: Order! Let the hon. Deputy Prime Minister reply!

The Deputy Prime Minister: I repeat ...

Mr Speaker: Time is running out!

The Deputy Prime Minister: I repeat and stand by what I said, Rs3.4 billion is the bid and Rs3.1billion is the estimated cost.

Mr Lesjongard: Mr Speaker, Sir, since the Deputy Prime Minister has stated that there was only a sole recommended contractor and that the Evaluation Committee is evaluating the technical bid, may I know what will happen if we have major deviations from the technical submission made by the Government of Mauritius?

Mr Speaker: No, that is not allowed under the Standing Order.

(Interruptions)

Go and read the Standing Order! Do you want me to quote?

(Interruptions)

It is not allowed in the Standing Order. I will give you the reasons if you wish. Come to my office.

(Interruptions)

Time is over!

(Interruptions)

Order! Hon. Ms Deerpalsing, could you please keep quiet!

(Interruptions)

No, I heard what you were saying. Keep quiet! This is a Parliament; it is not a bazaar here. Questions addressed to Dr. the hon. Prime Minister! Hon. Guimbeau!

FREEDOM OF INFORMATION BILL - INTRODUCTION

(No. B/154) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will state if Government proposes to introduce a Freedom of Information Bill and, if so, when and, if not, why not.

The Prime Minister: Mr Speaker, Sir, in the light of the substantial problems that have arisen in countries, which have already adopted the Freedom of Information Legislation, Government is looking at all the implications of such a piece of legislation.

Many fundamental issues have to be considered, namely -

- (a) the impact on the working procedures of the public service;
- (b) the public interest issues;
- (c) the applicability to both public and private sector institutions, whose activities affect large sections of the public;
- (d) data preservation, exemption, compliance and non-compliance issues and preservation of sensitive commercial information, bearing in mind the provisions of the Data Protection Act 2004;
- (e) intellectual property issues, and
- (f) the cost implications of implementing such a system.

The House will appreciate, Mr Speaker, Sir, that this is indeed a complex issue, and all its implications have to be carefully studied before bringing any draft legislation to the House.

Mr Geoffrey Robertson, Q.C, who is looking into the reform of the media law, has also been requested to look into this matter as well when he is looking at media law in general.

Mr Guimbeau: *M. le président, le Premier ministre n'est pas sans savoir que, sans une bonne loi sur la démocratisation de l'accès à l'information, il n'y a point de démocratie. La démocratie est bafouée.* This is the fifth time, Mr Speaker, Sir, that I have put a PQ...

(Interruptions)

Mr Speaker: The hon. Member is making a comment; he must put his question.

Mr Guimbeau: Mr Speaker, Sir, this is the fifth time that I am putting a question on the Freedom of Information Bill, and I am going to ask the hon. Prime Minister whether he is willing to set up a brainstorming session or a Select Committee, so as to start discussions on the Freedom of Information Bill.

The Prime Minister: I am tempted to say ‘where do I get the brains from’; but anyway! Experience has shown, Mr Speaker, Sir, that there has been frequent dedication when departments, for example, have refused - in other countries I am talking about - to release information on the grounds of public interest, which is an all important consideration when putting in place a Freedom of Information Act. Recently, we have had the Data Protection Act which was passed by the previous Government. We need to know how this will deal and interact with the Freedom of Information Bill. There are lots of issues. That is why I am saying we are being very careful. We have to look at all these issues, and we will look at it very carefully.

Mr Guimbeau: Mr Speaker, Sir, Government is still twisting around on that issue.

(Interruptions)

Mr Speaker: This is a comment!

Mr Guimbeau: If you will allow me, Mr Speaker, Sir, I would like to read what was stated in the 2005 Presidential Address -

“My Government will provide citizens with a right of access to personal information held by State agencies and to information relating to Government business by enacting a Freedom of Information Act.”

That was said in the Presidential Address of 29 July 2005, Mr Speaker, Sir. What I am asking Government is - *on a fait une promesse* - to come forward with it.

The Prime Minister: Unfortunately, it appears the hon. Member has not read the Presidential Address of 08 June 2010. The Government Programme of 2010-2015 makes no mention of this at all, precisely because there are difficulties.

Mr Guimbeau: Mr Speaker, Sir, the hon. Prime Minister keeps talking about difficulties. I think time has come to have a committee, so that we can discuss on those difficulties.

Mr Speaker: The Prime Minister has already replied.

The Prime Minister: The hon. Member was in Government from 2000-2005. Why didn't he bring it?

MBC - RECRUITMENT

(No. B/155) 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 Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Board, information as to the number of additional staff recruited by the Corporation, following its transfer to its new headquarters in Moka, indicating in each case, the respective -

- (a) grade;
- (b) recruitment procedure followed, and
- (c) terms and conditions of employment.

The Prime Minister: Mr Speaker, Sir, I am informed by the Director General of the Mauritius Broadcasting Corporation that, in order to meet the operational needs of the Corporation, following the transfer of its headquarters to Moka, the services of a certain number of persons were enlisted in various Departments such as News, Production, Radio, Security and Cleaning.

The information requested by the hon. Member is being compiled and will be placed in the Library.

Mr Bhagwan: Mr Speaker, Sir, can I ask the hon. Prime Minister whether he is satisfied that all recruitments were made in a fair manner and whether he is aware that a very close relative of the Director General and members of the top management has been recruited in that exercise?

The Prime Minister: Mr Speaker, Sir, as far as I can see, every procedure was followed. I must say something else, Mr Speaker, Sir. I see this has become a common habit. If someone is related to somebody else, does that mean he cannot work at all in Mauritius?

Mr Bhagwan: But this is not the first case. The public who is paying Rs100 monthly knows what is happening. This is public money...

(Interruptions)

Mr Speaker: I am sorry. There is a specific question, and the answer has been specific. The hon. Member has put a supplementary question which was allowed, and the Prime Minister has answered the question. Now, we cannot go into a general debate on the way the MBC is doing. The hon. Member has to bring a motion in the House if he wants to question that.

Mr Bhagwan: Mr Speaker, Sir, I have another question on that issue, which is related. The hon. Prime Minister always tells us that it is not good to say that parents cannot be employed. But this is happening at the MBC/TV. What is happening is that very close relatives of the Director General...

(Interruptions)

Mr Speaker: No. The Prime Minister has stated that even if there are close relatives, they are entitled to work in this country. I will not allow any further question! Next question!

Mr Bhagwan: Mr Speaker, Sir, I have another supplementary question. Is the hon. Prime Minister aware that this has become a habit at the MBC/TV, and that this is not the first time that close relatives of not only the Director General, but of very close persons related to him are employed?

Mr Speaker: The Prime Minister has answered this question. Hon. Labelle!

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has been informed of the mode of recruitment for a certain number of people who have been appointed? Was it advertised? How was it carried out?

The Prime Minister: Mr Speaker, Sir, I am told they have followed the same mode of recruiting as is done in all government services for lower grades. For higher grades, they have advertised as it should be.

Mr Bérenger: Mr Speaker, Sir, my point in that the question was very specific, as was just pointed out. The transfer of the MBC to its new headquarters in Moka is only recent. The question is: how many people have been recruited since this recent transfer? Even that we can't get?

The Prime Minister: I was going to give all the details, because they have not recruited when they moved to the new headquarters but prior to moving to the headquarters. In fact, since

September, 2009, they have started the recruiting procedure. They started with journalists, and then they came to the lower grades. I can give all the information.

Mr Obeegadoo: Mr Speaker, Sir, given the very sensitive role of the MBC as a public service broadcaster in a democracy, will the hon. Prime Minister tell us, in the light of this question and the recent recruitments, whether he intends to take any steps to open up to public scrutiny recruitment at the MBC?

(Interruptions)

Mr Speaker: This supplementary question is not allowed.

QUATRE BORNES - INDIVIDUAL BUSES - CONTRAVENTIONS

(No. B/156) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the individual buses, he will, for the benefit of the House, obtain from the Commissioner of Police, for the last year, information as to the number of drivers thereof booked for obstructing traffic on Avenue Victoria and along Avenue St Jean, Quatre Bornes, after they drive out of the Jules Koenig Traffic Centre.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that, since January 2010 up to 08 April 2011, three drivers of individual buses have been booked for the offence of “negligently or wilfully preventing, hindering or interrupting any traffic” on Avenue Victoria and along St. Jean Road at Quatre Bornes.

Mr Speaker, Sir, the road from St. Jean to La Louise at Quatre Bornes is usually subject, as we all know, to dense traffic during the whole day.

The fluidity of the traffic in that region is affected not only by the heavy flow of vehicles but also by the fact that buses embark and disembark passengers at the ten bus stops situated along the road, as well as the number of pedestrians who use the zebra crossing at William Newton Avenue, not to speak of the humps that have been put; so many humps have been put there. In order to ease up the traffic flow, police officers from Quatre Bornes Police station are deployed during peak hours in this area of Quatre Bornes to regulate traffic at junctions and also to facilitate pedestrians at crossings, and to prevent unauthorised parking. These officers are assisted by riders from the Traffic Branch, as well as officers of the Divisional Support Unit and

Emergency Response Service. Officers of the Inspectorate of the National Transport Authority carry out regular checks in order to ensure that buses exiting from Jules Koenig Traffic Centre and moving along Victoria Avenue do not delay their trips unnecessarily, which may jeopardize the traffic flow in that area.

Mr Speaker, Sir, in order to improve traffic flow along Victoria Avenue and St. Jean Road in the region near Jules Koenig Traffic Centre, the Traffic Management and Road Safety Unit is taking the following measures -

- (i) the re-marking of all centre line markings along Victoria Avenue, and along St Jean Road;
- (ii) the provision of double yellow lines on both sides of Victoria Avenue from its junction with St. Jean Road to its junction with Baissac Avenue;
- (iii) the relocation of the zebra crossing along William Newton Avenue in the direction of Cossigny Avenue. Pedestrian fencing would then be fixed to guide pedestrians to the new crossing points, and
- (iv) the setting up of a clearway along St. Jean Road with a view to increasing the capacity of St. Jean Road to moving traffic in the direction of La Louise during the peak hours both in the morning and in the afternoon.

I should also add, Mr Speaker, Sir, that the construction of the Phoenix-Beaux Songes Link Road project which is expected to be completed by August this year, will relieve the pressure of traffic along St Jean Road.

Also, I should say, because one of the things that people say is that even if they get contraventions - although I must say that the regulations say that upon conviction, the person can be fined to a sum not exceeding Rs10,000 and to imprisonment for a term not exceeding one year. Whether this actually happens in practice or not, sometimes they get a fine of Rs200 and they are off. We are also looking at it. Consideration is being given to include illegal parking in the listed offences under the penalty points system which will be introduced soon.

Ms Deerpalsing: Mr Speaker, Sir, given only three bookings have happened and the fact that everybody in Quatre Bornes, especially on Saturdays, knows that these buses go out *de la gare* and stop just before the traffic light - so, three bookings, when it is such a major recurrence

- may I ask the hon. Prime Minister whether the Commissioner of Police could increase the number of police and monitor that situation there? I am always there on Saturdays myself

and I have never seen any police there.

The Prime Minister: I will pass on this information to the Commissioner of Police.

BAMBOUS - MR F. M - DEATH

(No. B/157) 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 one Mr F. M., killed at Bambous, on or about 12 February 2009, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry, indicating the number of arrests effected in connection therewith.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that on 12 February 2009 at about 20.05 hours, following a phone call from one, Mr F. L, to Bambous Police Station, Police officers went to Avenue Central, Bambous. They found on the first floor of a concrete house the body of a male person later identified as Mr F. M. lying on his back. The body bore injuries and a hole in his skull.

Police initiated an enquiry and two persons were arrested on 13 and 17 February 2009 respectively. In the course of the enquiry, the fingerprints previously taken at the scene of crime revealed the presence of a third person, one D.S.J.L. He has appeared before the Black River District Court on 11 May 2009 and a provisional charge of “Manslaughter” was lodged against him. He was remanded to jail as Police objected to his release on bail. A fourth suspect, one D.C.J.B, was arrested on 14 December 2010 and bailed out on 28 December 2010.

Since there was no evidence to prove the involvement of the first two suspects, the provisional charges against both of them were struck out on 13 January 2011.

The enquiry has now been completed by the Police and the case has been forwarded to the Director of Public Prosecution’s Office for advice on 15 January 2011. The DPP’s Office has advised the holding of a Preliminary Enquiry into the case before the Black River District Court. The case has been fixed *pro forma* for today.

Mr Ameer Meea: Can I ask the hon. Prime Minister, since the spouse of the deceased person is not living in Mauritius and is in UK, whether she could be informed by the Commissioner of Police of the progress that has been made by the inquiry and also when the case will be lodged in court?

The Prime Minister: I will ensure that the Commissioner of Police gets this information, because it is right that she should be informed.

QUATRE BORNES TOWN CENTRE – PARKING ZONES

(No B/158) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the placing of clamps on cars which park outside dedicated parking zones, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if same will be resumed in the Quatre Bornes Town Centre.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police that the practice of placing of clamps on cars which park outside dedicated parking zones in the Quatre Bornes Town Centre started in 2003 and has never stopped.

Since 2009, the Police Force has started restructuring its different Divisions and Branches with a view to enhancing its operational efficiency and effectiveness. This process has led to the creation of different units and more Police officers on foot and mobile patrol on ground. The Divisional Traffic Police is one of the new Units created to address the problem of unsafe behaviour on roads through proper law enforcement and better road safety awareness, including prevention and educational campaigns.

There is now an integrated approach involving all stakeholders through different community policing activities to create better awareness of the traffic problem.

These measures are yielding positive results and are having a deterrent effect on road traffic offenders. The number of offences for parking on prohibited areas, roads marked with double yellow lines and footpaths or pavements in the Quatre Bornes Town Centre has significantly decreased from 504 in 2008 to 122 in 2010; and the Police is having lesser recourse to wheel clamping of vehicles because of that.

Ms Deerpalsing: May I ask the hon. Prime Minister whether he would pass on to the Commissioner of Police if they could increase the placing of clamps, especially on Saturdays when it is a real bazaar, Mr Speaker, Sir, in the lateral roads of Quatre Bornes near the market area?

Mr Speaker: Do not make this House become a real bazaar!

(Interruptions)

The Prime Minister: In fact, the police are saying that there are less clamps, but I will pass on this information.

Ms Deerpalsing: Mr Speaker, Sir, can I ask the hon. Prime Minister whether he could obtain from the Commissioner of Police when was the last time that the police have placed clamps, especially around the market area of Quatre Bornes?

The Prime Minister: I will have to ask him when exactly the last clamp was placed.

RODRIGUES - SEISMIC ACTIVITIES

(No. B/159) Mr J. C. Leopold (First Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the seismic activities around Rodrigues Island, he will, for the benefit of the House, obtain from the Meteorological Services, information as to the number and magnitude thereof in each case, registered since 2009 to date, indicating the alert system which has been put in place and if it is operational.

The Prime Minister: Mr Speaker, Sir, on the basis of information provided by the Director, Mauritius Meteorological Services, I am tabling, with your permission, a statement giving the information requested by the hon. Member in respect of seismic activities around Rodrigues.

Mr Speaker, Sir, all information relating to seismic activities around Rodrigues of a magnitude 5.0 and above on the Richter Scale are relayed immediately after their occurrence by the Mauritius Meteorological Services to the Rodrigues Administration, MBC Mauritius and Rodrigues and the Private Radios for rapid dissemination to the population.

The same arrangements will be adopted in case of seismic activities to generate a tsunami around Rodrigues.

Mr Speaker, Sir, I am informed by the Commissioner of Police that, as part of the communication and response strategy to natural disaster mitigation, the Mauritius Police Force, through the Police Information and Operation Room, has established procedures to inform the Rodrigues Administration of the occurrence of any disaster which is likely to affect the Island. The Police in Rodrigues has been provided with sirens on Police vehicles and loud hailers for the dissemination of warnings/alerts to members of the public. The Disaster Management Centre set up under the aegis of the Police Department will become fully operational shortly. An extension of the Disaster Management Centre will be set up in Rodrigues to ensure a coordinated response to natural disasters.

I should, however, like to point out, Mr Speaker, Sir, that Government is already assisting the Rodrigues Administration to have its own contingency plan in case of natural disasters affecting the Island. I am informed by the Island Chief Executive, Rodrigues, that the Tsunami Preparedness Scheme for Rodrigues has been finalised and is awaiting approval by the Rodrigues Cyclone and Other Natural Disasters Committee and that action is being initiated for the preparation of an Earthquake Crisis Management Plan for Rodrigues, with the assistance of the relevant authorities in Mauritius.

Mr Speaker, Sir, given the relatively frequent occurrences of tremors around Rodrigues, my Office approached UNESCO in February last year with a view to providing the services of an Expert to carry out a risk assessment exercise and, in the light of the findings, to make recommendations, as appropriate.

UNESCO has responded favourably to the request in November last year and has provided an amount of US\$ 6,500 for the consultancy project.

The Mauritius Meteorological Services has approached competent authorities in the US on 24 November last to provide the services of a Geologist/Seismologist to carry out the risk assessment exercise. No reply has been received so far from the US authorities.

A similar request was made to the Japan International Cooperation Agency in March last year for the services of a Seismologist. The Japanese Authorities have indicated that the request

could be considered in financial year April 2011–March 2012; whether that will now be possible from what happened in Japan, we will have to wait and see.

On 23 March 2011, a request has been made to the French Authorities for the services of an expert to undertake the risk assessment exercise.

Mr Speaker, Sir, I need to point out that during my official visit to Singapore in September of last year and to Reunion Island this year, contacts were established with the Singapore Faculty for Catastrophe Risk Management and the “*Centre Opérationnel de la Préfecture pour la Gestion des Catastrophes*” respectively. We are already working in close collaboration with these institutions for the exchange of information, training and improvement at the level of preparedness and response to natural calamities.

As a matter of fact, all hydrographic data have already been forwarded to the Singapore authorities for carrying out a Tsunami Risk Assessment for the Republic of Mauritius. These data have been made available by the Indian Navy vessels, which, at the request of the Government of Mauritius, carried out several hydrographic surveys, free of charge, in our waters. Such surveys, Mr Speaker, Sir, would normally have cost us around Rs90.0 m. I wish to take this opportunity to express my deep appreciation to the Government of India for this invaluable assistance.

Mr Speaker, Sir, I also wish to inform the House that 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. In fact, what happened is that I discussed with him and he asked if we could forward an Action Plan, which I have done. Under this project, Mauritius was granted an overall budget of US Dollar 332,463 which has been used for the purchase, installation and commissioning of tide gauges, procurement of siren and satellite communication systems, purchase of radio 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 both in Mauritius and Rodrigues. As part of the programme, the Meteorological Services organised a training for the trainers in Rodrigues in February last year. The purpose of the training programme was to empower Government officials, the media and the

NGOs in Rodrigues to carry out sensitisation programmes on tsunamis and earthquakes at schools and other community levels.

Mr Leopold: Mr Speaker, Sir, I thank the hon. Prime Minister for his reply. But, being given that seismic activities are increasingly becoming frequent in Rodrigues and, from what I gathered, the island is very close to a triple point, can I know from the hon. Prime Minister whether, in the setting up of an emergency plan for evacuation in Rodrigues, it is envisaged to carry out simulation exercises at schools and within the population at large to better prepare us in case of emergency?

The Prime Minister: This forms part of the whole process that we are doing, Mr Speaker, Sir.

Mr Bérenger: The question was specifically about Rodrigues, but the hon. Prime Minister took the opportunity to give us a lot of information on tsunami preparedness and so on for Mauritius as a whole. When I listened to what the hon. Prime Minister had to say about what is being done in Rodrigues for tsunami and other calamities preparation - although I am all for autonomy, but not on issues like that - I have a feeling that we are delegating too much as far as preparation concerning tsunami. Even here, on mainland, we lack experts. Can I ask the hon. Prime Minister whether he will not agree with me that we will need to have closer cooperation between our best people here in the police, in the Meteorological Department and the Local Administration in Rodrigues?

The Prime Minister: In fact, that is what I said. It is a long answer, I must agree. The Rodrigues Administration has its own Contingency Plan in case of natural disasters, but I also said that they have done a Tsunami Preparedness Scheme for Rodrigues, which has been finalised. It has to be approved apparently by the Rodrigues Cyclone and Other Natural Disasters Committee, and action is being initiated from what I understand. This is why I emphasised that I asked for the help of UNESCO and the French Authorities and others, because we think also that we have to be involved in the preparedness of that programme.

Mr François: Mr Speaker, Sir, on the same line, I will also request the hon. Prime Minister to ask the Rodrigues Administration to speed up the tsunami exercise for preparedness and responsiveness. The seismometer installed at Citronelle and Vacaos are certainly linked to the Regional or International Network Monitoring System. Will the hon. Prime Minister inform

us whether he considers providing access to real time data of the system to the public through a Government secured website?

The Prime Minister: That will depend on whether they can do it at this point in time. The more data we have, probably is the better thing. But that will depend on the technical need and whether they can actually do it at this point in time.

Mr François: Can I ask the hon. Prime Minister whether the Meteorological Services in Rodrigues is on a permanent alert from the seismometer of both Citronelle and Vacoas and, if not, whether he intends to do so?

The Prime Minister: From what I know, Mr Speaker, Sir, as soon there is any kind of earthquake or seismic activities, the Meteorological Services provide the information to Rodrigues and also to the television and radio at Rodrigues. Whether they are 24 hours sitting there, eating there, sleeping there and waiting there, I don't know, but they are aware.

**RODRIGUES - SIR GAËTAN DUVAL AIRPORT - PUBLIC DEMONSTRATION
- 23 FEBRUARY 2011**

(No. B/160) **Mr J. C. Leopold (First Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the public demonstration which was held, on or about 23 February 2011, at the Sir Gaëtan Duval Airport, Plaine Corail, Rodrigues, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) if any authorization was granted prior thereto and, if so, when;
- (b) if any inquiry has been carried out following same, indicating the outcome thereof;
- (c) the measures taken by the police so as not to disturb the arrivals, and
- (d) the number of arrests effected in connection therewith, if any and, if not, why not.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Commissioner of Police that on 23 February 2011 between 09 45 hours and 09 50 hours, a group of twelve people staged an unauthorised peaceful demonstration on the parking

area outside the Terminal Building at Sir Gaëtan Duval Airport, Plaine Corail, Rodrigues, on the arrival of a delegation from the National Empowerment Foundation. The demonstrators dispersed peacefully after the delegation left the Airport.

In regard to part (b) of the question, Police has started an enquiry into the matter and the enquiry is in progress.

In regard to part (c) of the question, there was no disruption on the formal functioning of the Airport services and the aircraft movements on that day were not disturbed. However, the Police will be vigilant to prevent any unauthorised activity which may disturb movement of aircrafts.

In regard to part (d) of the question, Police has, on 08 April 2011, arrested one of the demonstrators, Mr R.F. A provisional charge of "*Holding an unlawful assembly without the authorisation of the Commissioner of Police*" was lodged against him before Rodrigues Court. He was released on bail on the same day upon furnishing a surety of Rs 3,000.

On 11 April 2011, three other persons were arrested. They appeared before Rodrigues Court and a provisional charge of "*Holding an unlawful assembly without the authorisation of the Commissioner of Police*" was lodged against them. The Magistrate allowed them bail and they were requested to furnish a surety of Rs3,000 and to sign a recognizance of Rs10,000 each. However, they all refused to furnish the surety and to sign the recognizance and they were remanded to jail.

Mr Leopold: Mr Speaker, Sir, the airport of Rodrigues is a restricted area *et c'est la vitrine de Rodrigues par excellence*. The demonstration took place in February last; we are in mid-April, and it is only now that we have people arrested. Can I know from the hon. Prime Minister the reason for such a delay, and whether there has been a certain *tentative* for cover-up in this matter?

The Prime Minister: This is the usual procedure. A lot of people complain as to why something happened last year and it is now that we are arresting. The whole procedure is like that.

Mr Bérenger: I agree that inquiries take time, but look at the dates. On 23 February 2011, an unauthorised demonstration took place; the arrest took place on 08 April 2011. We are

on 12 April; therefore, the Parliamentary Question put by the hon. Member probably came in on 07 or 08 April 2011. This is not good; it is creating tension for no reason in Rodrigues. The perception is that, because the question has been put here, the police have arrested people, and it is unhealthy. Can I ask the hon. Prime Minister to handle that situation, through the Commissioner of Police, very carefully?

The Prime Minister: I agree with the hon. Leader of the Opposition. But there was one problem, because the leader of the people who was part of that demonstration was saying that there were less than 12 people there, and he was contesting. They had to go and recheck whether these people were really there or not. I understand this is what actually caused the delay.

Mr Speaker: Time is over! Questions addressed to hon. Ministers. Hon. Mrs Labelle!

PUBLIC SECTOR - EMPLOYEES ABOVE 60 – TRAVELLING EXPENSES

(No. B/168) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Civil Service and Administrative Reforms whether, in regard to the employees above the age of 60 who are still in employment in the public sector, he will state if they are entitled to the refund of their travelling expenses.

Mr Gungah: Mr Speaker, Sir, in regard to employees above the age of 60 who are still in employment in public sector they continue to be entitled to the refund of travelling expenses as per conditions of service.

Mrs Labelle: May I ask the hon. Minister whether the period of travelling was stopped at a particular period of time?

Mr Gungah: In fact, Mr Speaker, Sir, it was not quite clear in the beginning whether it was in order to reimburse money to an officer who was enjoying free bus transport and, as from that time, payment was stopped. After consultation with the office of the Attorney General, my Ministry has been advised that refund of travelling to attend duty forms part of conditions of service of public officers by virtue of the employment with Government and my Ministry has issued a circular to this effect on 07 March 2011.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Minister whether his Ministry is contemplating to amend the regulation to avoid double payment? In the meantime, these persons are receiving a bus fare after 60 years, that is, Government is paying the transport through the

bus card and, at the same time, they are being refunded bus fares. So, there is double payment for travelling. May I ask the Minister whether he will consider amending the regulation to avoid Government effecting double payment?

Mr Gungah: I will consider definitely what the hon. Member has said but, in fact, payments are done at the level of each Ministry and each department. But refund of transport is being done as per their conditions of service.

LAVIMS PROJECT - IMPLEMENTATION

(No. B/169) Mr E. Guimbeau (First Member for Curepipe & Midlands) asked the Minister of Housing and Lands whether, in regard to the implementation of the Land Administration and Valuation Information Management System project, he will state where matters stand, indicating the cost incurred as at to date.

Dr. Kasenally: Mr Speaker, Sir, the Land Administration, Valuation and Information Management System the (LAVIMS) Project is the first and major part of an ongoing reform programme that will deliver the essential building blocks for a modern Land Administration and Management System for the Republic of Mauritius.

The three major outcomes of the LAVIMS Project are: a property valuation, a cadastre, and a parcel deeds registration system integrated and supported by an appropriate information system. In accordance with the contract documents, the scope of the Project was to provide a market-based valuation and preparation of a valuation list, the generation of a Cadastre over 450,000 properties, and the scanning and uploading of all deeds and mortgages with a view to having an integrated information system so as to ensure efficiency, security, reliability and transparency of the land management process.

The initial project was valued at US\$18,285,000, inclusive of VAT. However, following variations relating to an increase in the number of properties to be surveyed and the enhancement of the security access to deeds component, the project value has been revised to US\$19,856,795, inclusive of VAT.

The implementation of this complex project started in January 2009 and is now expected to be handed over by the end of June this year.

To date, a sum of US\$18,399,776.72, inclusive of VAT, representing payment to the Contractor, has been disbursed. Payment has been effected after scrutiny and recommendations of the Project Coordinator and Quality Assurance officer whose offices have been enlisted for the purpose.

Mr Guimbeau: Can the hon. Minister inform the House if Government has benefitted from any international funding for this project and, if so, can he give the amount and the name of those institutions?

Dr. Kasenally: As far as I am concerned, it is all from the public funds budgeted.

Mr Francois: With regard to valuation mechanism, will the hon. Minister inform us whether any special mechanism has been put in place within that LAVIMS system?

Dr. Kasenally: The valuation is registered and upgraded regularly. As soon as any transaction is done, the value of the land obviously increases and *s'est répercuté* in the recording system.

Mr Ameer Meea: Mr Deputy Speaker, Sir, can I ask the hon. Minister what is the name of the company that has been awarded the contract of the LAVIMS system?

Dr. Kasenally: It is Info Tera.

Mr Guimbeau: Mr Speaker, Sir, I would like to know whether the LAVIMS is going to be extended to Rodrigues as well?

Dr. Kasenally: For the time being no, but this will be kept for future development.

Mr Guimbeau: So, Rodrigues is going to form part of the LAVIMS project?

Dr. Kasenally: Eventually.

WIND POWER ENERGY - PROJECTS

(No. B/170) **Mr J. Seetaram (Second Member for Montagne Blanche & GRSE)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the projects for the production of wind power energy, he will state where matters stand, indicating if consideration will be given for the installation of windmills in our lagoons and territorial waters.

The Deputy Prime Minister: Mr Speaker, Sir, in line with the renewable energy policy, Government is promoting the development of wind energy projects.

In this context, I am informed by the Central Electricity Board that -

- (i) two wind turbines of 2 x 275 kW each are operational at Grenade in Rodrigues since 2009 and two others became operational in 2010;
- (ii) a feasibility study for a 25 – 40 MW wind farm at Curepipe Point was completed in August 2010 and the CEB has invited bids from nine prequalified bidders. The closing date is 26 April 2011. The wind farm is expected to be operational by year 2013;
- (iii) in November 2009, Aerowatt (Mauritius) Ltd submitted a feasibility study report for a 18 MW wind farm project at Plaines des Roches. The Central Electricity Board is presently negotiating the Electricity Supply and Purchase Agreement with the Promoter, and
- (iv) the installation of four wind turbines of 200 to 300 kW at Bigara is being considered by the Central Electricity Board subject to the interference study on communications system at the site being conclusive.

With regard to the installation of offshore wind turbines, given the high costs involved and the lack of commercially available technology to withstand cyclones, such projects are not technically viable at this stage.

Mr Seetaram: Mr Speaker, Sir, considering the fact that this Government is promoting wind energy through the project of *Maurice Ile Durable*, can the Deputy Prime Minister inform the House whether it is appropriate to give more incentives for the installations of windmills in those regions, most importantly and most specifically in the region of South East, that is, from Grande Rivière Sud Est to Mahebourg, the most windy areas?

The Deputy Prime Minister: Mr Speaker, Sir, the incentive will come from the wind regime. If the wind regime is good, the incentives will automatically follow.

CAMP DE MASQUE, BEL ETANG & MEDINE CAMP DE MASQUE - DRAINS

(No. B/171) Mr J. Seetaram (Second Member for Montagne Blanche & GRSE) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and

Shipping whether, in regard to Camp de Masque, Bel Etang and Medine Camp de Masque, he will state where matters stand concerning the carrying out of drain works and the installation of new drain slabs thereat.

Mr Bachoo: Mr Speaker, Sir, the drain works and footpath at Camp de Masque are being undertaken by the Road Development Authority (RDA) on a pilot basis under the emergency programme. The survey and the preparation of the design have already started and on-site works are scheduled to start by the end of this month.

Furthermore, the RDA is presently carrying out the detailed engineering of the road from Providence to Central Flacq which includes the construction of footpath and drains at Bel Etang and Medine Camp de Masque.

Mr Seetaram: Mr Speaker, Sir, I do take note that drain works have started, but due to the torrential rains recently, much prejudice was caused to inhabitants living in the region of Camp de Masque mainly near the main road. Can the hon. Minister inform the House whether an additional effort could be given in the regions of Camp de Masque and Bel Etang?

Mr Bachoo: Mr Speaker, Sir, that is why I have mentioned that, under the emergency programme, we are doing the work, and a sum of Rs15 m. has already been earmarked and the work should be completed within three months.

MASA - PRB GRANT

(No. B/172) **Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Arts and Culture whether, in regard to the Mauritius Society of Authors, he will state if his Ministry has paid out the PRB Grant thereto in December 2009 and December 2010, respectively.

Mr Choonee: Mr Speaker, Sir, I am informed that in line with the policy of Government, revenue raising institutions have to meet the costs of implementing the PRB Report.

However, the Ministry of Finance and Economic Development had exceptionally provided a special grant of Rs3 m. to MASA in June 2009 to enable implementation of the PRB Report 2008 which was published in May 2009 as MASA had not made these provisions in its Budget.

Mr Barbier: Sir, since the sum of Rs3 m. grant represents 33 percent of the total revenue generated by the MASA - which is around Rs14 m. a year - and now, with the increase in salary; the salary move from Rs7 m. to Rs10 m. out of a revenue of Rs15m., only a meagre part of the budget is left for the distribution of rights and royalties to the local artists. So, would the hon. Minister consider the possibility, on the next coming Budget, to revise this position and to again, give this grant equivalent to the PRB Report to the MASA?

Mr Choonee: Mr Speaker, Sir, I just mentioned, it is the policy of Government not to give grants to those institutions that generate income. However, MASA is reviewing its tariff and, of course, following enforcement of same, revenue is expected to increase.

MASA - LOCAL ARTISTS - REPRESENTATIONS

(No. B/173) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Arts and Culture whether, in regard to the last General Assembly held at the Mauritius Society of Authors, he will, for the benefit of the House, obtain from the Society, information as to if representations were made by the local artists and, if so, the actions taken, if any, in relation thereto.

Mr Choonee: Mr Speaker, Sir, I am advised that MASA held its last Annual General Meeting on 03 October 2010. Representations were made in respect of the following -

1. statute of MASA;
2. distribution of royalties;
3. increase of copyright fees;
4. extension of loan facilities;
5. representatives of producers to sit on the MASA Board;
6. collection of dues on caller tunes, and
7. need for improved communication with members of the MASA.

I am informed that MASA has initiated the following measures to attend to these representations -

1. The rules of the society are being reviewed and will be finalised by the Board soon.

2. MASA is providing artists with a detailed return of revenues in respect of their work.
3. As regards increase in copyright fees, MASA has already revised its tariffs which have been approved by its Board and will be implemented shortly.
4. Regarding deductions of loans and advance payments, the requests of members not to deduct the whole loan/advance in one instalment has been approved. Loans may now be refunded in three instalments.
5. Regarding the appointment of representatives of producers to sit on the Board of MASA, this is already the practice.
6. The issue of caller tunes is being addressed and artists are being paid royalties accordingly. Some 230 artists have benefited.
7. MASA has informed that with a view to improve communication with artists, it proposes to hold regular meetings, organise workshops and publish a monthly bulletin.

Mr Barbier: May I know from the hon. Minister whether MASA also requests for the new Copyright Bill - which is long awaited now - to be circulated among the stakeholders for finalisation?

Mr Choonee: Yes, Mr Speaker, Sir. The new Copyright Bill, of course, will be coming. We are reviewing everything and we are going by the advice of international institutions like WIPO.

Mrs Radegonde: May I ask the hon. Minister when the Copyright Act will be amended; if there is a date?

Mr Choonee: It's almost ready. We have had consultations with the State Law Office. We will go by the advice of the State Law Office.

MINISTRY/GOVERNMENT DEPARTMENT - BUILDINGS - RENT

(No. B/174) 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, in regard to the buildings and premises rented by each Ministry and Government Department, he will state, in each case -

- (a) the name of the owner;
- (b) the extent thereof;
- (c) the monthly rental, and
- (d) since when they are rented.

Mr Bachoo: Mr Speaker, Sir, the information is being compiled and will be placed in the Library of the National Assembly as soon as possible.

Mr Ameer Meea: Mr Speaker, Sir, I understand from the hon. Minister that this can be a lengthy answer indeed, but can I ask the hon. Minister what time frame he is looking up to table the answer? Very often we are told that the answer will be compiled and tabled and then we never get it.

Mr Speaker: Once again, I will have to draw the attention of hon. Members what is provided in Erskine May. If a question has been put and a Minister has made a statement or given that he will take action and he has not taken the action, the hon. Member can come back three months later with the same question, in the same session.

Mr Guimbeau: Mr Speaker, Sir, we keep coming back every three months and never get the answer.

(Interruptions)

Mr Speaker: Unfortunately, Erskine May did not look at the problem from that angle.

Mr Guimbeau: If we refer to Erskine May, Mr Speaker, Sir, I think time has come to review the Standing Orders of the Assembly.

Mr Speaker: That does not depend on the Chair. Hon. Hossen!

WATER TANK – CASH GRANT

(No. B/175) Mr A. Hossen (Third Member for Port Louis South & Port Louis Central) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the budgetary provision of a cash grant of Rs3000 for the purchase of a water tank, he will, state when the scheme will be implemented, indicating the criteria laid down for -

- (a) eligibility thereof, and

- (b) the selection of the suppliers thereof.

The Deputy Prime Minister: As announced in the 2011 Budget, Government will provide a cash grant of Rs3,000 to enable families with income below Rs10,000 to purchase a water tank. A sum of Rs120 m. has been earmarked for this project to support 40,000 low income families to acquire a water tank and have adequate water storage.

Before launching the scheme, the eligibility criteria, the application procedure and the registration of suppliers had to be defined. I am advised that a Committee comprising my Ministry, the Mauritius Standards Bureau, the Ministry of Social Integration and National Empowerment, the Ministry of Social Security, Senior Citizens Welfare and Reform Institutions, the Ministry of Finance and Economic Development defined the criteria for the grant. I am tabling a copy of the criteria for eligibility, which includes, *inter alia*, that -

- (i) the scheme will be open to families with income less than Rs10,000 in any region in Mauritius and Rodrigues, and
- (ii) family income will be based on income of head of household and spouse.

Mr Speaker, Sir, 7,000 families in Mauritius and 2,500 in Rodrigues with low income as surveyed by the National Empowerment Foundation will be given priority.

With regard to the supply of water tanks, the Committee had consultations with the local manufacturing companies of water tanks to ensure that the procedures are clearly defined.

A communiqué inviting the local manufacturers to register under this scheme was issued on 11 March and the closing date was 31 March, 2011. The registration of suppliers is being finalised and will be published by the end of the week.

The public will be informed through the media of the conditions of the grant and the application procedure by the last week of April.

Mr Hossen: Mr Speaker, Sir, bearing in mind the problems encountered with the solar water tank scheme, what are the precautionary measures that are being taken to avoid same?

The Deputy Prime Minister: Mr Speaker, Sir, for sure, disbursement will only be made to the supplier - not to the householder - and on production of a certificate that the tank has been delivered.

Mr Bérenger: I did not hear the hon. Deputy Prime Minister saying who is going to administer these criteria, the certificates and so on?

The Deputy Prime Minister: The CWA with my Ministry. Last time it was the Development Bank of Mauritius and this time it will be my Ministry with the CWA.

Mr François: Being given that the scheme will be extended to Rodrigues, will it be only a sort of PVC water tank or will the hon. Deputy Prime Minister consider providing the Rs3,000 so that those people in Rodrigues can build what we call concrete water tank?

The Deputy Prime Minister: We will consider that proposal.

Mr Uteem: Mr Speaker, Sir, I heard the hon. Deputy Prime Minister talking about invitation being given to manufacturers. Will the scheme be opened also to people to import water tank from abroad or only restricted locally?

The Deputy Prime Minister: Mr Speaker, Sir, it will be local manufacturers only. It will create jobs; it will make sure that we get quality.

Mr Speaker: Hon. Members, I have to inform the House that the supplementary question of hon. Lesjongard this morning on the PNQ was disallowed by me on the ground of being hypothetical vide Standing Order 22(1)(g).

At 1.02 p.m the sitting was suspended.

On resuming at 2.32 with the Deputy Speaker in the Chair.

MAURITIAN LAW - SPENT CONVICTIONS - INTRODUCTION

(No. B/176) Mr A. Hossen (Third Member for Port Louis South & Port Louis Central) asked the Attorney General whether he will state if Government proposes to amend the legislation with a view to introducing the concept of spent convictions in our legal system.

Mr Varma: Mr Deputy Speaker, Sir, the concept of “spent convictions” does not, at present, exist in Mauritian law. In the case of *Narain Tacoorsing v The State*, the Supreme Court held that, I quote -

“a reference to the previous conviction as being “spent” is erroneous since there is no concept of “spent convictions” applicable by law in Mauritius, contrary to what is the case in some other countries”.

In the case of *Khoyratty v R*, the Supreme Court referred to the practice obtaining in the UK with respect to previous convictions. The Court there held - Quoting from *Sentencing Law and Practice* by Allen and Boyle

“While an offender may have a previous record and, therefore, not be a person of good character, he may be given credit for making the effort to keep from crime if there is a sufficient gap between his previous offences and the current one”.

Mr Deputy Speaker, Sir, I wish to inform the House that my Office is currently working on a Mauritian version of the English Police and Criminal Evidence Act (PACE). Our legislation will probably be known as the Criminal Investigations, Proceedings and Evidence Bill, and will introduce the concept of spent convictions in Mauritian law. It is anticipated that convictions will be treated as spent if they are over 10 years old and relate to minor offences, carrying as maximum penalty fines which will be prescribed.

Mr Deputy Speaker, Sir, I also wish to inform the House that my Office is also reviewing the legislation relating to certificates of morality - the Certificate of Morality Act 2006. With the introduction of the concept of spent conviction in our law, the Certificate of Morality Act will be revamped to take on board this major development in our law.

Mr Deputy Speaker, Sir, once the two Bills are finalised, Government approval will be sought, and the Bills will then be introduced in the National Assembly.

Mr Baloomoody: The hon. Attorney General mentioned the certificate of morality that his Office issues. May I know what about the certificate of good conduct? There are some problems actually with regard to the certificate of conduct. If one is released on bail and is supposed to keep good conduct for two years, once the two years lapse, there is no authority that gives that certificate. It used to be given by the DPP. I have personally spoken to the DPP, and he said that his office is no longer looking into it, and even the police don't issue that certificate. May I know who will issue that certificate of good conduct?

Mr Varma: Mr Deputy Speaker, Sir, the point being raised by the hon. Member is not the question being put today. I don't think I have mentioned in my reply that my Office issues certificates of morality. In fact, it is the Office of the DPP that issues certificates of morality. As

far as a certificate of good conduct is concerned, Mr Deputy Speaker, I need notice of the question.

Mr Seetaram: Mr Deputy Speaker, Sir, concerning spent convictions, in cases of assaults or minor offences, especially when you have civil servants who are interdicted, may be the Office of the Attorney General could give consideration for it to be less than 10 years...

The Deputy Speaker: No, this question will have to be debated when the Bill comes to Parliament. We can't anticipate debates. Next question!

IN VITRO FERTILISATION TECHNIQUE

(No. B/177) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Health and Quality of Life whether, in regard to the *in vitro* fertilisation technique, she will, for the benefit of the House, obtain information as to -

- (a) as at 30 March 2011, the number of
 - (i) births given by women who have resorted thereto in Mauritius,
 - (ii) foreigners who have undergone treatment in relation thereto, and
- (b) how the unused frozen embryos are disposed of.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, *in vitro* fertilization (IVF) is a technique in which eggs from a woman's ovary are removed, and they are fertilised with sperm in the laboratory. The fertilised egg or embryo is then returned to the woman's uterus. IVF is not being practised in public hospitals. However, I am informed that the technique is being practised by three private Health Care Units, namely St Esprit Clinic, Quatre Bornes, Harley Street Fertility Centre, Floréal and Gynaecology and Fertility Centre, Rose Hill, which offer *in vitro* fertilisation services and not delivery services.

I am further informed that the St Esprit Clinic and Harley Street Fertility Centre do not have statistics regarding births given by women who have resorted to IVF, as the patients are referred by their own gynaecologists to the Health Care Units for IVF and are thereafter returned to their gynaecologists for follow-up. According to St Esprit Clinic, some 10 % of its clients are foreigners, whereas for the Harley Street Fertility Centre, foreigners account for some 25% of its patients. As far as the Gynaecology and Fertility Centre is concerned, about 20 patients follow

treatment annually. The Centre has informed that it is aware that 10 births have resulted from IVF treatment. The Centre has also informed that three foreign patients have resorted to IVF techniques.

Regarding part (b) of the question, I am informed that the Director of St Esprit Health Care Unit is not in Mauritius. Therefore, no information has been submitted on disposal of embryos. Harley Street Fertilisation Centre has informed that patients are advised to have their embryos frozen. If they are not interested, they are then asked for consent for disposal of the embryos by incineration at Fortis Clinic Darné, Floréal. Gynaecology and Fertility Centre has informed that it uses the embryos on patients, and does not store embryos.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether she is aware that, on the website of one of the clinics, namely Harley Centre, it is mentioned - talking about frozen embryos - allow me to quote -

“We are allowed by law to store them up to five years, (with an extension of storage for a further period of up to five years in some cases)”.

May I ask the hon. Minister whether she is aware of this situation?

Mrs Hanoomanjee: Mr Deputy, Speaker, Sir, let me tell the hon. Member that there is no legal framework so far which has been worked out by the Ministry of Health on this issue.

Mrs Labelle: Mr Deputy Speaker, Sir, may I ask the hon. Minister whether she will seek information from the Harley Street Fertility Centre as to which law they are referring to? This is a public document on the website.

Mrs Hanoomanjee: Sure, Mr Deputy Speaker, Sir, I will look into it.

Mr Bérenger: Since the hon. Minister is confirming that there is a legal vacuum on such a very important and delicate issue, may I ask her whether the Ministry is envisaging bringing any legislation?

Mrs Hanoomanjee: In fact, Mr Deputy Speaker, Sir, since 2006, my Ministry had requested the Eastern Central and Southern African Health Community to provide us with the technical support, to prepare a legislative framework to regulate the use of *in vitro* fertilisation. But, up to now, I am sorry, nothing had been done. There has been very slow progress in the matter, and there is still no legal framework. What I am doing is reviving this project with the

Eastern Central and Southern African Health Community, and there is a piece of legislation which has been prepared. But still, I wish to draw the attention of the House to the fact that, given that there is a question of morale and ethics, I believe it may become a controversial issue. I believe that there will be a wide circulation of that piece of legislation so that we can get the views of everybody before I bring it to Parliament.

Dr S. Boolell: Mr Deputy Speaker, Sir, is the hon. Minister aware that female infertility is not considered as a disease in our hospitals and this is why IVF is not being practised in the Government hospitals, and whether she agrees with this.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, we are fully aware that couples who are unable to conceive, face a lot of family, psychological and social problems, but the question is that our hospitals, up to now, have not gone into *in vitro* fertilisation because there is no legal framework.

If the private clinics are doing it without legal framework, there is a need for sure to get the legal framework. But at the level of hospitals, we need to have a legal framework before we go into it.

Dr S. Boolell: May I ask the hon. Minister how action in the private clinics is tolerated without a legal framework and this is being used as an excuse not to perform same for someone in this population who cannot afford the fees of a clinic? It is not fair.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, *ce problème ne date pas d'aujourd'hui. En fait, je dois dire que* the first licence to operate a clinic was given in 1996 when the MMM itself was in Government.

(Interruptions)

The license was given in 1996 without the legal framework being there.

(Interruptions)

The Deputy Speaker: Order! Order!

Mrs Hanoomanjee: That's why we have said that there is the need for legal framework. At least, we recognise that there is need to have a legal framework. The first licence was delivered in 1996.

The Deputy Speaker: Last question, hon. Mrs Labelle!

Mrs Labelle: Mr Deputy Speaker, Sir, the hon. Minister has just reminded the House that when the Labour Party was in Government in 1996, the first license was given and I think this is not the issue right now. Since we are all aware that it is more than 10 years that *in vitro* is being practised and we don't have any legal framework, and in view of the highly ethical aspect of this issue, will the hon. Minister give an indication to the House when she thinks she will be coming with a piece of legislation to address this issue?

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, if the hon. Minister had listened to what I said, I stated there is a Bill under preparation. We are preparing the legislation and I will have wide consultations on the piece of legislation before it comes to Parliament.

GAMBLING REGULATORY AUTHORITY - BOOKMAKERS - IT SYSTEM

(No. B/178) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the project for the acquisition of an integrated IT System to monitor the activities of the bookmakers, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to if the contract has been awarded and, if not, if the project has now been abandoned and, if so, the reasons therefor.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker Sir, with your permission, I will reply to PQ Nos. B/178 and B/181 jointly as the answers are related.

(Interruptions)

The Deputy Speaker: Order please! Hon. Bhagwan! Please, listen to the answer!

Dr. Bunwaree: Mr Deputy Speaker, Sir, I am informed by the Gambling Regulatory Authority (GRA) that an IT Horse Racing Betting Control System is in operation since 2006. However, it needs to be upgraded to respond to the new technological, legal and regulatory requirements and challenges of the GRA.

Mr Deputy Speaker, Sir, it is good I informed the House that the GRA had been considering the implementation of three different IT projects to monitor and control betting and gaming activities under its purview, namely -

- First, a Central Electronic Monitoring System (CEMS) for all betting transactions conducted on Gaming Machines in Casinos and Gaming Houses in the Republic of Mauritius, including Rodrigues.
- Secondly, a Standard Horse Racing Bookmakers Software linked to a Central Electronic Monitoring System (CEMS).
- Thirdly, a Central Electronic Monitoring System for all betting transactions on foreign football matches taking place outside Mauritius.

The combined investment cost of the three systems is estimated at around Rs250 m.

In view of the fact that the three projects have similar objectives of monitoring and control, it was considered that an integrated IT approach rather than a fragmented one would be more economical and cost-effective. Moreover, in view of the substantial revenue generated from gambling, the proposed solution should be compatible with the Integrated Tax Administration System (ITAS) being implemented by the MRA.

It has, therefore, been decided to commission a Study for an integrated system ...

(Interruptions)

The Deputy Speaker: Order!

Dr. Bunwaree: ... to link all gaming and betting transactions on licensed gaming machines, totalisators, bookmakers and lottery operators to the Central Electronic Monitoring System.

A provision of Rs10 m. has been made in the current Budget and appropriate Terms of Reference are being worked out.

As regards part (a) of PQ B/181, I am informed by the GRA that measures taken to control the activities of bookmakers include the following -

- (i) limit the number of Bookmakers licences to 64;
- (ii) reinforce conditions attached to the licence;

- (iii) obligation for every bookmaker to operate the IT Horse Racing Betting Control System linked to the GRA Control Server;
- (iv) imposing an upper and a lower limit of the sum total of odds of horse betting;
- (v) restrict advertisement (Radio/TV) on gambling activities between 06.00 hrs and 20.00 hrs, and
- (vi) regular inspections by officials of “*Police des Jeux*” to ensure compliance with betting rules and conditions of licence and any other provisions of the GRA Act.

Ms Deerpalsing: Mr Deputy Speaker, Sir, my question was specific to bookmakers, to the integrated system, to control and monitor the bookmakers. So, the hon. Minister in his answer has talked about a number of systems. Besides, the answer was not convincing in my opinion.

(Interruptions)

Mr Deputy Speaker, Sir, may I ask the hon. Minister - I know he is not the substantive Minister - whether he is aware that the project concerning bookmakers, the second one that he mentioned, had already been allocated and was to be implemented and was frozen? Can the hon. Minister confirm this to the House?

Dr. Bunwaree: Mr Deputy Speaker, Sir, I am well aware of what the hon. Member has said. But may I enlighten the House that the way the question is put, the question speaks about “the project for the acquisition of an integrated IT system” to monitor the activities of bookmakers. This does not exist in my opinion.

(Interruptions)

The Deputy Speaker: Please!

Dr. Bunwaree: The integration is for the whole of the betting systems in Mauritius. This is integration. But what hon. Ms Deerpalsing is saying for the bookmakers is a fact.

Ms Deerpalsing: Mr Deputy Speaker, Sir, can the hon. Minister confirm to the House, whether at a Board meeting of the GRA on 02 October 2010, the representative of the Ministry of Finance, put pressure for the freezing of the implementation of an existing project?

(Interruptions)

Dr. Bunwaree: No need to make noise!

(Interruptions)

The Deputy Speaker: Order! Order.

Dr. Bunwaree: I think hon. Members are not aware of one thing. This information also may be true, but it was important for the Ministry of Finance to convince the GRA of a change in policy. The change in policy is to be more cost-effective and not to go in line with what had already started before.

(Interruptions)

The Deputy Speaker: Yes, order, please! Hon. Mrs Labelle, hon. Jhugroo!

(Interruptions)

Hon. Jhugroo, please!

Mr Bhagwan: Is the hon. Minister aware that the new Minister of Finance, as soon as he has taken office, has given directives - pressurised by bookmakers - to the GRA to stop that project where Government has already invested more than Rs5 m. of public money?

Dr. Bunwaree: Je pense qu'il a dû voir la lumière où cela n'existait pas.

(Interruptions)

The Deputy Speaker: Order! Order, please! Hon. Bhagwan!

Dr. Bunwaree: Mr Deputy Speaker, Sir, the GRA Act 2007 at clause 109 makes provision for the setting up of a Central Electronic Monitoring System for the whole of betting. The substantive Minister of Finance must have seen that...

(Interruptions)

The Deputy Speaker: Don't impute motives, please!

Dr. Bunwaree:... this had to be set up and secondly, that it was more cost-effective. So, he decided to go along those lines.

Ms Deerpalsing: Mr Deputy Speaker, Sir, can the hon. Minister confirm to this House that at the Board Meeting of 02 October...

(Interruptions)

The Deputy Speaker: Order! Order! No cross-talking, please! Hon. Seetaram, please!

Ms Deerpalsing: Can I ask the hon. Minister whether he can confirm to this House that, at the Board Meeting of 02 October 2010, the Board of the GRA was talking about how they were going to compensate PricewaterhouseCoopers and Everest Ltd for a project that had already been allocated and has now been frozen? Can the hon. Minister confirm to the House that, at that Board Meeting, there was talk about how to settle the outstanding amount due to PricewaterhouseCoopers and Everest Ltd?

Dr. Bunwaree: I have already replied that there was a change in policy which implies certain amendments that have to be done. Therefore, there was the need for some representatives of the Ministry of Finance to go and convince the GRA which has already been in a blunder before, to correct itself.

Ms Deerpalsing: Mr Deputy Speaker, Sir, the hon. Minister is talking about a change in policy. Can we know what then is going to be the system to control, because now we are talking about a study? Do we need a study in order to control and monitor the bookmakers in this country?

Dr. Bunwaree: Yes, but we have to go along these lines because the proposal of the GRA Act ought to have been put in place first. We were supposed to put in place a Central Monitoring System. What was being done in the past is that we were monitoring only horse racing - something which had already been put in place since 2005. In the meantime, the MRA has also improved and has also found ways and means to do things differently and we had to adapt.

Mr Bhagwan: Is the hon. Minister aware as a Minister of Government - I am sure he might not be aware - that the Minister of Finance gave directives to his Senior Adviser, Mr Dowarkasing, to pressurise upon...

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

Mr Bhagwan: Can I rephrase my question?

The Deputy Speaker: Yes, please!

Mr Bhagwan: Can the hon. Minister inform the House whether the Senior Adviser of the Minister of Finance, Mr Dowarkasing, was a candidate as vice-Chairman of the GRA - this is the fact - and that because his application was not considered, this is why he did some sabotage at the GRA?

The Deputy Speaker: No. I understand that the Minister has answered that question, which has been rephrased differently.

(Interruptions)

Ms Deerpalsing: Mr Deputy Speaker, Sir, as I said, I know the hon. Minister is not the substantive Minister. Can I ask the hon. Minister whether - when the Minister comes back - there could be a study - because we are in the mode of studies now - as to whether there has not been undue pressure of money from the bookmakers to stop that system?

Dr. Bunwaree: This is something different. This can be looked into, because I know how things go. I want the hon. Member to understand one thing. Had we not done what has been done, that is, had we not stopped that, then what would have happened...

(Interruptions)

The Deputy Speaker: Order! Hon. Mrs Labelle, please! Hon. Jhugroo! I am reminding both of you for the second time.

Dr. Bunwaree: Had we not done what has been done, what would have happened? Has the hon. Member thought about that? What would have happened is that in the months to come, the system that was being implemented would have been so only for horse racing and then after the study, we would have had to backpedal on many issues, spending Government money uselessly?

The Deputy Speaker: I would allow three last questions, one from hon. Ms Deerpalsing, one from hon. Bhagwan and one from hon. Lesjongard. We start with hon. Lesjongard.

(Interruptions)

Order!

Mr Lesjongard: Can I ask the hon. Minister in what way will an IT system meant for bookmakers only, prevent from having a global IT system for the whole gambling sector in Mauritius?

Dr. Bunwaree: I have given the explanation. The GRA had been considering the implementation of three different IT projects before 2010. They had gone into that line of thinking. They had started doing certain consultancy work for projects and so on. At the same time, the MRA was progressing on different lines. Then, we decided that that would be losing money uselessly. Therefore, it would have been more cost efficient to do what has been done.

Mr Bhagwan: From what we have heard - I refer the hon. Minister to my PQ No. 1B/715 which I asked last time - everybody - even the State Law Office - is very much concerned by the directives given by the Minister of Finance. Can the hon. Minister inform the House, the country and the public, whether the Minister of Finance, in his behaviour to tackle this *dossier*, has acted more as a representative...

The Deputy Speaker: No, I won't allow this question! It is imputing motives. The Minister has answered that it is a policy decision. Last question, hon. Ms Deerpalsing!

Ms Deerpalsing: Mr Deputy Speaker, Sir, since the negotiations for settling...

(Interruptions)

The Deputy Speaker: Order! Hon. Bhagwan! Order! Order! Order!

(Interruptions)

Hon. Bhagwan, order! Yes, hon. Ms Deerpalsing!

Ms Deerpalsing: Mr Deputy Speaker, Sir, since the amount that has been paid to PricewaterhouseCoopers and Everest Ltd comes from the public money, can I ask the hon. Minister whether he can lay on the Table of the House the minutes of meetings of the Board of the GRA pertaining to this issue so that this House can make up its own mind about what has happened?

(Interruptions)

I have read it!

Dr. Bunwaree: She has read it.

The Deputy Speaker: Yes, please, answer!

Dr. Bunwaree: She can do as much as she is asking me to do, if she has read it. I am going to convey the message to the substantive Minister.

The Deputy Speaker: Thank you. Next question!

**LOUIS NELLAN GOVERNMENT SCHOOL - PARENTS TEACHERS
ASSOCIATION**

(No. B/179) Ms K. R. Deerpalsing (Third Member for Belle Rose and Quatre Bornes) asked the Minister of Education and Human Resources whether, in regard to the Louis Nellan Government School in Quatre Bornes, he will state if he has taken cognizance of the grievances of the Parents Teachers Association thereof and, if so, the actions he proposes to take to help mitigate the problems encountered by the Association.

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

The Deputy Speaker: Hon. Bhagwan, please!

Dr. Bunwaree: According to records available at my Ministry, the PTA of Louis Nellan Government School...

(Interruptions)

The Deputy Speaker: Hon. Bhagwan, please! I am calling you to order for the third time.

Dr. Bunwaree:... raised by way of a letter dated 25 February...

(Interruptions)

Mrs Labelle: Mr Deputy Speaker, Sir, on a point of order, I heard the hon. Minister of Industry & Commerce telling the hon. Member: '*to ene femme*'.

(Interruptions)

The Deputy Speaker: Please!

Mrs Labelle: Mr Deputy Speaker, Sir, women are not in this House to be insulted.

Dr. Bunwaree: On a point of order!

The Deputy Speaker: Yes, please! Order! Order!

Mrs Labelle: Mr Deputy Speaker, Sir, I do believe that not only myself, but all women of this House consider such remarks as being most sexist and insulting to the women of the House.

The Deputy Speaker: I must tell that there was so much noise that I did not hear. But, in any event, if the hon. Minister did make a remark which is sexist, I leave it to the Minister to respond to it.

Mr Soodhun: *C'est ène compliment pou ou!*

(Interruptions)

Mr Baloomoody: Mr Speaker, Sir, by his answer, he has admitted that he has stated that word. Can we have a ruling from the Chair? Either he withdraws or his word is unparliamentary.

The Deputy Speaker: I will ask the hon. Minister to withdraw the word.

Mr Soodhun: I reserve it.

The Deputy Speaker: No, you should make an unreserved withdrawal.

Mr Soodhun: I make an unreserved withdrawal.

(Interruptions)

Ms Deerpalsing: Mr Deputy Speaker, Sir, I insist this is a sexist remark and it should be withdrawn.

The Deputy Speaker: He has done so. He has withdrawn the word.

(Interruptions)

I asked him to make an unreserved withdrawal and he withdrew the word. Hon. Bunwaree!

(Interruptions)

Order! Hon. Jhugroo, please!

Mrs Bappoo: Please, Mr Deputy Speaker, Sir, on a point of order. I fully subscribe to what hon. Ms Deerpalsing and hon. Mrs Labelle have just said. These kinds of words are not to be tolerated in this House.

The Deputy Speaker: I heard the hon. Minister withdrawing unequivocally and, just for the sake of clarity, I am again asking the hon. Minister to withdraw the word.

Mr Soodhun: I withdraw.

Dr. Bunwaree: Mr Speaker, Sir, according to records available at my Ministry, the PTA of Louis Nellan Government School raised by way of a letter dated 25 February 2009 the following issues -

- (i) absence of ICT teachers;
- (ii) non-operation of the science lab;
- (iii) the poor condition of the toilet;
- (iv) lack of cleanliness of the school, and

(Interruptions)

The Deputy Speaker: Hon. Dr. Bunwaree, one moment please! I will urge all Members, the incident is over, I want silence because I am not able to hear what the hon. Minister is stating and if there is any comment they want to make, please do it outside the House. It is clear from my side that I won't tolerate any grumbling and I want to listen to the hon. Minister in silence and I want all Members to cooperate with the Chair.

Dr. Bunwaree: Should I start again, Mr Deputy Speaker, Sir?

The Deputy Speaker: Yes, I prefer that we start again.

Dr. Bunwaree: Mr Deputy Speaker, Sir, according to records available at my Ministry, the PTA of Louis Nellan Government School raised by way of a letter dated 25 February, 2009 the following issues -

- (i) absence of ICT teachers;
- (ii) non-operation of the science lab;
- (iii) the poor condition of the toilet;
- (iv) lack of cleanliness of the school, and
- (v) the lack of proper drainage system.

Mr Deputy Speaker, Sir, certain remedial actions have already been taken. I have to mention that the school has one full-time and one part-time ICT Teacher and all pupils are having ICT classes.

Insofar as the science lab is concerned, action is underway at the level of the Zone Directorate to provide adequate equipment, materials and exhibits to ensure that the science laboratory is fully operational.

In regard to toilet facilities, the two toilet blocks are now, I am informed, in a good state.

With regard to cleaning, I am informed that the state of cleanliness of the yard and toilets at Louis Nellan Government School is good.

With regard to the lack of drainage system, the problem still remains with water from Charles Bruce Street flowing into the school yard in time of heavy rainfall.

My Ministry has taken up the matter with the Ministry of Public Infrastructure, National Development Unit, Land Transport & Shipping, the Road Development Authority and the Municipal Council of Quatre Bornes with a view to having a proper drainage system put up in the vicinity of the school. Given that there are major works being undertaken by the Waste Water Management Authority in the area, drain works can be undertaken in Berthaud and Charles Bruce Streets, adjacent to the school, only after wastewater works are over by the end of this month I am informed.

Ms Deerpalsing: Mr Deputy Speaker, Sir, can I ask the hon. Minister, in the list of grievances that has been forwarded to him, whether he is aware that the PTA and the teachers of the Government school have made a representation so that the different blocks are covered? This is the oldest primary school in Quatre Bornes, it has evolved and different blocks have been built over time. Is he aware that there is a request that the different blocks be covered because when there is heavy rainfall the kids are in a really bad situation?

Dr. Bunwaree: Yes, I am aware of this, Mr Deputy Speaker, Sir, and in the forthcoming works that are going to be proposed for 2011, there will be the construction of three additional classrooms and of a covered link passage to link the various blocks of the school.

Ms Deerpalsing: May I ask the hon. Minister when is that phase to happen?

Dr. Bunwaree: According to what is mentioned in my file, it is during the year 2011.

Ms Deerpalsing: Can I ask the hon. Minister, in addition to the grievances, in addition to covering the blocks, whether he is aware that one of the blocks is really in a bad situation where cement has started to fall and that some people have said that that particular block is *condamné*

and whether that block will have to be pulled down and replaced before the new classrooms are built and whether he will consider that that block, which is in a really precarious state, be pulled down and a new block be built so that the new classrooms are not just built on another block adjacent to that one?

Dr. Bunwaree: Yes, Mr Deputy Speaker, Sir, this will be taken care of.

STC - FUEL OIL - SEDIMENT

(No. B/180) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry and Commerce whether, in regard to the consignments of fuel oil, since 2006 to date, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the amount of losses incurred as a result of the high content of sediment therein.

Mr Soodhun: Mr Deputy Speaker, Sir, I am informed by the State Trading Corporation that, since 2006, sediment exceeding the required limit occurred in three consignments of oil in February, March and July 2009. The financial loss is estimated to be around Rs110 m.

On the advice of the State Law Office on 19 April, 2010, the State Trading Corporation has submitted the case to the London Court of International Arbitration as per Clause 21 Special Provisions of the Contract of freight. The matter is still at the level of that Court.

Mr Uteem: Mr Deputy Speaker, Sir, the hon. Minister mentioned that there were three cases of consignment having a high content of sediment. Does the claim which STC is bringing relate to all three consignments or two consignments and another one?

Mr Soodhun: All three consignments, Mr Deputy Speaker, Sir.

Mr Uteem: In his answer to the PQ on 24 July, 2009, the then Minister of Industry and Commerce stated that there would be no loss to STC because all these consignments were fully insured. May I know from the hon. Minister whether this is the correct statement of fact?

Mr Soodhun: It is not the correct statement of fact.

Mr Bérenger: Mr Deputy Speaker, Sir, can I know from the hon. Minister the name of the freight provider and how he was chosen? Was it by tender or by special arrangements?

Mr Soodhun: According to the advice we have received from the SLO, we have already solicited Royden Solicitor...

(Interruptions)

The Deputy Speaker: If the hon. Minister has got the name of the freight provider! If he needs notice he has just to say so!

Mr Soodhun: Mr Deputy Speaker, Sir, I don't have the information.

(Interruptions)

Yes, I don't have the information. It is not now, it was in 2000.

(Interruptions)

The Deputy Speaker: Keep cool!

Mr Uteem: Mr Deputy Speaker, Sir, may I know from the hon. Minister whether the STC is suing the carrier or Mangalore petroleum?

Mr Soodhun: Mangalore Oil Refinery, ST Shipping Transport PTE Ltd, SGS Mauritius Ltd and SGS India Ltd.

Mr Bérenger: We have been told that Mangalore does not deal in freight, that we are buying our petroleum products (FOB) Free on Board. My question was: if he does not have the name of the freight supplier, how was the freight supplier chosen?

Mr Soodhun: As I mentioned, Mr Deputy Speaker, Sir, it is the practice to have a tender which is used to select them and I am sure that it was done through the tender at that time by the former Minister. It was not me.

Mr Uteem: I am sorry to insist, Sir, in his reply the former Minister of Commerce stated that, I quote -

“...it was found that there were more probabilities that the ship owners were responsible for the high content of sediment in the fuel oil...”

This is why I am asking, are we are suing the ship owner or are we suing the supplier Mangalore Petroleum Product?

Mr Soodhun: I mentioned all the four.

BOOKMAKERS – ACTIVITIES - MONITORING

(No. B/181) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the bookmakers, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to –

- (a) the measures taken to control the activities thereof, and
- (b) where matters stand as to the acquisition of an integrated IT System to control betting.

(Vide reply to PQ No. B/178)

QUATRE BORNES - CASINOS/GAMING HOUSES

(No. B/182) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to casinos/gaming houses and outlets of the Loterie Nationale for Loto and related games, he will –

- (a) for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the number thereof licensed to operate in the town of Quatre Bornes, and
- (b) state if a study has been carried out to assess the social impact thereof on the citizens.

The Minister of Education and Human Resources (Dr. V. Bunwaree): Mr Deputy Speaker, Sir, I am informed by the Gambling Regulatory Authority (GRA) that in the town of Quatre Bornes, the number of licenses issued are as follows -

- (i) gaming House A - one
- (ii) gaming House B - one
- (iii) Mauritius National Lottery (LOTO) Retailers - 40

As regards part (b) of the question, following Government decision to look into the cases of gaming houses which present a hazard to their neighbourhood, the GRA had initiated action and solicited the assistance of the Commissioner of Police and that of local authorities to conduct

such investigations. As the House is aware, the licence of Ti-Vegas in Quatre Bornes had been revoked in August 2010.

Moreover, I am informed that a National Responsible Gambling Program has been devised by the GRA. This includes the conduct of a national survey on gambling attitudes, spending patterns, motivation and vulnerability. An amount of Rs2 m. has been earmarked for implementation of the programme during the course of this year.

Mr Ramano: M. le président, est-ce que je pourrais savoir pendant quelle période que ces 40 permis ont été alloués?

Dr. Bunwaree: For Gaming House A - one *c'était en janvier* 1996, Gaming House B in 1998 and for the Mauritius Loto it is since the lotto started, I believe.

Ms Deerpalsing: Mr Deputy Speaker, may I ask the hon. Minister whether he can confirm to the House that the licence of the gaming house Ti-Vegas was granted when hon. Ramano was a Councillor of the Municipality?

The Deputy Speaker: No, this has nothing to do with this question!

Mr Ramano: Je ne compte pas répondre

(Interruptions)

The Deputy Speaker: Put your question!

Mr Ramano: Je dirais quand même que le permis a été alloué par la *Tourism Authority* pendant que le ministre Bodha était le ministre du tourisme.

(Interruptions)

Ma question est, M. le président...

(Interruptions)

The Deputy Speaker: Hon. Bhagwan and hon. Baloomoody, please!

Mr Ramano: Pour la deuxième partie de la question, M. le président, peut-être que nous sommes en train de sous-estimer les conséquences du jeu sur la famille mauricienne. J'aimerais savoir s'il y a une étude en bonne et due forme qui est commanditée par le gouvernement, vu la gravité de la situation pour la famille mauricienne?

The Deputy Speaker: No, this has been answered. The Minister stated that a project is in shape for sensitisation, I understand.

Mr Obeegadoo: Such a study has nothing to do with the Commissioner of Police. Will the Minister recommend to Government to approach the Centre for Applied Social Research at the University of Mauritius to measure the impact of gambling over the last few years on the pattern of household spending in Mauritius?

Dr. Bunwaree: There is already a High Powered Committee working at high level in Government and all this will be taken care of.

TOURISM INDUSTRY - HOTEL CLASSIFICATION

(No. B/183) **Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Tourism and Leisure whether, in regard to the hotels, he will state if Government proposes to implement a hotel classification regarding the quality of the services and the amenities offered by each hotel, with a view to harmonising the standards in the tourism industry.

Mr Bodha: Mr Deputy Speaker, Sir, I thank the hon. Member for the question.

In fact, the idea for hotel classification in Mauritius has been canvassed by the industry for a number of years now.

However, while we agree that such a system might have some benefits, we should be prudent in our approach, taking into account the characteristics of our hotel industry.

Mr Deputy Speaker, Sir, as Members of the House are aware, our industry is characterised by an inverted pyramid structure. Most of our hotels are found in the upper segment, a few in the middle segment and in the lower end of the pyramid, we have, what we call our tourist residences.

Mr Deputy Speaker, Sir, even if we do not have a structured hotel classification in our industry, many of our hotels belong to international brands, and these brands have their own specifications, standards and culture. The use of an international name is already a guarantee of the level of service delivered.

Our hotel groups have over the years developed a high class standard, earning themselves often the status of world leading hotels. Moreover, proposed hotel projects have always been screened at inception by my Ministry to ensure that the requirements of our new hotel development strategy in regard to the four and five star accommodation are being met.

Mr Deputy Speaker, Sir, furthermore, being given that the tour operators selling Mauritius have developed their own hotel classification system which is in line with the requirements and specifications, this allows for more flexibility in selling hotel products to clients.

Mr Deputy Speaker, Sir, classification of hotels is, but one aspect pertaining to service standards in our hotels. The constant upgrading of establishments is the key to maintaining the image of Mauritius as a world class destination and often a renovation has given the opportunity to upgrade many properties.

In this respect, the Tourism Authority has taken various initiatives to upgrade the standards of service of small and medium establishments so that the service levels reflect the up market image that Mauritius wants to project. In this connection, Mr Deputy Speaker, Sir, the Authority has implemented a scheme for the renovation of small hotels, tourism residences, guesthouses and restaurants having an annual turnover not exceeding Rs50 m., with a view to improving their physical characteristics and consequently their competitiveness. A pool of service providers including professional interior decorators has been selected to carry out a diagnosis of the tourism enterprises.

Furthermore, Mr Deputy Speaker, Sir, the Tourism Authority is planning to recruit a pool of consultants in the field of interior decoration, engineering to improve the standards and service levels in their respective establishments.

Mr Deputy Speaker, Sir, I am open to dialogue and I am prepared to pursue the reflection which has started in the industry for a number of years concerning hotel classification in the tourism sector. I would be glad to welcome suggestions from stakeholders and Members of the House concerning the matter.

Ms Anquetil: I thank the hon. Minister for his answer. Can the Minister inform the House if his Ministry is agreeable to introduce a tourist grading council in Mauritius with strict rules for hotels?

Mr Bodha: Such grading council exists in South Africa and, in fact, I had seen some of the representatives. I think if the stakeholders of the industry are agreeable, we can come with an idea and we can canvass it.

Ms Deerpalsing: Would the hon. Minister be agreeable in the grading and standardisation to include something like the carbon label that exists in the UK hotels, that is, including the carbon footprint of the hotel?

Mr Bodha: We can consider the matter, Mr Deputy Speaker, Sir.

Mr Uteem: If I heard correctly the hon. Minister, there does not seem to be at the moment anything preventing anyone from purporting to call his hotel four, five or six star. I think that this is quite serious, if a low standard hotel goes on the Internet and starts publicising itself as a five-star hotel, don't you think that the Ministry has a role to play in this?

Mr Bodha: Mr Deputy Speaker, Sir, the proof of the pudding is in the eating. If somebody who has a hotel advertises it on the Internet as a four-star plus and people come and stay in the hotel, the tour operators themselves will come and see that the product is not worth a four star. So, you will not be able to sell it. What you promote, you have to be able to deliver.

Mr Uteem: At least, at the level of the MTPA, when you go on promotion tours, you should ensure that those hotels which are accompanying you live up to the standard.

Mr Bodha: Of course, we do that.

CWA – WATER TARIFFS

(No. B/184) Mr A. Ganoo (First Member for Savanne & Black River) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to water, he will state –

- (a) if Government is proposing to increase the water tariffs and, if so, when, and
- (b) the measures taken by Government, as at to date, in relation to the merging of the Central Water Authority, the Waste Water Management Authority, the Irrigation Authority and the Water Resources Unit, as announced in the last budget.

The Deputy Prime Minister: Mr Deputy Speaker, Sir, the water tariff was last increased by 18% in 2002. In 2010 a tariff review study was carried out by a consultant funded by the European Investment Bank. The matter is still being considered.

As regards part (b), following the high level discussions, which the hon. Prime Minister had in Singapore, the advice of the Public Utilities Board of Singapore has been sought to

develop an integrated water management system in Mauritius, which would include *inter alia* the development of a Strategic Water Sector Plan, the reform of the governance and institutional structure, capacity building, development of an operations and maintenance strategic framework and rationalisation of the water tariff.

A proposal from Singapore is currently being examined.

Mr Ganoo: Can the hon. Deputy Prime Minister inform the House, therefore, whether an integrated study will be conducted first before launching into such an ambitious enterprise?

The Deputy Prime Minister: The advice will be sought, but we won't wait for the conclusion because there is an urgency to see that the CWA can get finance.

RODRIGUES - MEDICAL PRACTITIONERS

(No. B/185) Mr C. Leopold (First Member for Rodrigues) asked the Minister of Health and Quality of Life whether, in regard to the health sector in Rodrigues, she will state the number of medical practitioners presently posted thereat, indicating if consideration will be given for the specialists to be posted for a longer period thereat, and, if not, why not.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, at present, there is a total number of 19 medical practitioners, including six specialists posted in Rodrigues.

With regard to specialists, it has been the practice for my Ministry to advertise within the service for officers willing to serve in Rodrigues for a period of six months. In case there is no response, a roster is made for specialists to serve on a month-to-month basis.

Currently, there are many doctors who are pursuing postgraduate studies in various fields of medicine, locally and abroad. When these doctors will have qualified and registered as specialists, due consideration will be given to the posting of specialists in Rodrigues for a longer period.

As a long term solution, and as I stated in my reply to Parliamentary Question 1B/295 on 13 July 2010, the Rodrigues Regional Assembly has been advised to create posts of Specialists/Senior Specialists on its establishment for services restricted to Rodrigues.

Mr Leopold: Mr Deputy Speaker, Sir, is the hon. Minister aware that, for the time being, in certain specialised fields, particularly gynaecology, during the nine months of pregnancy, a

lady is seen by three and at times more than four doctors? So, there is no follow-up. I think, at least, this needs a special attention.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the hon. Member knows that I effected a visit to Rodrigues, and I looked at the situation as it was. At present, there is a gynaecologist who is serving voluntarily for a period of six months. There are some gynaecologists who serve for a period six months to one year usually.

Dr. S. Boolell: Mr Deputy Speaker, Sir, has the hon. Minister made a study on the number of patients who need to be transferred from Rodrigues for specialist care, transfer could have been avoided if those specialties had been represented properly?

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I understand the question of the hon. Member, but it is a question of whether the specialists want to go to Rodrigues or not. The scheme of service has been amended, and it does not compulsorily form part of the scheme of service. So, it is a question of whether they wish to go to Rodrigues or not. In certain disciplines where they do not want to go, we have established a roster for them to go on a month to month basis.

Mr François: Mr Deputy Speaker, Sir, with regard to the shortage of specialists, will the hon. Minister authorise the recruitment of either recommended retired specialists or foreign specialists on contractual basis for Rodrigues?

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, the hon. Member knows that when I effected my site visit to Rodrigues, in fact, this issue was fully discussed. We asked for that post to be created on the Rodrigues Establishment, because even for contract officers, if the posts do not exist, we won't be able to recruit.

RODRIGUES - ENERGY SUPPLY

(No. B/186) Mr J. F. François (Third Member for Rodrigues) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the energy supply in Rodrigues, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to -

- (a) since 2006 to date, on a yearly basis, the
 - (i) operational cost thereof;

- (ii) number of households disconnected, and
- (b) if the second phase of the Pointe Monnier Power Station will be constructed and, if so, when, and, if not, why not.

The Deputy Prime Minister: With regard to part (a) (i) and (ii) of the question, I am tabling the information requested.

With regard to disconnection, I am informed by the Central Electricity Board that, for period 2006 to end of March 2011, electricity supply was disconnected for 2,877 households in Rodrigues for non-payment of electricity bills and that 2,187 households were reconnected upon settlement of their bills.

In my reply to PQ B/558, I informed the House that disconnection is a measure of last resort. The customers are given up to two months to settle their bills and CEB, on a case to case basis, grants payment facilities to those facing financial difficulties.

With regard to part (b) of the question, I am informed by the Central Electricity Board that the second phase of Pointe Monnier project will cater for the request from the Regional Assembly for an additional 1350 kW, to meet future demand for extension of the airport and implementation of desalination plants, as well as gradual retirement of units at Port Mathurin.

The procurement process for the second phase of the Pointe Monnier project is ongoing. On 11 March 2011, the Central Procurement Board approved the award of the contract to the successful bidder.

On 29 March 2011, one aggrieved bidder has challenged the decision of the Central Procurement Board. The CEB is waiting for the determination of the challenge by the Independent Review Panel.

Mr François: Mr Deputy Speaker, Sir, being given there is this proposed investment in energy production, will the hon. Deputy Prime Minister reassure us that consideration also for future investment in sustainable and clean energy remains a priority in line with the *Maurice Ile Durable* vision and that of the OPR party to make Rodrigues an ecological island?

The Deputy Prime Minister: Mr Deputy Speaker, Sir, yes, certainly. I have always paid tribute to Rodrigues for being a leader in the field and will remain the leader. But we have a

problem of getting renewable energy through wind into the grid. This is one of the destabilising factors, but we are looking at it and certainly it has got priority in our thinking.

Mr François: The Deputy Prime Minister said that the tender procedure is ongoing. Do we have a time frame when it will be completed?

The Deputy Prime Minister: We have to wait for the determination by the IRP before I say anything else.

Mr Bérenger: The question is on energy supply in Rodrigues in general. Can I ask the hon. Deputy Prime Minister whether he has the figure for total electricity production in Rodrigues at present? This ongoing tender is for additional capacity of how much?

The Deputy Prime Minister: The additional capacity is 2.5 megawatts, which will replace outgoing units, and provision for the airport and desalination. As for the actual figures, I will provide them to the House.

RODRIGUES - TRACK ROADS - CONSTRUCTION

(No. B/187) **Mr J. F. François (Third Member for Rodrigues)** asked the vice-Prime Minister, Minister of Social Integration and Economic Empowerment whether, in regard to the project for the construction of track roads by the Trust Fund for the Social Integration of Vulnerable Groups, in Rodrigues, he will, for the benefit of the House, obtain from the Fund, information as to the -

- (a) criteria used for the selection of the sites;
- (b) procedures set for recommendations, and
- (c) bidding process thereof.

The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval): Mr Deputy Speaker, Sir, I effected a visit to Rodrigues in January last, to take stock of the status of projects being implemented by the National Empowerment Foundation. During my visit, a request was made by the RRA, as well as the Ministry of Fisheries and Rodrigues, for the NEF to undertake the construction of track roads in some remote and inaccessible areas.

It was brought to my attention that the absence of track roads in several areas was limiting access thereto and causing a lot of hardship to the inhabitants, whilst at the same time hampering the process of their integration in the mainstream of development. Moreover, the safety and well-being of schoolchildren were reportedly at risk.

I have taken note of that request, and I am given to understand that the NEF is at present carrying out preliminary investigations, with a view to coming up with a priority list of sites that could eventually be considered.

Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed that the preliminary investigation will be based on an established procedure at NEF and will take into account *inter alia* the following criteria -

- (i) the number of vulnerable families including children likely to benefit from the project;
- (ii) the readiness of the community to participate in the works;
- (iii) the likely cost of relocating the families to other more suitable sites, and
- (iv) the likely disruptions to the economic activities and livelihood of the vulnerable families.

Regarding part (b) of the question, I am informed that, as is the practice in Rodrigues, any stakeholder may submit proposals for consideration by the NEF. Such proposals are thereafter examined by NEF Management prior to making recommendations to the NEF Board for consideration.

Mr Deputy Speaker, Sir, as far as part (c) of the question is concerned, the information sought is premature at this stage.

Mr François: I thank the hon. vice-Prime Minister for his answer. The vice-Prime Minister said that the NEF examines recommendations for the track road construction. Is the hon. vice-Prime Minister aware that the list of track roads being submitted to an officer of the Trust Fund in Mauritius emanated from the Secretary of the Chief Commissioner's Office, with remarks such as 'not a priority' which is being circulated among political agents and politicians themselves, and are being used as political tools. I will table copy of same to the House. Is the hon. vice-Prime Minister aware of that?

Mr Duval: Mr Deputy Speaker, Sir, the NEF has not undertaken any more construction of track roads since 2003 and after that the DCP did some construction. There has been a request which is still being studied. There is a list; no decision has been taken yet whether we will do so or whether we have sufficient funds to do so. Although a considerable amount of our Budget has been allocated to Rodrigues and if the Member has any point at all he can raise it with me and if he has any suggestion too we will very gladly consider it.

Mr Bérenger: I am sure the hon. vice-Prime Minister has gone to Rodrigues and so on. In Rodrigues, nearly everything gets politicised very rapidly. This is clearly a case in mind; we talked about the so-called illegal demonstration at the airport and so on. My point is: will the Minister see to it that in that case of the construction of track roads, there is objectivity, party politics does not enter into consideration for those track roads?

Mr Duval: Certainly, Mr Deputy Speaker, Sir, that has been our policy. In fact, we need to look at the cost-effectiveness of the investment, how much it will cost to build the track road, how many families are involved, whether it is, in fact, cost-effective. As I said, it is a bit premature to say even that we will construct. We are looking at it because we haven't done so for some time.

Mr François: So, there is no guarantee that we will go ahead with it. There was a proposal for construction of 50-kms of track roads in Rodrigues. On the same line as the hon. Leader of the Opposition, will the hon. vice-Prime Minister guarantee that if we go ahead with the project it will have a fair share in all the six electoral regions in Rodrigues and it does not benefit only selected regions as is the case actually with all the decisions of executive councils, where development projects are being earmarked mainly in only two regions in Rodrigues?

Mr Duval: I have looked at the list. I think it actually covers all the regions of Rodrigues. I cannot comment on what is happening there so far as the Executive Council is concerned, whether that is right or not, but I would say that if the hon. Member has any genuine cases that he would like to submit, we are happy to consider them on the same basis as the list that RDA has submitted.

RODRIGUES - AQUACULTURE

(No. B/188) Mr J. F. François (Third Member for Rodrigues) asked the Minister of Fisheries and Rodrigues whether, in regard to the fishing industry in Rodrigues, he will state where matters stand as to the -

- (a) development thereof, specifically in relation to aquaculture, cono-cono and sea-cucumber, and
- (b) selling of fish on the internet by fishermen, giving details thereof .

Mr Von-Mally: Mr Deputy Speaker, Sir, as the hon. Member is aware, the Rodrigues Regional Assembly has been set up to promote and ensure the autonomy of Rodrigues, specially in the administration of the different Commissions, including the Commission responsible for Fisheries. I am, therefore, of the view that the issues raised by the hon. Member should have been addressed at the level of the Rodrigues Regional Assembly.

The Ministry of Fisheries and Rodrigues, however, provides advisory and technical support to the RRA as and when required to ensure that policies regarding fisheries development are effectively and efficiently implemented.

It is in this context, that my Ministry has assisted the RRA to hold “*Les Assises de la Pêche*” on 05 April last in Rodrigues. The proposals and recommendations made have been noted by the experts of PESCARES Italia, an International Consultancy firm, appointed to elaborate a fisheries “Master Plan for Mauritius and Rodrigues”. I understand that the recommendations made, *inter alia*, include the introduction of aquaculture, cono-cono and sea-cucumber in Rodrigues.

With regard to part (b) of the Question, the matter will be considered once the Fish Auction Market has been set up and becomes operational.

Mr Deputy Speaker, Sir, I would also like to inform the House that the Mauritius Research Council is setting up an antenna in Rodrigues for the development of sea-weed culture. RECOMap of the Indian Ocean Commission is also fielding a visit of Rodriguan technicians to Madagascar to learn the techniques of sea-cucumber culture for eventual adaptation in Rodrigues. I have also been invited by the Australian authorities to visit cono-cono farms in Darwin to see whether this culture can be developed in Rodrigues.

Mr François: Mr Deputy Speaker, Sir, I am fully aware of the status of autonomy in Rodrigues, but the hon. Minister himself at the *Assises de la Pêche* at Mont Plaisir...

The Deputy Speaker: Put your question, please!

Mr François: I was there despite I was not invited. Why I raised this issue of fisheries development in Rodrigues is because he himself talked about it in the *Assises*. May I ask the hon. Minister to guarantee us - because he talked about a Master Plan which will be finalised soon for both Mauritius and Rodrigues - to guarantee us that aquaculture development in Rodrigues will not undergo an exploit and leave or a cut and run development as is the case in many parts of the world, where few benefits from the actions and ecological degradation is the end result?

Mr Von-Mally: The hon. Member can rest assured, this will not be the case. I am sure that since we have the Rodrigues Regional Assembly, the Members there, Members of his party also, will be able to put questions whenever things go wrong.

Dr. Sorefan: Excuse me for my ignorance, but may I know from the Minister what is cono-cono?

(Interruptions)

Mr Von-Mally: I invite the hon. Member to come to Rodrigues and I will show him the cono-cono.

Mr François: Mr Deputy Speaker, Sir, being given that this fishing development is a very serious issue, may I ask the hon. Minister whether he is aware - talking about some officials who will go to Madagascar - that Mauritius ratified in 1992 the Convention on Biological Diversity, thus the introduction of any alien species will be in contravention of the article 8 (h)...

The Deputy Speaker: No, please, the hon. Member has to come with a specific question on that issue.

Mr François: Ok, fair enough.

Mr Von-Mally: In fact, if I can enlighten the hon. Member, there will be no alien species introduced in Rodrigues. He can rest assured.

Mr Leopold: Just one question, Mr Deputy Speaker, Sir. Can I ask the hon. Minister whether the practice of selling fish via internet once the auction market will be operational, is the practice which is common abroad?

Mr Von-Mally: I can tell the hon. Member that this is common in many countries and I can give a list. Among others, you have countries like Norway, Japan, UK, Scotland, Spain, Denmark, Russia, USA, and Hawaii.

Mr François: We are talking of the Auction Fish Market here in Mauritius, but what about the fishermen in Rodrigues? Will they be able to sell their fish via the internet through this auction market?

Mr Von-Mally: Of course, this will be of great help to the fishermen in Rodrigues, because when we are talking of the fish auction market, it concerns mostly the fisherman going off-lagoon. We are talking of off-lagoon fishermen with big boats; we are not talking of artisanal fishermen.

(Interruptions)

The Deputy Speaker: Order please! Next question!

PEREYBÈRE PUBLIC BEACH - BEACH MATS AND UMBRELLAS

(No. B/189) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Tourism and Leisure whether, in regard to the rental and setting up of beach mats and umbrellas on public beaches, more particularly on the Pereybère Public Beach, he will state if he has taken cognizance of the complaints of the local people and of the tourists and, if so, the remedial measures that will be taken in relation thereto.

The Minister of Local Government and Outer Islands (Mr H. Aimée): Mr Deputy Speaker, Sir, with your permission, I shall reply to this question.

I am informed by the Beach Authority that a number of complaints have been received at the Authority from local people and tourists alike regarding the rental and setting up of beach mats and umbrellas on public beaches, namely that these beach mats and umbrellas are too invasive and occupy a large extent of the beach. Four of these complaints relate to the Péreybère Public Beach.

Mr Deputy Speaker, Sir, the licence for renting of mattresses and umbrellas at Péreybère Public Beach was issued to one Mrs Jameer Bibi Fatma Hayatoon Nazleen prior to my taking office - *'pas moi sa li sa.'*

Mr Deputy Speaker, Sir, I am further informed by the Commissioner of Police that, on several occasions, the operator has been informed by the NCG personnel not to lay out all the mattresses and umbrellas at a time when not in use in order to avoid unnecessary occupation of the whole beach. The Beach Authority is taking necessary measures to ensure that the operator complies with the conditions of the licence. In addition to that, I have given instructions to review downwards the number of mattresses and umbrellas allotted to the trader by 30% in the public interest. Accordingly, the licensee shall be required to trade over a designated area and occupy not more than 15% of the beach frontage for that purpose.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to know from the hon. Minister if he could tell us what is the time frame of the permit? How long does a permit last?

Mr Aimée: The permit is during the Financial Year, that is, one year.

Mrs Ribot: I would like to know from the hon. Minister if he is aware that - I heard him speaking about nothing should be left on the beach - on La Cuvette Beach, *les propriétaires quittent...*

The Deputy Speaker: No. We are talking about Péreybère Beach here.

Mrs Ribot: No, Mr Deputy Speaker, Sir, the question is on public beaches more particularly. *Est-ce que le ministre est au courant que, sur la plage de La Cuvette, par exemple - ça peut arriver ailleurs aussi - les propriétaires quittent sur place des socles en ciment avec des morceaux de tuyaux qui dépassent, pour pouvoir arriver à sept heures du matin et installer leurs parasols, afin d'empêcher les membres du public de venir s'installer?*

Mr Aimée: Mr Deputy Speaker, Sir, I have not got this particular complaint, but I am prepared to look into it. Actually, I am looking at the smaller beaches so that we can put a minimum of umbrellas to give access to the public in general and the tourists.

Mrs Ribot: Mr Deputy Speaker, Sir, I make a special appeal - I repeat, a special appeal - to the hon. Minister that the case of La Cuvette Beach be seriously addressed.

The Deputy Speaker: Yes, the hon. Minister took note of it.

Mr Aimée: Yes, of course, I will look into it.

The Deputy Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Has the attention of the hon. Minister been drawn to the fact that at Péreybère Public Beach, there is a mafia operating concerning this...

The Deputy Speaker: Please, don't!

(Interruptions)

Mr Bhagwan: These people are protected by bouncers. Can the hon. Minister inform the House whether there have been cases reported to the Beach Authority, the Police and even at his Ministry and what has been the outcome?

Mr Aimée: Mr Deputy Speaker, Sir, I mentioned in my reply that even the Police and the NCG have received complaints and the person has been warned. I am going to look deeply into all that aspect, as I said before, so as to give more opportunities to people to have access to the beach, particularly, the small ones.

The Deputy Speaker: Yes, in fact, you did mention it.

Mr Bhagwan: Is the hon. Minister aware *qu'il y a connivence* on the part of this notorious guy, the director of the Beach Authority and he is - if I am not mistaken - the leader of that mafia operating together with several people in this umbrella and mat business?

The Deputy Speaker: No. We won't make reference to that without substantiating whatever allegations.

Mr Bhagwan: The hon. Minister received complaints against the director of the Beach Authority.

The Deputy Speaker: I understand that the hon. Member was not here when the hon. Minister started replying and he did mention about complaints which had been received and he did state that he is going to take action. I will allow hon. Mrs Ribot to put a question.

Mrs Ribot: Last question, Mr Deputy Speaker, Sir! I would like to know from the hon. Minister if there is a maximum of umbrellas allocated per licence?

Mr Aimée: No, there is none in the regulations. But, as I said, I am going to reduce it for that particular person operating at Péreybère Public Beach; I would reduce to 30% and I am prepared to look at the small beaches in order to reduce the number of umbrellas and mattresses.

The Deputy Speaker: Last question from hon. Lesjongard!

Mr Lesjongard: Thank you, Mr Deputy Speaker, Sir. May I ask the hon. Minister, since he has said that there have been several complaints against that person operating at Péreybère Public Beach and we understand that there have been complaints of assaults against tourists, why does not he envisage cancelling the licence rather than warning that person?

Mr Aimée: In the complaints from the tourists and the NCG, I have not been informed that there have been assaults against tourists, but there are complaints. They have not made mention of what sort of complaints. If the hon. Member would come with a substantive question next time, I would look into it with the Police department or the NCG. The only one being complaint.

Mr Bérenger: I don't think there is need for a question. I think now that this issue has been raised at Péreybère especially, can I request the hon. Minister to liaise with the Police? He will have the cases that are already with the Police, he will have a complete picture before taking his decision.

Mr Aimée: I have to see the report of the Police. As I mentioned, there is no complaint about assaults against tourists. But I am prepared to look into it.

MEDICAL NEGLIGENCE - ALLEGED CASES - INQUIRIES

(No. B/190) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Health and Quality of Life whether, in regard to the alleged cases of medical negligence, since June 2010 to date, she will state the number thereof, indicating the -

- (a) number thereof which have been inquired into;
- (b) number thereof which have been completed;
- (c) outcome of the inquiries carried out, and
- (d) sanctions taken, if any.

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, I am informed by the Medical Council of Mauritius that from June 2010 to date 45 cases of complaints and alleged medical negligence have been referred to the Council for investigation. 20 of these cases concern private medical practitioners out of which ten have been investigated and the others are still under investigation. Of the 10 investigated cases, six have been set aside, two medical practitioners have been inflicted a warning and the two others have been served a notice to abide by the code of practice for medical practitioners.

Out of the remaining 25 cases involving Government Medical Practitioners (Specialists), 18 cases occurred during private practice. These have been reported directly to the Medical Council by members of the public. The other seven cases have been reported to the Medical Council by my Ministry after preliminary investigations.

I wish to point out that 20 cases of complaints or alleged medical negligence were reported to my Ministry during the same period. After investigations, seven cases have been referred to the Medical Council, seven cases have been set aside, and six cases are still being enquired into.

As the House is aware, the Medical Council Act (1999) was amended in December 2007 to enable the Medical Council to investigate into cases of alleged medical negligence involving Government Medical Practitioners. However, this new provision of the law could not be enforced as the Medical Council did not have the delegation of powers from the PSC to carry out investigations into cases of medical negligence involving Government Practitioners.

The PSC Regulations were amended accordingly on 02 September 2010 and on 22 December 2010 the PSC delegated its powers to the Medical Council to enquire and report on cases of professional misconduct or medical negligence committed by Government Medical Practitioners in the performance of duties.

Subsequently, in a letter dated 29 March 2011, the Medical Council has raised a number of issues regarding the conduct of investigation by the Council on cases of medical negligence concerning Government doctors. My Ministry has sought legal advice on the matter and action will be taken as appropriate.

Mrs Ribot: Mr Deputy Speaker, Sir, now that the PSC has delegated powers to the Medical Council to carry out an inquiry on Government practitioners, should we understand that all the pending cases regarding Government practitioners are going to be sorted out in the near future?

Mrs Hanoomanjee: As I have just said, Mr Deputy Speaker, Sir, on 29 March we received a letter from the Medical Council wherein the Medical Council has raised a number of issues regarding the conduct of investigations. My Ministry has gone to the State Law Office and we are seeking legal advice on the matter and actions will be taken as appropriate.

Dr. S. Boolell: Mr Deputy, Speaker, in view of the fact that at the level of the Medical Council where I think there are no less than six doctors of all grades representing doctors who work in the public sector, does not the hon. Minister consider that it is a bit conflictual to ask doctors who represent the public sector to be in the Council and to act as investigators on their own colleagues and does not she think that investigators from the Council should be formed from a panel totally independent of whoever is employed by the Ministry of Health?

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, we should not forget that on the Medical Council there are private practitioners also sitting on the Council and they investigate on their counterparts as well. But, as I said, and it has been mentioned in the Budget Speech or in the Presidential Speech, the Ministry will be coming with amendments to the Medical Council Act. This will be taken into consideration.

Mr Bérenger: I am sure the hon. Minister will agree with me about the reaction of parents, or when a child loses his parents and so on, *c'est très émotionnel*. Can I ask the Minister whether she is satisfied that in every case, within a reasonable period of time, either her Ministry or the Medical Council informs officially the parents concerned of what is the outcome of the investigations.

Mrs Hanoomanjee: Usually, Mr Deputy Speaker, Sir, whenever there is a preliminary investigation or inquiry at the level of the Ministry, the parents are kept informed. But, whenever these cases are referred to the Medical Council, then it takes some time to inquire on the matter before giving any sort of recommendation as to the sanctions to be taken. As regards these cases, I don't think the Medical Council informs the parents.

Dr. S. Boolell: Is the hon. Minister aware that in the investigation of cases of medical negligence and whenever we raised the matter here, for example, in a case of liposuction where a lady died, no information has been either forwarded following this investigation to the family or to this House when the question was asked?

Mrs Hanoomanjee: Mr Deputy Speaker, Sir, if for each case of medical investigation, I come to this House for statements then I don't know how many statements I will have to make each Tuesday.

Mrs Ribot: Mr Deputy Speaker, Sir, I would like to repeat a question that has just been asked. Now that amendments are being carried out to the Medical Council Act, is it not high time to envisage seriously that the outcome of the enquiry be communicated to the family?

The Deputy Speaker: This has been answered. Yes, hon. Sorefan.

Dr. Sorefan: The hon. Minister has mentioned that delegated powers have been conferred to the Medical Council by the PSC to look in the cases, but as far I am aware, the Medical Council cannot take action. Could the hon. Minister enlighten the House, after the Medical Council has investigated, who take actions on public officers?

The Deputy Speaker: The Minister is waiting advice on this issue, I understand.

Mrs Hanoomanjee: I have just said I am waiting advice from the State Law Office on this matter. There are certain procedural matters which have been raised by the Council to the Ministry only on 29 March. So, I am waiting for the State Law Office to give its recommendation on this matter.

The Deputy Speaker: We move to next question!

GEORGE V STADIUM - RENOVATION WORKS

(No. B/191) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the George V Stadium, he will state where matters stand in relation to the renovation works carried out thereat, indicating the proposed re-opening date.

Mr Ritoo: Mr Deputy Speaker, Sir, with your permission, I am going to reply to B/191 and PQ B/204 together as they are related to the same subject.

I wish to inform the hon. Member that renovation works carried out at the new George V Stadium comprise the following -

- (i) provision of lighting facilities;
- (ii) painting works;
- (iii) cleaning works, and
- (iv) rehabilitation of play field.

As at to date all lighting, painting and cleaning works have been completed, except for the rehabilitation of the playfield, where works have been substantially completed.

However, minor works such as dressing of grass along the French drains, carting away of excavation soil, rehabilitation of gates, fixing of goal post and marking of the playfield are still outstanding.

Several meetings were held with the contractor regarding these outstanding works which were not progressing to the satisfaction of my Ministry. As a response from the contractor was poor, the contract has been terminated.

The remaining minor works have been entrusted to the Mauritius Sports Council, which operates under the aegis of my Ministry and are expected to be completed within one month.

However, the Stadium will be operational as soon as the turf has grown evenly.

Mr Quirin: M. le président, j'avais effectivement posé une question pratiquement similaire le 13 juillet de l'année dernière et le ministre nous avait donné pratiquement la même réponse. Donc, mon souci est que cela fait deux ans, depuis février 2009, que le stade est fermé et on constate que, mois après mois, les travaux n'avancent pratiquement pas. J'avais aussi posé une question au ministre, l'année dernière, concernant le contracteur et j'avais aussi dit qu'il y avait un sous-contracteur qui faisait en fait le travail. Le ministre avait répondu par la négative qu'il n'était pas au courant. Je lui repose la même question aujourd'hui : est-ce qu'il est aujourd'hui du même avis, c'est-à-dire, qu'il n'y a pas de sous-contracteur qui s'occupe de la réfection de la pelouse actuellement ?

Mr Ritoo : Mr Deputy Speaker, Sir, as at date, I think I reply to this question that the contractor was Active Decor and he was the one who was claiming all the payments and we have

been dealing with him only. That is why I said that the main contractor was Active Décor with whom the officers of my Ministry have been dealing and all the claims have been paid to Active Decor.

Mr Quirin: M. le président, c'est là d'où viennent tous les problèmes. Depuis deux ans, nous sommes tous au courant ici que c'est une autre compagnie, Sandy FineWorks...

The Deputy Speaker: The Minister has stated that he is not aware and he has been dealing ...

Mr Quirin:...et je l'affirme, avec votre permission, M. le président, qu'il y a une autre entreprise qui effectue les travaux de réfection de la pelouse. C'est pour cela et, à mon avis, cette compagnie n'a aucune expertise en ce qui concerne la réfection des pelouses.

The Deputy Speaker: The hon. Minister stated that...

Mr Quirin: Ce qui fait que tout le travail ...

The Deputy Speaker: Please, be seated! The Minister has stated that he has been dealing with the main contractor and he is not aware of any subcontractor. This is what I understand and he restated. If the hon. Member has got certain information which he wants to impart to the hon. Minister, I think he should come with a substantive question.

Mr Quirin: Actuellement, les travaux ne sont pas effectués par Active Decor comme le mentionne l'honorable ministre des sports.

Mr Ritoo: Mr Deputy Speaker, Sir, I totally agree with the hon. Member that it is a bit worrying that the Stadium is actually close for quite some time. I think I stated in my answer that it is due to inclement weather, heavy rainfall from April 2010 and there is a meteorological services report and we had modification in the drainage system which further delays the completion of the project. It was noted that seven out of the ten drains were destroyed. Afterwards, we had drought, we were not allowed to use irrigation. There was a ban in irrigation. All these happened to delay the works. Anyway the contract has been cancelled.

Dr. S. Boolell: Mr Deputy Speaker, has the hon. Minister received complaints that the corner flag is far too near the lamp post and that a tackle in his own style, as when he was a footballer, would prove to be dangerous for any footballer?

Mr Ritoo: Definitely, I visited the stadium and I am a bit scared for any defender who is going to tackle someone. There is a big problem, but we will take it into account by the time we will be finishing the work and we will try to protect at least the poles that are being put in the four corners.

Mrs Labelle: Mr Deputy Speaker, Sir, with your permission, I would like to have some information regarding the subcontracting of the work effected. Must I take it from the hon. Minister that there has not been any monitoring of work effected because the Ministry does not seem to know who really is effecting the work over there. So, is there someone who monitors the work there and, if so, how come that the Ministry is not aware that such work is being subcontracted?

Mr Ritoo: As I stated in my answer, the contractor comes to collect the cheques, he is always assisting the meetings with the officers of my Ministry. If the hon. Member was aware that the work has been subcontracted, at least, she should have informed the office.

(Interruptions)

Because every time, the main contractor has been dealing with us.

Mr Bhagwan: Mr Deputy Speaker, Sir, I would come again to the same question. Is there somebody at the Ministry of Youth and Sports who is responsible for the follow-up of that particular site?

Mr Ritoo: There is one officer of the Ministry based at the George V Stadium, who supervises the work. I have stated that now, the Mauritius Sport Council has taken over the works and officers of my Ministry are doing the minor works to complete the stadium.

Mr Guimbeau: M. le président, tout d'abord, une petite parenthèse...

The Deputy Speaker: Don't open a *parenthèse*, just put the question.

Mr Guimbeau: *On a pu constater, M. le président que le moutouk est déjà dans le fruit de l'Alliance du gouvernement de la majorité.*

The Deputy Speaker: Please, no! Put your question, don't make comments, please. We are talking about football and not *moutouk* for the time being.

Mr Guimbeau: We have just seen what is going on Mr Deputy Speaker, Sir. *M. le président, la rénovation du stade George V n'est rien d'autre qu'un vol de fonds publics.* I am going to table some pictures, that is, the same ones I gave to ICAC. *C'est inacceptable M. le président. Depuis deux ans, on rénove le stade George V, et jusqu'à présent rien.* I will table those pictures.

The Deputy Speaker: Yes, continue!

Mr Guimbeau: I would like to ask the hon. Minister whether he has tabled all the documents relating to the contracts awarded for the renovation of the stadium?

Mr Ritoo: Where to table the documents?

The Deputy Speaker: No, please!

Mr Ritoo: I just wanted to inform the hon. Member.....

The Deputy Speaker: No, the hon. Member wanted to table the picture. Just do it!

Mr Ritoo: I just want to inform the hon. Member that I was fortunate enough to play on the stadium for quite some years in the 1970s and 1980s and, at no point in time, there has been any accumulation of water on that stadium. Unfortunately, the contract was given to someone for the renovation of the stadium some years back for the new George V stadium and from that time the contractor has damaged seven drains out of the ten drains and now we see that there is an accumulation of water.

Mr Guimbeau: Mr Deputy Speaker, Sir, today the hon. Minister can no more play on the stadium because they have put lighting polls on the football ground. I am going back to my question, Mr Deputy Speaker, Sir. I have put it twice. Has the hon. Minister tabled all documents relating to the contracts for the stadium?

The Deputy Speaker: The Minister stated no.

Mr Guimbeau: In my former PQ he said that he was going to do so.

Mr Ritoo: I don't know. Where do you want me to table the documents?

The Deputy Speaker: Hon. Guimbeau, please rephrase your question. Whether the Minister is willing to...

Mr Guimbeau: Mr Deputy Speaker, Sir, I am just asking the Minister whether he has tabled all the contracts relating to the renovation of George V stadium?

Mr Ritoo: Which contract? Table it with whom? We have actually terminated the contractor's work and the MSC has taken the work and is doing the remaining minor works. So, which contract?

Mr Uteem: Mr Deputy Speaker, Sir., we've heard from the hon. Minister that he has terminated the contract with the contractors, may I know from the hon. Minister what legal actions are being taken against the contractors for breach of contract?

Mr Ritoo: Well, there have been liquidated damages, money has been retained and, of course, there is a performance bond.

The Deputy Speaker: Last question!

Mr Quirin: M. le président, est-ce qu'on a bien compris le ministre? Est-ce que le contrat du contracteur a été résilié ? Donc, est-ce que le ministre donne la garantie que le *Sports Council* a l'expertise nécessaire pour remettre en état cette pelouse ou allons-nous attendre deux années encore avant que ce stade ne soit mis à la disposition des clubs de la région ?

Mr Ritoo: I think I stated that the Mauritius Sport Council is doing the remaining minor works and once the grass is evenly grown, we can start. In fact, I am just planning to play the return leg against Congo in that particular stadium in June.

The Deputy Speaker: We move to the next question.

DIRECTION TECHNIQUE NATIONALE DE FOOTBALL - STRUCTURES - SET-UP

(No. B/192) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the *Direction Technique Nationale de Football*, he will state the structures set-up, since the arrival of the *Directeur Technique National*, Mr D., indicating the outcome of the structures put up for "*La relance du football à Maurice*".

Mr Ritoo: Mr Deputy Speaker, Sir, my Ministry appointed Mr D. as *Directeur Technique National* (DTN) for football in October 2009 and made his services available to the Mauritius Football Association for, amongst others, “*La relance du football à Maurice*”.

As the hon. Member is aware, my Ministry has been providing the services of a *Directeur Technique National* since 1988, starting from François Blaquart and followed by Jean Michel Benezet, Philippe Goubet, Jean Marc Niebolo and Marc Collat and actually, of course, Mr Christophe Desbouillons.

Following replies given to supplementary questions arising during my reply to PQ B/137 last week, I wish to reiterate that the DTN, since his arrival, has been involved mainly with the development of youth football through the *école de foot*, the update of structures like the regional and national training centres and the training of cadres. He has redynamised the U13, U15, U17 and U20 football teams and set up the *Direction Technique Nationale de Football (DTNF)*.

Moreover, the *Direction Technique Nationale de Football* is headed by the DTN himself and is assisted by a team of five technicians.

I am tabling details on the activities and composition of the *Direction Technique Nationale de Football*.

I also wish to inform the House that the measures taken by the DTN have contributed to positive results, namely -

- (i) Gold medal: against Reunion in the CJSOI Games;
- (ii) Gold medal: U13 International Tournament in Réunion Island in June 2010.
- (iii) Participation of U16 and U20 in the preliminary qualifications for the final of CAN 2010, and
- (iv) Increase in football activities in primary schools and colleges, through the FIFA Grassroot project and the FIFA football for Health and the Copa Coca Cola cup.

Mr Quirin: M. le président, comme le ministre estime que le DTN en poste est très compétent, est-ce qu’il ne serait pas souhaitable qu’il demande à Monsieur Desbouillons d’apporter son soutien au club M ?

Mr Ritoo : Bien sûr le DTN est consultant auprès de l'entraîneur national pour le club M, mais il ne peut pas prendre l'équipe en main parce qu'il y a déjà un entraîneur national actuellement. Donc, il travaille de concert avec l'entraîneur national.

MED POINT CLINIC - VALUATION

(No. B/193) 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 valuation of the Med Point Clinic, he will state -

- (a) the involvement, if any, of the Quantity Surveying Division and the Architectural Division of his Ministry therein,
- (b) if correspondences were exchanged between the Ministry of Health and his Ministry and, if so, table copy thereof, and
- (c) if site visits were effected by officers of his Ministry at the request of the Ministry of Health and, if so, indicate the outcome thereof, and
- (d) if his Ministry has been party to, or involved in the procurement of the services of Hoolooman and Associates.

Mr Bachoo: Mr Deputy Speaker, Sir, as the House is aware, this very issue is the subject matter of investigation by ICAC. It will not be in order for me in circumstances to reply to this question.

Mr Bérenger: The hon. Minister is now replying in the same way as the hon. Prime Minister, the hon. Minister of Finance, the hon. Minister of Health, the same *bla bla bla*. At first the Minister said that his Ministry had had nothing to do with the Med Point affair and then he said no, there were discussions, informal, without minutes of proceedings. So, pending ICAC completing its inquiry, which is which, which is the truth?

Mr Bachoo: Mr Speaker, Sir, the communiqué was a legitimate reaction on the part of my officers and I stand by that communiqué but, however, the matter is under investigation. So, I would not like to pronounce on this issue. But all the files in my Ministry are open for investigating officers to come and verify at any time and any moment - one thing I can clarify to the House.

JUMBO ROUNDABOUT-BEAUX SONGES – ROAD CONSTRUCTION

(No. B/194) **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 construction of the road from the Jumbo roundabout to Beau Songes, he will, for the benefit of the House, obtain from the Road Development Authority, information as to -

- (a) the contract value thereof;
- (b) if the road is a two way traffic and, if not, why not
- (c) if any of the owners from whom land has been compulsorily acquired has objected to the assessment thereof and, if so, the reasons therefore, and
- (d) the value of the land per acre.

Mr Bachoo: Mr Deputy Speaker, Sir, the contract value of Phoenix-Beau Songes link road presently under construction is Rs279,888,207.50 inclusive of VAT.

The total length of the road is 6.8 km. The section of Sayed Hossen Road from Jumbo Roundabout to its junction with Sonie Lane is 1.5 km, and will be a two-way carriageway. The road will then follow a gyratory one-way traffic flow through Sonie Lane, Unjore Lane, part of Solferino No. 5 and Vostok Road, because the residential roads are narrow and cannot cater for two-way traffic flow. The length of the circular road is 1.6 km. The alignment thereafter continues on a two-way carriageway until its end at Beau Songes Roundabout over a length of 3.7 km. A crawler land has also been provided from Beau Songes Roundabout to Solferino to cater for slow moving vehicles.

All plots of land required for the project had been acquired by Government since January 2010 and vested into the RDA for the implementation of the project. There is a refusal of access on site by some ex-land owners due to compensation issues.

The RDA is not the competent authority to assess land values. It is, however, liaising with the Valuation and Real Estate Consultancy Services Department to expedite the payment of compensation.

Dr. Sorefan: With regard to the link road at the Vacoas main road, where there is a diversion, can I ask the hon. Minister whether it is as per the contract?

Mr Bachoo: Everything is as per the contract, except one addition that has been made, for example, the crawler lane on the second part of the road, with no cost. So, in addition is a crawler lane; that's all.

Mr Bhagwan: With regard to the link road from Jumbo to Beaux Songes, can the hon. Minister inform the House whether there has been compulsory purchase of land for enlargement of a proposed road, at what price Government has paid this portion, and who are the owners?

The Deputy Speaker: This question has been answered.

Mr Bachoo: Mr Deputy Speaker, Sir, I have just mentioned that this pertains to the Valuation and Real Estate Consultancy Services Department; not mine.

The Deputy Speaker: Time is over! I am advised that PQ Nos. B/203 and B/205 have been withdrawn.

MOTION

SUSPENSION OF S.O. 10 (2)

The Deputy Prime Minister: Sir, I beg to move that all the business of 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.

STATEMENT BY MINISTER

PÂTISSERIE MARDAY - FOOD POISONING

The Minister of Health and Quality of Life (Mrs S. B. Hanoomanjee): Mr Deputy Speaker, Sir, I wish to inform the House that, on 06 April 2011, around midnight, three patients were admitted at Flacq Hospital with symptoms suggestive of food poisoning, resulting from consumption of pastry cakes. Flacq Health Office was notified the same morning of these cases.

On the same day, Rivière du Rempart Health Office was requested to carry out investigations, as the patients resided at Plaines des Roches. The incriminated pastry cake was bought at 'Pâtisserie Marday' in Rivière du Rempart. The production unit was situated at Belle Vue Maurel. Both sites were visited by health inspectors of that region. The sanitary conditions of the bakery at Belle Vue Maurel were satisfactory, except for a defective insect proof screen for which an improvement notice was issued.

A follow-up visit was effected on 08 April 2011, and samples of same types of cake as the incriminated one were secured and sent for laboratory tests. On the same day, another outlet at Central Flacq selling cakes from the same bakery was also visited, and samples taken for laboratory analysis.

On 09 April 2011, Flacq Hospital informed Flacq Health Office of additional cases, including one fatal.

Further investigations were carried out to identify other distribution points of the incriminated bakery, and visits were effected to all identified distribution points. Subsequently, prohibition orders were served upon Belle Vue Maurel Bakery and on outlets at Rivière du Rempart, Goodlands, Triolet and Le Hochet. Cakes were seized from Belle Vue Maurel Bakery, and samples of raw materials used in the preparation of the incriminated types of cakes were also secured from the bakery and sent for microbiological and chemical analysis on 09 April 2011.

Preliminary results obtained from Central Health Laboratory indicate the presence of Salmonella in stool samples of four patients.

At hospital level, all measures were taken to ensure that patients were given prompt treatment. In all, 131 patients have attended Flacq Hospital during the period 07 April to 10 April, out of whom 71 were admitted. Due to lack of bed space at Flacq Hospital, eight patients were sent to SSRN Hospital for admission. Other patients suffering from food poisoning were also seen at SSRN Hospital. From 07 April to 10 April, 41 patients attended hospital, and 26 were admitted.

All patients are presently in stable condition, and some have already been discharged from hospital.

Thank you.

PUBLIC BILLS*First Reading*

On motion made and seconded, the Professional Architects' Council Bill (No. V) was read a first time.

The Deputy Speaker: I suspend the sitting for half an hour.

At 4.17 p.m. the sitting was suspended.

On resuming at 4.53 p.m with Mr Speaker in the Chair.

*Second Reading***THE COURT USHERS (AMENDMENT) BILL****(No. IV of 2011)**

Order for Second Reading read.

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, I beg to move that the Court Ushers (Amendment) Bill (No. IV of 2011) be read a second time.

Mr Speaker, Sir, the aim of this Bill is to amend the Court Ushers Act so as to liberalise the profession of usher, by enabling suitable persons, who are not public officers and who will be known as registered ushers, to serve or execute process. In the same breath, provision is being made for the manner in which registered ushers will exercise their profession and for the exercise of disciplinary control over them by the Chief Justice.

Mr Speaker, Sir, I believe it would be appropriate to start off by briefly considering the duties of a court usher. A court usher, Mr Speaker, Sir, is either attached to the Supreme Court, Intermediate Court or a District Court. His prime duty is to ensure that the day-to-day business of a Court runs smoothly. It is his responsibility to prepare a courtroom every morning by ensuring that Judges, Magistrates, Lawyers and the Jury, if any, have all the necessary equipment that they need before the court starts. He will then be in charge of coordinating all that happens in the courtroom, including maintaining order in court, calling of cases, calling of parties and

witnesses, and administering oaths. In serious criminal cases where we have the jury, one or several ushers may be assigned the task of staying with them to prevent communication with unauthorised persons. In fact, Mr Speaker, Sir, a Court Usher is usually in attendance throughout the whole sitting of the court, which normally starts at 9.30 in the morning and may end at around 4.00 in the afternoon.

Mr Speaker, Sir, apart from these court duties, a Court Usher has other important tasks. He is responsible for serving and executing judicial and extra judicial process. He has to serve summons on accused parties in a criminal case, parties in a civil case and witnesses in both criminal and civil cases. A Court Usher may serve other documents like notice “*mise-en-demeure*”, injunctions issued by the Judge in Chambers or the Supreme Court, orders for immediate care and control of children, petitions for divorce and custody of children, plaint with summons, notice of motions to be made before the Supreme Court, notice of “*commandement*” prior to seizure of immoveable property. He is also in charge of executing writs and warrants issued by courts.

Other processes executed by a Court Usher include seizures of moveable and immoveable properties. He is also responsible for the sale by auction of moveable properties seized at the instance of private parties in civil cases, or forfeited by the courts in criminal cases.

Mr Speaker, Sir, Court Ushers therefore play a very important role in the good administration of justice in this country and have heavy responsibilities. It is not surprising that it is not always possible for them to discharge all their duties promptly.

Mr Speaker, Sir, the Presidential Commission, better known as “the Mackay Commission”, studied the role of Court Ushers in Mauritius and, in its report, recommended that, and I quote –

“We do not consider that it is necessary to prevent a continuation of the present arrangement under which the service of process, so far as it shall continue to be necessary, and the execution of judgment can be performed by ushers who are full-time public servants, but we recommend that it should be possible for a person properly qualified as an usher in accordance with the requirements laid down for that purpose to be authorised to act as an usher for the purpose of serving Court process or executing Court judgments by the Chief Justice if the Chief Justice is satisfied that he or she is

suitably qualified and is a person of integrity appropriate to be granted a certificate to act as an usher.” Unquote

Mr Speaker, Sir, these recommendations were taken on board and the views of various stakeholders were sought on the changes to be made to the Court Ushers Act. I need to point out, Mr Speaker, Sir, that no reform concerning the Judiciary is carried out without consulting the Judiciary and colleagues from the legal profession. Comments and proposals were received from the honorable Chief Justice, the Director of Public Prosecutions, the Law Reform Commission, the Bar Council, the Mauritius Law Society and the Chamber of Notaries, and they are all broadly agreeable to the liberalisation of the profession.

However, I must report that the Court Ushers are themselves split on this issue. But, Mr Speaker, Sir, it is believed that the liberalisation of the profession of usher will be of benefit to the public at large since competition will bring about a better and more cost-effective service to the citizens.

Mr Speaker, Sir, Court Ushers should rest assured that the liberalisation of the profession of usher does not mean that the profession is being privatised. We have to be clear on this issue. Court Ushers are public officers appointed by the Public Service Commission and they will remain public officers. On the other hand, registered ushers will be those appointed by the Chief Justice and their duties will not be the same as Court Ushers. They will not generally be entrusted with the day-to-day business of the Court. They will only be responsible for serving and executing process as and when required by Attorneys or other persons, and will thus assist in the efficient and prompt execution of service, taking into consideration the growing number of both civil and criminal cases in our Courts and the fast pace of life nowadays.

Mr Speaker, Sir, having described the role to be played by registered ushers, allow me at this stage to elaborate on the salient features of the Bill.

Clause 3 of the Bill sets out the amendments to be made to section 1A of the Court Ushers Act with regard to the definitions of “Court Usher” and “registered usher”. The definition of “Court Usher” is amended to make it clear that Court Ushers remain public officers.

I hasten to add, Mr Speaker, Sir, that through some regrettable oversight a few words are missing from the clause. Clause 3 (a) of the Bill should read, in fact, “in the definition of Court

Usher' by inserting after the words 'Usher of a Court', the words 'who is a public officer and'. I do apologise for any inconvenience, although I am sure that hon. Members will have correctly understood the purpose of the amendment, even without the omitted words. I understand that the Clerk will do the needful for this editorial mistake to be corrected.

A new definition of "registered usher" is also being provided for. It states clearly that registered ushers are only those persons who will be appointed as such under section 26B(3) (a) of the Court Ushers Act and that Court Ushers are not included among registered ushers.

Clause 5 of the Bill causes new sections 26A to 26H to be inserted in the Court Ushers Act. The new section 26A provides that registered ushers are to be governed by the regime provided for in the new sections 26A to 26H.

The new section 26B will provide that any citizen of this country may apply to the Chief Justice to be appointed as a registered usher where he holds such qualifications, and has passed such examination, as may be prescribed by rules made under the Court Ushers Act and satisfies the Chief Justice that he is of good character. The Chief Justice may appoint a person who fulfils the above conditions and furnishes the required security as a registered usher. Notice of the appointment shall be given in the Gazette by the Master and Registrar.

The new section 26C provides for a security to be entered into by a registered usher for him to be of good behaviour, to perform his duties efficiently and to comply with the Court Ushers Act. This security may be made available, by order from a competent Court, for the payment of any damages, interest and costs to a person who has retained his services. Furthermore, the Chief Justice may, in the exercise of disciplinary proceedings against a registered usher, order that the security entered by him be forfeited by the State.

The new section 26D sets out the duties of registered ushers. As I have indicated above, registered ushers may serve or execute judicial or extra-judicial process when their services are retained by an attorney or other person. They will not generally be authorised to perform the duties prescribed for Court Ushers. However, exceptionally, the Master and Registrar may request a registered usher to perform the duties of a Court Usher on payment of such allowance as the Chief Justice may determine for a limited time.

The new section 26E provides for the payment of prescribed fees and travelling allowance to a registered usher where his services have been retained by an attorney or another person, while the new section 26F provides for the duties of a registered usher with respect to entries in respect of specified matters to be made in a register. As regards the new section 26G, it provides that failure by a registered usher to comply with his statutory duties or the commission by him of a wrongful act may lead to disciplinary proceedings being instituted against him and that his appointment being suspended for a period not exceeding 12 months or revoked, following the institution of a disciplinary tribunal by the Chief Justice. The new section 26H sets out offences related to the exercise by the registered usher of his duties.

Mr Speaker, Sir, the introduction of the Court Ushers (Amendment) Bill is yet another important step in the implementation of the recommendations made by the Mackay Report. It also illustrates the strong commitment of this Government to bring about necessary reforms within the legal profession and that of the Court personnel. In my humble submission, this Bill strikes the right balance by safeguarding the interests of all parties concerned and making an important distinction between the role of a Court Usher and that of a registered usher.

I am confident that the liberalisation of the profession of usher is an important element of fair and efficient justice and that it will benefit litigants and society at large.

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

Mr Faugoo rose and seconded.

(5.05 p.m)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Speaker, Sir, let me refer the hon. Attorney General to the last chapter of his speech where he said that there will be several reforms in the Judiciary, in the legal profession. Hence, we are here again on the third consecutive week having piecemeal amendments to certain Acts. In each and every particular Act, it is sometimes following what Mackay Report and the Law Reform Commission have said. I think that it would have been proper, Mr Speaker, Sir, for us to know exactly where we are going, what is the intention of Government and what is our destination with regard to the reform that we should have a Judicature Act which will embrace all the reforms that the Government intends to bring so that at least we could have one Act with which we will have to

deal with all the amendments we intend to make instead of going piecemeal all the time. This may raise some suspicion as to what is the real intention of Government.

Mr Speaker, Sir, today we are debating a specific profession, the Usher. We are debating a Bill which is concerned with a specific sector of the legal profession, but it is unfortunate to say that the majority are not agreeable. I had an opportunity of talking to them. The majority, which is 84% of the ushers, are against this amendment. When listening to the hon. Attorney General, we get the impression that the ushers, as they are today, are not able to cope with the load of work. We should not lay the blame of the delay in our justice at the doorstep of the ushers. I think that it would be unfair to do that when we know the amount of work that they are doing.

As the Attorney General himself rightly pointed out, the load of work has increased. Now we have domestic violence where they have to serve notice. They have to serve notice on neighbours - whenever there is a development - for any licence that they have applied, over and above all the notices that they have to do as listed by the hon. Attorney General. If the load of work has increased, *c'est normal* that we have to increase the number of ushers.

In 1995 there were 50 ushers on the establishment list and today, with the increase of work, we have only 17 ushers. We should not blame if there is a delay in the administration of justice, we should not lay it at the doorstep of the ushers. They are doing a tremendous work and we know *as per* the establishment that they are being paid to work from 9.00 a.m. to 3.30 p.m. But, as you are well aware, Mr Speaker, Sir, you have been a long-standing Attorney, they do serve notice sometimes early in the morning to catch the litigant or late at night. They are not paid for that overtime. They only get a mileage, but they carry duty well over 9.00a.m. to 3.30 p.m.

We should recall that prior to 1952 Ordinance, the ushers were, as it was called at that time, in the private and in 1952 we got them to be civil servants, but at that time the majority were for it.

If you look at Hansard, let me quote what hon. Dr. Ramgoolam had said -

“I think it has been the best arrangement possible and I am sure the Bill will satisfy the great majority of the people who have been serving for years and some of them in very difficult circumstances.”

Even those who were against it - the ushers on the establishment. Hon. Forget had this to say –

“Il semble que la grande majorité d’entre eux – ce n’est pas malgré toute l’unanimité - mais il semble que la grande majorité are for it, ils sont pour l’amendement. »

If we quote what Mr Ringadoo then said:

“I am sure that the Bill satisfies the majority of the ushers.”

So, it is unfortunate that today we are coming with this Bill to liberalise, but those who are concerned, 84% are against it. Let’s be clear about it, they are against it, but we are going ahead to liberalise.

We have now two types of ushers; one in the public sector and one in the private sector. The hon. Minister wants us to believe - and probably he will clarify; he said: “those who will be in the private sector will be concerned only with service.” But, may I refer the hon. Minister to Section 26D (4), where it says:

“The Master and Registrar may request a registered usher to perform the duties prescribed for Court Ushers under section 13, for such time as may be necessary, on payment of an allowance to be determined by the Chief Justice.”

Sometimes, they may be called to perform Court work. The ushers who have been in the private service, are not only going to serve documents, they may be called upon to do Court work as well.

We believe, Mr Speaker, Sir, if we have two types of ushers, it should not be to the detriment of justice. We should ensure that those who have money do not get a quicker justice than those who can’t afford to pay a private usher. Today, with this Bill, we know that big companies who can afford it, especially the hire purchase company, those which very often have to seize articles - I mean a credit company, I don’t want to give names, but you know what I am talking about - we must ensure that those big companies do not have a quicker justice at the detriment of the common people. This is one issue that we have. This is what I have said that we should have all the ushers on a level playing field. Whatever facilities the private ushers will

have, those in the public service as well should have these facilities because now, it is a question of money. If I want a document to be served urgently, I just retain the service - if I can afford - of a private usher, the case is called next week, judgment is given, I pay another usher urgently, he executes the judgement. I pay another usher urgently and we seize the property. So, we have to be careful that this amendment does not bring *une justice à deux vitesses* and does not penalise those who can't afford to retain the service of a private usher.

Mr Speaker, Sir, this is why I said, yes, for liberalisation, but we should look after our ushers who are on the establishment. Many times they have been asking for certain facilities, they have been asking for more ushers, for a certain allowance which probably the Chief Justice will have to pay to those private ushers in case they are called under Section 26D (4), to come and perform. So, why not improve the status of our usher and, at the same time, if we want to have liberalisation of the usher.

So, Mr Speaker, Sir, I won't repeat all the functions of the ushers as already said by the hon. Attorney General, but we want to make it clear that liberalisation should not mean *justice à deux vitesses* and we should not have a civil procedure which supports the rich at the detriment of the poor. That will be all, Mr Speaker, Sir.

(5.17 p.m.)

Mr J. Seetaram (Second Member for Montagne Blanche & GRSE): Mr Speaker, Sir, concerning the Court Ushers (Amendment) Bill, the principle itself behind this amendment is the liberalisation of the profession of Ushers. Ushers, to act as a profession, is mostly concerned with the practice of our day-to-day business in the Judiciary. I explain, in practice, right now itself, we have a high rate of court cases being lodged every day, in all courts in the country. We have also a long list of cases before all our courts in the country. Often, what do we have before us concerning service of plaints, be it *proecipe*, we have Court Ushers who are working from 09.00 hours to 15.30 or 16.00 hours in all courts of the jurisdiction and after working hours, they have to go and perform their duties. Whereas here, we have an avenue of a new era concerning the functioning of the Court Ushers, as it derives from this Bill. We see clearly the distinction that the Court Usher who works from nine to four, obviously does not have enough time to perform his duties, that is, to serve all the plaints or *proecipe*, as it should be and concerning the amount of work that he has to face. So, obviously, this Bill is at a very good juncture where we

can have the service upon persons in rather a smooth running way where the judicial process will have a normal flow concerning all cases being served upon any litigant or parties.

Mr Speaker, Sir, you, yourself, know very well, the amount of cases before our courts when you have cases coming for the first time and mostly, when you have the return, it is no service and the relevant Attorney would have to move for fresh service. This is quite current. So, basically this is where it hurts. This is where we have a block and we need to clear that obstacle. What is the solution? The solution is that the profession of Court Ushers has to be liberalised.

We have obviously Court Ushers nowadays who are doing a good job. I am not saying the contrary, whereas, if this profession is liberalised, you would have more ushers carrying on the job where you would have the smooth service upon parties and less no service returns before our Courts.

Mr Speaker: I think the hon. Member must be careful not to imply that Ushers make false returns, when there is no service. Be careful!

Mr Seetaram: I apologise, Mr Speaker, Sir. Further, concerning the function itself, there have been numerous complaints where litigants wish to go abroad or have other commitments abroad, where cases are never served on time. This also would bring some fresh air in that situation. We have the criteria of the new recruitment procedure or the new procedure for court ushers, that is, firstly, they will have to respect or to adhere to the procedure where they have to clear the first target, criteria, which is qualification - a School Certificate - and, secondly, they will have to pass the exams. I would go further by saying that court ushers would also have experience in the field. They would need to have experience, to have been in touch with the day-to-day business of court proceedings. This also would bring more impetus in this profession.

Concerning the functions of ushers - fundamental functions - where court officers are usually calling cases at the service of Magistrates or Judges, inform witnesses, plaintiffs and also executing court orders, the other criteria can be where the court usher could be of more help in criminal jurisdiction. For example, where we have domestic violence cases, such court ushers can help if the parties are willing to, for example, witnessing procedures in domestic violence cases. This is only a proposal, but it can be considered.

I conclude by saying that the liberalisation of the profession of court ushers is a good step ahead for the good and smooth running of our judicial procedure. I commend the Bill, and I agree with the Attorney General.

(5.23 p.m)

The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum): Mr Speaker, Sir, Mauritius at this day and time is changing to meet the challenges of the future. Every sector of Mauritian life is experiencing changes, so that the future generation will be equipped to confront the demands of tomorrow. We have to simply take stock at what we are planning in tourism, information and communication technology, education, agriculture, trade, commerce, industry and public infrastructure etc. to note that change for a better future is the order of the day of this Government.

Mr Speaker: Excuse me to interrupt. This is a small amendment to the Courts Act. There is no need to talk about tourism or whatever. Please, come to the Bill.

Mr Pillay Chedumbrum: The Bill, which is today the subject of consideration by the House, is indeed an important one. Our Judiciary and legal system must always be responsive to the emerging needs and, as a responsible Government, we must make it a point to constantly being alert to weaknesses, if any, and to apply immediate remedial measures. This is exactly the case with this piece of legislation. We all know that famous adage 'justice delayed is justice denied'. Why? Because many cases are postponed on more than two to three occasions because of a no service return.

The Court Ushers (Amendment) Bill comes at the very opportune time; our judicial system also has to follow suit. Indeed, the judicial system has taken the high way of reform, as can be noted by the various measures taken lately in that respect. The Government must sustain in every way it can such reform in the Judiciary, so that it is ready to face the ever changing world of tomorrow.

The present Bill seeks to bring an important amendment to the Court Ushers Act of 1952. As you have heard, the Court Ushers Act dates back to 1952. Since 1952, the Act has amended been seven times, and this present one is important, as it seeks to open the profession of ushers in a most significant way.

Mr Speaker, Sir, the purport of this present amendment is to introduce, or shall I say to reintroduce the office of “registered ushers”; an office which was well known in Mauritius in the old days. No legislation other than the Court Ushers (Amendment) Bill could do more justice to the prevailing situation, and abate the extent of the hardship of aggrieved parties. Of late, we have witnessed a situation where there is an increasing number of cases referred to court, but where no appropriate action could be taken because of “no service”. That is because the court ushers have not been able, for one reason or another, to serve the relevant notice. We can imagine the despair and trauma of a complainant who, after having suffered some form of injustice, resorts to legal proceedings to seek redress, and to ultimately finding himself “*face à un déni de justice*” because of a “no service” situation. The aggrieved party thus loses on all fronts.

Members of this House would certainly agree that this is most unfair and has to be remedied to enhance the contract of trust between our Judiciary and the citizens. If we want to gauge the extent of the problem, we just have to open the cause books of the District Courts and Intermediate Court also, and it will be no surprise to see the relatively large number of cases which have been struck out because of “no service”. To compound the difficulties which the present system generates, is the fact that, in many of the cases, we are dealing with personal service, which means that if the notice is not served personally, the case will never be heard.

Mr Speaker, Sir, people may argue that the law provides for the usher’s return to be challenged. But it is good to know that this procedure is a very complex, tedious and costly one. It is called the *inscriptio falsi*.

This procedure also adds to the worries and miseries of aggrieved party and, in many cases, the cost involved may outweigh the indemnity being claimed for the prejudice caused and which claim is precisely the subject of the case. This would be a very awkward scenario indeed. Besides, it is worth pointing out that although this law and this mechanism exist, if I am not mistaken, only once or twice in the history of our Judiciary, an aggrieved party has had recourse to such a procedure.

When the idea of registered ushers was announced some time back, the Court Ushers - as we know them in Mauritius - aired their apprehension and felt that this innovation would constitute a threat to their profession. I can assure the House that this is not the case. Albeit

what we have previously mentioned, there are several reasons why we should welcome the introduction of registered ushers in our legal system. Firstly, as I stated above, this new office of registered usher did exist in Mauritius in the old days, but under a different form. Mauritius as we know has a civil system, which it has inherited from the French legal system and a common law system, which it has inherited from the English legal system. With the French civil system of law, Mauritius did have so-called private ushers. The latter were still practicing, if I am not mistaken, until some 60 years ago. They were phased out for a number of reasons. The main one being the way that our legal system was being developed. Therefore this Office of registered ushers is not unknown to our legal system.

Secondly, today we have about 450 practising Barristers and about 150 practising Attorneys. We have also quite a few foreign firms operating in Mauritius. We have reached a stage where every year there are about 50 new legal practitioners on the market. The demand for the service of an usher is increasing and will continue to increase as legal practice is expanding beyond the horizon of Court work alone. If we believe in the expansion of our legal services and if we really want to attract more foreign law firms in Mauritius we need to provide for all ancillary services that such a developing sector demands, and ushers are an essential ancillary service in this sector.

The introduction of registered ushers is thus a welcoming feature to ensure that service of documents which is required by law to be served by an Usher can be made easily and diligently.

Thirdly the introduction of Registered Ushers far from being a threat to our Court Ushers, in fact, complements the latter's function. We note from the Bill that the duty of the registered Ushers is to essentially provide assistance to Attorneys or other persons for the execution of judicial and extra judicial process. It is therefore my understanding that these Registered Ushers will not act as Court Ushers attending and helping the judicial staff during Court sittings. The constraint of being in a service market where time is of essence has necessitated the introduction of Registered Ushers to meet the demand of such a market. And this will create new opportunities to the profession of Ushers to organise themselves so that they can take advantage of this new market of services opening to them with the advent of an ever increasing number of legal practitioners both local and foreign as highlighted above thereby necessitating a higher number of Ushers in this professional market.

And fourthly, the Bill has enough safeguards to ensure that the profession to be exercised by the Registered Usher is done correctly. The appointment of the Registered Usher is done under the supervision of the hon. Chief Justice, the Registered Usher to provide for a security, to be of good behaviour and to comply with the provisions of the Act, is in the discharge of his duty. The Registered Usher is required under the new law to keep a register which shall record all the relevant particulars of his works so that such work can be verified by the Master and Registrar of the Supreme Court. The Bill also provides for disciplinary proceedings and for the criminal charges as the case may be where the Registered Usher fails to comply with the provisions of the law. As a result of what I have stated above and for the reasons which I have elaborated above, I humbly believe that the pool of Registered Ushers will synergise with the Courts Ushers to constitute a more effective mechanism to ensure timely and successful service of notice. I recommend therefore the adoption of the present Bill by the House.

Thank you.

(5.34 p.m.)

Mr Varma: Mr Speaker, Sir, I would like to thank and congratulate the hon. Minister of Information and Communication Technology and the hon. Second Member for Constituency No. 10, for their interventions, but I should inform the House that I am shocked and stunned by the stand taken by the Opposition, by stating that there is a piecemeal reform and also, that the piecemeal reforms can raise suspicion. Mr Speaker, Sir, I didn't think that the Opposition can be of such bad faith.

Mr Speaker, Sir, we have, over the couple of weeks, been coming to this House with Bills in order to modernise the legal system. Mr Speaker, Sir, had we come at one go with all the Bills, they would have said that it is reform by ambush. Now, when we are consulting all the stakeholders, we are coming forward with Bills which have been ventilated, we are faced with criticisms. The hon. Third Member for Constituency No. 1 wanted to know where we are going, Mr Speaker, Sir, with the reforms in the Judiciary. He is well aware, Mr Speaker, Sir, that commitments have been given in this House that we are revisiting the Law Practitioners Act. Commitment has been given in this House, Mr Speaker, Sir, that we are working on an Institute for Judicial Legal Studies Bill.

Mr Speaker, Sir, they are well aware. They have participated in the consultation process on the Bills to set up the Court of Appeal. They have been consulted, Mr Speaker, Sir, and they are well aware that we are working on the reforms to the legal aids system. Mr Speaker, Sir, can the Opposition be of such bad faith? I wonder!

Mr Speaker, Sir, the point raised by the hon. Third Member for Constituency No. 1, that we are putting the delay at the doorsteps of court ushers. Mr Speaker, Sir, I did intervene on this Bill at the beginning. At no point in time, did I mention that we are putting the blame on the Court Ushers. What this piece of legislation intends to do, is to improve the system, Mr Speaker, Sir. That is all. We have never put the blame on X, Y or Z. I said in my speech that the Court Ushers are divided on the subject. I have maintained the same stand throughout. I was put questions in this House, Mr Speaker, Sir, and I answered, and I again state to the House today; only yesterday, some Court Ushers came to see me, to congratulate me on the introduction of this Bill in the National Assembly.

Mr Speaker, Sir, the other stakeholders were consulted. I did state that the Judiciary, the Bar Council, the Law Society, the Law Reform Commission, the Office of the DPP were all consulted and we had to take a decision, Mr Speaker, Sir, on the balance when we saw the benefits. Again, Mr Speaker, Sir, the Opposition speaks about reforms in the Judiciary. In their programme, Mr Speaker, Sir, they speak about the Mackay reforms and when we are implementing the recommendations of Mackay, they are criticising. Well, Mr Speaker, Sir, which is which, I don't know.

Mr Speaker, Sir, the point was raised again, whether we are creating quicker justice for the rich. Mr Speaker, Sir, the present Court Ushers will continue to function as such. If people want the Court Ushers - who are public officials - to serve or execute process, they still have the option to do it. So, where is the problem, Mr Speaker, Sir? Well, as far as, to put the public and private ushers at par, they are going to work on the different terms and conditions. I don't see how they can be put at par. The same applies to health and education sectors, to name just a few, Mr Speaker, Sir. These are a few points which were raised and I have replied to all the points raised by the hon. Members.

Question put and agreed to.

Bill read a second time and committed.

Mr Speaker: If hon. Members have no objection, I will take the Second Reading of the other Bill, and then, we will go to the Committee Stage together with the other one.

THE COURTS (AMENDMENT) BILL

(NO. I of 2011)

The Attorney General (Mr Y. Varma): Mr Speaker, Sir, I move that the Courts (Amendment) Bill (No. I of 2011) be read a second time.

Mr Speaker, Sir, this Government has, since assuming Office, placed reforms to our legal system to the forefront of its agenda and has shown its commitment to modernising the present system, reducing delays and enhancing access to justice.

The aim of this Bill is to amend the Courts Act to deal with vexatious litigation in order to prevent the obstruction of the judicial system by vexatious litigants.

The Bill accordingly provides that the Supreme Court may, on an application made by the Attorney General, declare a person to be a vexatious litigant where that person has habitually, persistently and without any reasonable ground instituted vexatious legal proceedings or made vexatious applications in any proceedings.

Mr Speaker, Sir, it has been noted that vexatious proceedings are on the rise. This has the effect of seriously undermining the judicial system and draining the resources of the Judiciary. My own Office has, in the recent past, been flooded by such cases. In fact, I am informed that some 50 cases have been instituted by a single litigant.

In its report dated October 2010, the Law Reform Commission, after analysing the law pertaining to vexatious litigation in a number of Commonwealth countries including New Zealand, Australia and India, recommended that the Courts Act be amended to enable the Supreme Court, where it is satisfied that a person has persistently started vexatious proceedings or made similar applications in any court, to make an appropriate order so as to restrain the start of such proceedings or the making of such applications.

Mr Speaker, Sir, it might, at first sight, seem inimical to the right of access to justice to provide for keeping vexatious litigants out of our Courts. However, as aptly put by Lord Clarke, then Master of the Rolls in England, in a speech delivered on 30 June 2006 and entitled “Vexatious litigants and access to justice: Past, present, future”, vexatious litigation has the

capability of undermining the rule of law. If Courts are required to utilise their scarce financial and temporal resources on vexatious claims and applications, their ability to promptly deal with claims and applications that have genuine merit will be diminished. Such claims may not be heard due to lack of time or resources. If the case is heard, a judgment may then be delayed for a lengthy period of time because the Judge has to spend precious time dealing with a vexatious litigant, or with other matters that have been referred to him to hear as a consequence of vexatious litigation generally. The fact that it has often been said, from Magna Carta to Bentham, that justice delayed is justice denied does not diminish the truth of this maxim.

Further, Court resources are certainly not infinite. As was observed in the case of *Attorney General v Ebert* -

“Mr Ebert’s vexatious proceedings have been very damaging to the public interest; quite aside from the oppression they have inflicted on his adversaries. The real vice here, apart from the vexing of Mr Ebert’s opponents, is that scarce and valuable judicial resources have been extravagantly wasted on barren and misconceived litigation, to the detriment of other litigants with real cases to try.”

Controls on vexatious litigation are, to my mind, consistent with the right of access to justice for the simple reason that vexatious litigation infringes that very right. Protecting individuals from litigation that infringes the right of access to justice in itself supports that right. It does so because it enables the Court to maximise access to justice for litigants who have genuine claims.

Yet another reason to legislate against vexatious litigation is that one of the central elements of the right of access to justice is that disputes are adjudicated within a reasonable time. Delay or denial of a hearing as a result of vexatious litigants consuming disproportionate amounts of the Court’s time and financial resources represents a restriction on the right of other individuals’ very own right of access to justice.

Another no less important justification militating in favour of legislating against vexatious litigants is that it can justifiably be said that vexatious litigation does not in any event engage the right of access to justice. It does not because that right is the right to have genuine disputes carefully adjudicated on the merits. The dispute that the vexatious litigant brings is in most cases one which has already been carefully and properly adjudicated. The vexatious claim

is thus one which abuses the court's process. The right of access to justice is not a right to abuse the court's process. Restrictions placed on an individual's ability to bring abusive proceedings cannot therefore infringe the right of access to justice.

Mr Speaker, Sir, having briefly set out the policy underpinning this Bill, I will address the first question one will be tempted to ask, how does the Attorney General become informed about potential vexatious litigants? Members of the public will be expected to request my office in writing to apply for an order. There will be no formal procedure for such complaints. The Attorney General's Office will then undertake an analysis of the conduct of the individual concerned and the proceedings initiated by him in the past, and then decide whether or not to bring proceedings to have the person declared a vexatious litigant.

It will then, Mr Speaker, Sir, be for the Supreme Court to determine whether the person should be declared a vexatious litigant.

I shall now refer to the crucial test which is provided for, in clause 3, to determine who is a vexatious litigant. The operative words in the proposed section 197(F) of the Courts Act are "habitually and persistently." Lord Bingham explained in *Attorney General v. Banker 2000(1)* the meaning of the words 'habitually and persistently' -

"The hallmark usually is that the plaintiff sues the same party repeatedly in reliance on essentially the same cause of action, perhaps with minor variations, after it has been ruled upon, thereby imposing on defendants the burden of revisiting claim after claim; that the claimant relies on essentially the same cause of action, perhaps with minor variations, after it has been ruled upon, in actions against successive parties who, if they were to be sued at all shall be joined in the same action; that the claimant automatically challenges every adverse decision on appeal, and that the claimant refuses to take any notice of or give effect to order of the Court. The essential vice of habitual and persistent litigation is keeping on and on litigating where earlier litigation has been unsuccessful and where on any rational and objective assessment the time has come to stop."

Clause 3 of the Bill also deals with the procedure for declaring a person a vexatious litigant and it provides an in-built safeguard that a litigant will have the opportunity to be heard before he is declared to be a vexatious litigant. I have to point out that, before a person is declared a vexatious litigant, he will be entitled to a hearing and will, therefore, be able to make

representations. In addition, it is open to a person who has been declared a vexatious litigant to prove to the Supreme Court that he has a sustainable cause of action and he will then be allowed to proceed with litigation, provided he obtains leave from the Supreme Court.

The control of vexatious litigants is thus entirely in the hands of the Courts who are duty-bound to safeguard a litigant's constitutional rights and who will, no doubt, ensure that the powers given to the Supreme Court by dint of the proposed amendments are used to curtail vexatious litigation, uphold the rule of law and enhance access to justice.

Mr Speaker, Sir, this Bill also provides that no appeal shall lie from a decision refusing leave to a vexatious litigant to institute legal proceedings or make any application in legal proceedings in any court. This is consistent with Mauritian law in that our Constitution does not guarantee a right of appeal in all cases. It is apposite to note that in the UK, there is similarly no right of appeal granted to a person who is refused leave to proceed with his case subsequent to being declared to be a vexatious litigant. In the UK, there is similarly no right of appeal granted to a person who is refused leave to proceed with his case subsequent to being declared to be a vexatious litigant. In *Bhamjee and David Fordstick*, a 2000 case, Lord Phillips, at paragraph 49, referred to the Strasbourg principles in the Belgian Linguistics where it was held that Article 6 of the European Convention on Human Rights on which section 10 of our Constitution is modelled did not guarantee a right of appeal, but that where it was granted there should be no discrimination unless there was a legitimate reason. The European Court observed in that case that -

"... Article 6 of the Convention does not compel States to institute a system of appeal Courts. A State which does set up such Courts consequently goes beyond its obligations under Article 6. However, it would violate that Article, read in conjunction with Article 14, were it to debar certain persons from these remedies without a legitimate reason while making them available to others in respect of the same type of actions."

Further, it is also worth noting that section 81 of the Constitution of Mauritius which provides for a right of appeal to the Judicial Committee of the Privy Council from final decisions of the Supreme Court excludes from its ambit "final decisions of a court that any application made to it is merely frivolous or vexatious" subsection (4) of section 81 of the Constitution.

It is interesting that, even at the time of framing our Constitution, it had already been contemplated that the Judicial Committee of the Privy Council could potentially face frivolous and vexatious appeals and to prevent such an abuse, our Constitution explicitly prohibited such appeals. Our aim, in introducing this amendment to the Courts Act, is guided by what already exists in our Constitution as a filter for appeals before the Judicial Committee of the Privy Council and reflects a need, in view of the numerous cases of vexatious litigation, to control vexatious litigation before our Courts and enhance access to justice.

For the sake of clarity, Mr Speaker, Sir, I wish to add that the proposed amendment would not prevent a person from appealing against an order, under the proposed section 197F (1) of the Courts Act, declaring him to be a vexatious litigant.

Mr Speaker, Sir, we have listened to comments from the other side of the House and in order to remove any confusion, we are spelling out in the amendment to be made...

Mr Speaker: Sorry, we have not heard Members making comments...

Mr Varma: From outside the House Mr Speaker, Sir. In order to remove any confusion rather, we are spelling out in the amendment to be made at Committee stage, which has already been circulated, that the application to declare a person as a vexatious litigant will be heard before a single Judge. An appeal will then lie from that decision to the Court of Civil Appeal by virtue of section 3 of the Court of Civil Appeal Act. The Explanatory Memorandum will, of course, be edited in the light of the amendment made at Committee stage.

It is only after the vexatious litigant has sought and been denied leave to institute and continue proceedings that he will have no right of appeal from the decision of the Court refusing leave. It may nevertheless be contemplated that a vexatious litigant may seek special leave from the Judicial Committee of the Privy Council to appeal from a decision of the Supreme Court refusing him leave to institute and continue proceedings.

Mr Speaker, Sir, this Bill will have the effect of enhancing the rule of law and providing better access to the judicial system to meritorious litigants. Safeguards have been in-built to provide for a right of hearing before a person is declared a vexatious litigant. By adopting this Bill, we shall be following in the footsteps of several Commonwealth jurisdictions, where legislation on vexatious litigants has been tried and tested over a number of years.

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

Mr Virahsawmy rose and seconded

The Leader of the Opposition (Mr P. Bérenger): Mr Speaker, Sir, a few minutes ago the House was debating the Court Ushers (Amendment) Bill and over the last months and weeks, quite a number of Bills have been brought before the House to change this or that aspect of our legal system, to bring amendments to this or that piece of legislation, in regard to our judicial system. When I was listening to the hon. Attorney General, I nearly raised a point of order and you did not stop him. So, I let it go, but I think it was most improper for the hon. Attorney General to come and say that the Opposition is of bad faith.

Mr Speaker: I will have to intervene. I have said that this is the ruling of the House of Commons and it has been the practice in this House. If the hon. Attorney General had said that the hon. Member was of bad faith, I would have stopped him immediately, but referring to the Opposition, that is not out of order.

Mr Bérenger: There was one orator for the Opposition and one orator only Mr Speaker, Sir. If there had been several orators, I would have raised the point differently, but only one Member stood up and spoke on behalf of the Opposition. So, when the Attorney General accused the Opposition of bad faith, he could only accuse this Member of bad faith.

Mr Speaker: I am sorry. I have given my ruling. I have said the Opposition. Whether it was one Member or the whole Opposition, I don't know. I know that if he has said it in relation to the Member speaking then I would have stopped him immediately. The fact that he said it against the Opposition, I could not stop him. This is the practice, the ruling of the House, and I am prepared to quote rulings of the House of Commons.

Mr Bérenger: I would like you to check all the different cases, refer to the situation where several orators took the floor not one and one only. Be that as it may, I did not raise the Point of Order. I am not going to follow in the footsteps of that very young and fresh Attorney General. There was absolutely no use for him to talk of bad faith. I can say the same thing, but I won't say it out of respect to the House. I will say that he clearly did not understand at all what the Opposition, the hon. Member was saying. Of course, it is childish to think that what we were saying is that we don't agree with different Bills coming with amendment and that we should

have come with an omnibus Bill to cover this. It is not at all our point. Our point is that after quite a number of amendments it is time to stop and to present a global view of what we are doing, what is the intention, how we are proceeding for a global holistic reform of our judicial system. I am not a lawyer, but I have taken the trouble to talk to some of the best legal brains in this country and they have all told me the same thing. Good amendments are being brought, positive changes are being brought, but now is the time to stop take stock and come with a global view. That was our point and not at all what the hon. Attorney General clearly misunderstood.

Secondly, Mr Speaker, Sir, the hon. Attorney General is the legal adviser of Government. As I said he is very young and very fresh. I certainly did not expect the tone which in his capacity as Attorney General, he adopted. Take time to *mûrir*. It was anything, but the tone which an Attorney General should have adopted. I hope that he will learn and that he will learn fast, Mr Speaker, Sir.

On the Bill itself, others, lawyers will speak after me. I think it is very political at this juncture and I will only briefly refer to the three reasons why we don't agree with this Bill and the others will go into the details. Essentially, the main reason is that the clause in the Bill says that there will be no appeal to a decision.

‘(5) No appeal shall lie from a decision of the Court, after the amendments, refusing leave for the institution or continuance of...’.

I have listened carefully to the Attorney General, and I am not convinced. I heard him also say that the Constitution provides for this and that the person who is declared vexatious litigant will still have the possibility of seeking leave from the Privy Council to appeal. It is not clear. What is clear is what is spelt out, as I said earlier on, namely that no appeal shall lie from a decision of the court. We are most unhappy with that, especially if somebody challenges the constitutionality of that Bill, which we are debating today, we will go in front of the same Supreme Court that is referred to in the Bill. So, that is our main objection to this Bill. I am pretty certain that the constitutionality of that Bill will go to the Supreme Court and then, subsequently, to the Privy Council. We wish to put on record that we are very unhappy with spelling out in that way, clearly, that no appeal shall lie.

The hon. Attorney General made reference to the Law Reform Commission Report of October 2010. But, in the last two paragraphs entitled ‘Concluding Observations’, precisely they

do not say that it should be provided that no appeal shall lie. On the contrary, amongst the different legal systems in various countries which they refer to, they refer to cases where it is spelt out that one should be able to appeal a vexatious litigants order. They put that in their report, but then they do not say anything about it in their recommendations, in their concluding observations.

The two other points which my colleagues will speak more lengthily on are the perception that this is targeting someone. When this was discussed in the Bar Council, I understand that there was consensus on that; that it is perceived, and it is not proper that this Bill is targeting somebody. I am not saying that so and so does not deserve this and that. That's not my point. My point is that it is the perception; and it was discussed, I understand, in the Bar Council that it is not proper that the perception should be that this is targeting one individual.

The third point is the difference between the role of the Attorney General in our system and the role of the Attorney General elsewhere, including in the UK. Having said that, Mr Speaker, Sir, of course, we are in favour of legislation to prevent vexatious litigation. I have myself been a victim of some - I won't refer to him by name - crooked mind, and it is not pleasant, I know. So, we are in favour of legislation to prevent vexatious litigation, but we are unhappy, especially on that point as to whether no appeal shall lie from the decision of the Supreme Court, the constitutionality and on the two other points, Mr Speaker, Sir.

Thank you.

(6.04 p.m.)

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Speaker, Sir, allow me, at the outset, to congratulate my colleague, the hon. Attorney General, for bringing this piece of legislation on vexatious proceedings and vexatious litigants.

The Bill makes provision for the Supreme Court to make an order to declare litigants who persistently, habitually and without reasonable cause enter vexatious proceedings or make such applications, and restrain such proceedings being entered prior to leave of the Court.

This Bill is being introduced in this House, as stated by my colleague earlier on, following the report of the Law Reform Commission in October of last year. The Commission

recommended the amendment of the Courts Act, to make provision of the clauses as per the present Bill.

The Leader of the Opposition, Mr Speaker, Sir, in his brief intervention, raised two points which is, I must say, out of order. I was expecting him to express on this present Bill, which is being debated. He is not on the list of orators of the previous Bill; there was only one Member of the Opposition who took the floor. If there was something, which was out of order, which was not, by all parameters, acceptable in this House, he should have raised it. This is one.

Secondly, I don't think the Attorney General or anybody for that matter on this side of this House has to learn a lesson from the Opposition, on the tone that we have to adopt. Outside this House or inside this House, we can give lesson; we do not have lesson to learn, Mr Speaker, Sir.

On the substance of the Bill, there is only one important issue which has been raised by the Leader of the Opposition, namely the question of whether a person who has been declared a vexatious litigant by the Supreme Court on the application of the learned hon. Attorney General - now we learn that it is going to be one Judge Court - has a right of appeal against that particular order. This is clear, Mr Speaker, Sir. There are four counsels in the front bench. I am speaking under their correction as well. This is clear; there is nothing in this particular Bill restraining that particular litigant or stopping him from appealing against the particular order of that Judge sitting alone. This is his inherent right, entrenched in the Constitution of this country, Mr Speaker, Sir. So, there is no room for debate on this issue. It is crystal clear that a litigant who has been declared or ordered to be a vexatious litigant has all the rights, under all the laws of the land, to proceed and to appeal against that decision.

But, one stage further, what we are saying and what the Bill says is that, if A, which stands for the accused, for example, has been declared a vexatious litigant, intends to enter a proceedings against X, Y or Z, he has to ask for leave. Once leave is refused, he cannot appeal. Otherwise, the court itself, the machinery of justice will be condoning vexatious litigation; that, in itself, would be vexatious. This is why we have to put a stop. This is not something we are inventing, Mr Speaker, Sir. This is in all legislations in the Commonwealth countries; everywhere it is present, namely that there is no appeal as from the time when leave is refused, but not at the stage where one is declared vexatious litigant. This should be very clear.

Mr Speaker, Sir, I must here say that this is not a personal *démarche* of the Attorney General nor is it the *démarche* of any Member from this side of the House. It has followed the normal procedure which is set for a Bill to be introduced in this House. As was rightly pointed out, there was a recommendation by the Law Reform Commission in October of last year. Now, who is the Chairperson of the Law Reform Commission? It is no other than Mr Guy Ollivry, QC, GOSK. Who does not know the track record of Mr Ollivry? Who can attack the credibility of this gentleman? Now, who are the Members? There is Mr Satyajit Boolell who is the Director of Public Prosecutions; there is David Chan Kan Cheong, my ex-colleague who is a Judge now, he was Parliamentary Counsel, previously. There is Rita Teelock, the ex-Master and Registrar of Supreme Court and today she is a puisne Judge; we have Mr Reshad Daureeawoo who is a senior Counsel and who has 30 years of standing at the Bar; there is Mr Rangasamy who represents the Attorneys profession; there is Mr Roland Constantin who represents the Notaries Council; there is Ms Odile Lim Tung, Law Academic from the University of Mauritius; there is Mrs Brijmohun who represents the Civil society and there is Mr Navin Gunsaya who represents the Civil society. Do we only pinpoint Mr Reshad Daureeawoo? It is clear, it is a mix of all the legal professions, all the relevant institutions and the civil society also had their voice. We cannot attack or question the credibility of the Law Commission which is the source of the present Bill today before this House, Mr Speaker, Sir.

I was prepared to talk a bit on the power of Parliament. As I said, this Bill, starting from the recommendation of the Law Reform Commission of Mauritius, was worked out by the State Law Office, the official institution which is responsible for preparing Bills. It went to Cabinet and has had the approval of Cabinet, it comes before Parliament today, it has been followed by debates from both sides of the House, it will go through the Committee Stage whereby anybody in this House, except maybe Ministers because we have a collective responsibility vis-à-vis the Cabinet, any Member from the Opposition can stand up and move for any amendment and there will be votes taken in this House. All this shows the *bona fide* intention of the Government. It is not a question of one person, the Attorney General or any Member of Cabinet or of this Government, Mr Speaker, Sir.

As I said, there is no room for any ulterior motive. The question does not arise, nor does this Bill target any particular person or any single person, Mr Speaker, Sir. But, however, one is free to feel that he or she is targeted. But whatever one may feel is not relevant. We are in a

democratic country. In fact, we are a living example of a country where the concept of separation of powers still prevails; we have an independent Judiciary, access to justice as a basic human right is entrenched in our Constitution. Furthermore, the Bill which is before this House, No. 1 of 2011, a similar Bill was introduced in the UK back in 1896, Mr Speaker, Sir. It has stood the test of time. It has stood all the tests that you can set. It has stood the test of constitutionality and it has stood the test whether it infringes basic human rights, Mr Speaker, Sir. It exists in India, in fact, in two States, the States of Madras and Maharashtra ever since 1949 and 1971 respectively. It exists in so many States in the United States of America, in Australia, in Canada and in the New Zealand, Mr Speaker, Sir. So, this is not the first time, we are not inventing anything. It exists in so many other commonwealth jurisdictions.

It has also been established that this particular Bill passes the test, as I said earlier, of constitutionality and reflects, as was mentioned by the hon. Attorney General, best international practices. In fact, it is replica of what exists in other countries, Mr Speaker, Sir. I reckon that this particular legislation was long overdue as it fills an important area where there has been a need in view of the change in the societal mindset. The present Bill intends to reinforce the due process of law and respond to the rapidly evolving judicial machinery in the context of our society which is undergoing rapid evolution in all spheres.

Our country needs an efficient, modern system of justice and legal professions to meet what is required today, a system that will not only be beneficial to the Government of the Republic but also to the business community operating in a global world and the general public. Similarly, what we also need are statutes which complement a modern judiciary which accelerates the proceedings, thus rendering speedy justice. As we all know, justice delayed is justice denied, Mr Speaker, Sir. There is already provisions in our law and the courts have inherent jurisdiction and power to stay or dismiss actions which are frivolous or vexatious or in any way an abuse of process of the court. This is there already. This Bill is going one step further where we are bringing in statutes to declare a litigant as vexatious, Mr Speaker, Sir. In fact, the main purpose of this Bill on this subject is to prevent a person from instituting or continuing vexatious proceedings habitually, persistently and without any reasonable ground.

I won't go further on the provisions of the Bill, but what is important maybe, Mr Speaker, Sir, is that we should ask ourselves, lawyers who are present in this House, what issues can be

raised in our Courts of Law? The first thing which comes to my mind, and I am sure there must be some vexatious litigants out there who will attack the constitutionality of this particular Bill. They will attack the validity of this piece of legislation in view of the constitutional rights of a citizen ...

Mr Speaker: What will happen afterwards is a different matter. We stick to the Bill now.

Mr Faugoo: Yes, Mr Speaker, Sir. What I was going to say is that, in fact, this Bill has stood the test of constitutionality. This is what I was coming to.

We start on the premise that the right to access to a court of law is today recognised as a basic human right. I am saying that this particular Bill is not in contravention of this particular right, Mr Speaker, Sir. If I may refer to a case where, in fact, a similar point was raised. It pertains to India in the State of Madras. The case is *Mawle against State of A. P.* A.I.R. (1965) SC. The question was whether the Madras Act did not offend articles 14 and 19 of the Constitution of India. Articles 14 and 19 are equivalent to the article 3 of our Constitution. In fact, articles 14 and 19 of the Indian Constitution deal with the fundamental rights of citizens, more specifically to do with equality before the law and freedom of speech. Mr Speaker, Sir, article 3 of our Constitution goes as follows –

“Fundamental rights and freedom of the individual - It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to the respect...”

This is very important, Mr Speaker, Sir.

“...for rights and freedom of others.”

So, there is no absolute right in absolute terms in any country, developed or otherwise. In any country, for that matter, Mr Speaker, Sir, rights entail responsibilities. This should be clear to one and all. As I said, there is no absolute right and this is exactly what is being done. The Judge, Mr Speaker, Sir, in the case which I just mentioned, said , if I may quote –

“The Supreme Court after upholding the legislative competence of the Madras Legislature considered the validity vis-à-vis article 14 and 19 of the Constitution of India ...”

It is equivalent to article 3 of our Constitution.

“It was argued that article 14 was attracted because litigants were being divided into two classes and being discriminated.”

This was the point.

“The Supreme Court rejected the contention that the litigants who are prevented from approaching the Court without the sanction of the High Court are a class by themselves. They are described in the Act as persons who habitually and without reasonable cause file vexatious actions, civil or criminal. The Act is not intended to deprive such a person of his right to go to court. It only creates a check so that the court may examine the *bona fide* of any claim before the opposite party’s harassment. Such an Act was passed in England, has been applied in several cases to prevent an abuse of the process of court.”

This is very important, Mr Speaker, Sir -

“In its object the Act promotes public good because it cannot be claimed that it is an invaluable right of any citizen to bring vexatious actions without control as a legislative or administrative. The Act sub-serves public interest and the restraint that it creates is designed to promote public good.”

This is exactly what we are doing. We are promoting public good by bringing this legislation to this House. It goes further –

“The Act does not prevent a person declared to be habitual litigant from bringing genuine and *bona fide* actions. He has to show that he has a *prima facie* case.”

It has stood the test again. There was a case before the European Court of Human Rights where it was argued that the law in question was in breach of article 6 of the European Convention of Human Rights. Article 6, in fact, guarantees a right to expeditious determination of rights and obligations by an impartial and independent judicial body. In UK and the European Court of Human Rights, such prevention has been held not to violate the right to access to justice as described in article 6 of the European Convention. This is black on white, Mr Speaker, Sir. Questions are arisen in UK as to whether provisions regulating vexatious litigations offence article 6 of the European Convention. The case that I am referring to, Mr Speaker, Sir, is *Golder v. United Kingdom* (1975) 1E.H.R.R. 524. The European Commission on Human Rights

observed in the course of a general survey of the subject that in the case of the United Kingdom, the provisions relating to curbing vexatious litigations do not violate the citizen's rights to have access to Court. This is clear.

In 1985, there is the case of *Ashingdane v. the UK* (1985) 7 E. H. R. R. 528 where it was said that the right of access to court is not absolute, as I said, under the article 3 of our Constitution, Mr Speaker, Sir. It is abundantly clear that this particular Bill has passed the test of constitutionality and the rights which are guaranteed under the Constitution.

Secondly, the issue was raised as to whether this targets one particular person. It does not target anybody.

Mr Speaker: The hon. Minister has responded to this.

Mr Faugoo: It has to be proved and it is not just on the application of the Attorney General, the court receives the application and it orders a person to be vexatious. It has to pass the test. It has to be established as it has been put in the provisions of the law, Mr Speaker, Sir.

Another question which may arise is whether a vexatious litigant who is declared so can invoke some kind of shield in cases entered against him or by other parties. For example, if a case has been entered against him, he comes forward and says: "no I am a vexatious litigant. I have a shield and you cannot sue me. You cannot bring in proceedings against me." This is clear again from the Bill. It does not cover such cases.

Mr Speaker, Sir, we had had a look at all the alternatives that were open for us to curtail or to stop abuse of process. There are so many abuses of process, Mr Speaker, Sir. It is not one particular person or one particular institution. We have a record which speaks by itself. Was there any other alternative, Mr Speaker, Sir? It has been tried in so many jurisdictions. They raised the fee for cases to be entered, but this has not worked. There was no other solution than bringing a legislation in line with what exists in other jurisdictions. What happens to lawyers? Does this law cover lawyers who encourage such proceedings? Will they also be caught under this law?

(Interruptions)

I see my friend is worried! It does not, Mr Speaker, Sir! What can happen to lawyers and attorneys is that they can be held guilty of conduct. If it does not exist, we will have to reflect on this.

Once again, before I end, I congratulate my learned friend, the hon. Attorney General, for bringing this Bill. There is nothing wrong, legally and technically all the provisions are in line with what exists in other jurisdictions of the Commonwealth, Mr Speaker, Sir.

So, I commend the Bill to the House also. Thank you.

(6.30 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Speaker, Sir, we, on this side of the House, as the hon. Leader of the Opposition has made it clear, we are against this Bill. The way it is presented, the way it has been drafted and the personalities involved in this Bill, with regard to who can take the action, especially the Attorney General. We are against this Bill for many reasons, but for three main reasons. We believe that this Bill, Mr Speaker, Sir, is *ad hominem*. It is before this House to attack one person. The hon. Attorney General himself said that there is one litigant who has 50 cases before the Judiciary. So, this Bill is before the House to attack that litigant. We are against passing a law to attack one citizen of this country.

Mr Varma: Mr Speaker, Sir, the hon. Member is casting aspersions ...

Mr Speaker: No, the hon. Member is not casting aspersions. You can stand up on a point of personal explanation, if the hon. Member gives way. Otherwise, at the end of his speech, you can stand up with a point of personal explanation and say what he has said is not correct.

Mr Baloomoody: I repeat, the hon. Attorney General, while presenting the Bill, did inform the House that there are 50 cases from one litigant. So, this Bill has come before the House with urgency, just to prevent that one litigant.

Mr Speaker: That is your point.

Mr Baloomoody: Yes, of course, it is our position. It is the position of the Opposition.

(Interruptions)

The Bill came before the House two weeks ago, for first, second and third reading. It was on the Order Paper. By that time, when the Bill came for the first time, there were no consultations, whatsoever, with the Bar Council. It is only when the Bill was withdrawn ...

Mr Speaker: Hon. Attorney General, can you please keep quiet! This is the procedure and this is the way debates take place. He has the right to say what he wants. You will have the right to speak; so, no cross-talking, please.

Mr Baloomoody: There was no meeting with the Bar Council and this was never discussed, until it was raised by one member of the Bar Council at the last meeting. It was not even put on the agenda by the Attorney General. He did not come to the meeting to discuss that Bill. Most of the members present were surprised and the Chairman of the Bar Council was most surprised to learn that Parliament is coming with such a Bill. I would have gone further, Mr Speaker, Sir. I had the opportunity to speak to certain Judges recently. Quite a lot of them are against this Bill. They see no merits for a Bill to come before this House, because they believe that they have inherent powers. The Supreme Court has inherent powers to deal with such and such types of litigants and litigations.

We have to make the difference between declaring a litigation, vexatious case, frivolous and declaring a litigant vexatious, so we are declaring somebody *persona non grata* in our court. This is what the Bill comes to. This is why we are against this type of law, when it comes to court. I will come to other countries, how by using such colourable device, we have managed to ruin politicians, ruin people who wanted to fight for their rights.

Mr Speaker, Sir, this Bill addresses civil matters because we know that in criminal matters, the DPP who is a constitutional post - not a political appointee like the Attorney General ...

Mr Speaker: No, he is the Attorney General, and there is no need for you to refer to him as a political appointee.

Mr Baloomoody: He is chosen as Attorney General by the hon. Prime Minister.

(Interruptions)

Mr Speaker: The post of the Attorney General is a constitutional post. The procedure is different. There, the DPP appointed the Judicial and Legal Service Commission, and here it is appointed by the hon. Prime Minister. It is a constitutional provision.

Mr Baloomoody: As a DPP, one cannot be a member of a political party. He is appointed by the PSC, whilst an Attorney General can be a member of a political party. In the past, we had the Leader of a political party as Attorney General. Recently, we had the Leader of a political party as Attorney General and he is appointed by the hon. Prime Minister, who got the majority after ...

Mr Speaker: I don't want a lecture on the Constitution, please.

Mr Baloomoody: I will insist on that because I am going to differentiate. There have been many mentions of Attorney General in England, Attorney General in India, Malaysia, but they have different powers. They have different standing. They have different respect, if I may use that word.

So, Mr Speaker, Sir, let me come with the Attorney General itself. I am saying that the principle of our Attorney General has been like that, we have been living with it and it has been accepted. Our Attorney General is appointed under Section 69 of our Constitution and as I have said, he is appointed by the hon. Prime Minister or the Party who won the majority and he chooses an Attorney General. What is the function of our Attorney General? Section 69 makes it clear –

“There shall be an Attorney General who shall be principal legal adviser to the Government of Mauritius. The office of Attorney General shall be the office of a Minister.”

It goes on and on and says that an Attorney General should be a Barrister and if he is not entitled to be an Attorney General, he would not have been able to be a Member of Parliament. So, our Attorney General has got a limited function and that limited function is only to advise Government.

Now, we know the case of a private prosecution, in a criminal case where somebody who is vexatious, litigious or a vexatious litigant and does a private prosecution. We have the case of

Mohit, where the judgment of the Supreme Court has been reversed by the Privy Council. The Judgment of Mr Justice Sik Yuen and Mr Justice Lam Shang Leen, whose judgment was reversed. They misinterpret the role of our Attorney General and the DPP. In a criminal case, it is the DPP who intervened. The DPP is a constitutional post, somebody who is allowed to file a *nolle prosequi*, he intervened and he is allowed to stop or continue the proceedings - Section 73 of our Constitution. For criminal cases, we have that avenue. We have under our Constitution somebody who is appointed independently by the PSC and he intervened in court, he said: “look, I am taking over the proceedings or I am discontinuing the proceedings.”

But, now we are talking in a civil matter. A civil matter is a private case between two civilians; two citizens of this country. We have been told that this law is everywhere because the Attorney General in England, in India, the Advocate General, as they call him, in Malaysia and other Commonwealth countries, it is role of the Attorney General. But, Mr Speaker, Sir, let us look at the definition of the Attorney General in these countries. The Attorney General in UK, is the Legal Adviser of Government and he has supervisory powers over the prosecution of criminal offence. However, he may not be personally involved, but sometimes he goes to court. He is the one who has the responsibility over the Crown prosecution service and he is the one responsible over the DPP. He is an Attorney General. This is why in England we have criminal and civil vexatious litigations.

More than often, the Attorney General is a Senior Counsel and, once he gets into the job of Attorney General, he keeps aloof of politics. In some Commonwealth countries like Barbados, Jamaica, the Attorneys General resign from politics once they become Attorneys General, and they have their function. In Sri Lanka, the Attorney General is the Chief Legal Adviser of Government and heads the Attorney General’s Department, which is the public prosecutor. Same thing in England. This is the Attorney General. Do you want me to quote other countries? In Singapore...

Mr Speaker: I will have to intervene here, and ask for clarification from the hon. Member. Is the point of the hon. Member pertaining to the fact that if the word ‘Attorney General’ is replaced in this Bill by somebody else, then the Bill is alright for the Opposition? Because the hon. Member is going too long on the post of Attorney General. In the interest of

time, we have to come to the point. If the hon. Member is stating that the word 'Attorney General' should be removed and somebody else appointed, then he should say it.

Mr Baloomoody: I don't believe that it is the role of the Attorney General to intervene in a civil matter. The Court has inherent jurisdiction or the parties themselves can raise that issue. Being given that the Attorney General is somebody who is in politics, and given our separation of powers, I don't think it is proper for him to intervene in Court and say: 'I am going to intervene and dismiss this affair between two civilians'. He is a Member of the Executive and is interfering with the Judiciary, with the administration of justice, which, for all intents and purposes, falls under the heading of the Prime Minister.

As I said, the Attorney General is the legal adviser. In England, in February, there was a joint motion by both Members of the House, presented by Jackie Shaw who is in the Opposition and seconded by hon. Davis who is in the Government. Do you know what was the purpose of this Bill? To vote against a ruling of the European Court of Justice, which said that prisoners had to vote. There was a joint motion. Everybody in England was against, because they didn't want prisoners to vote. But the Attorney General stood up and said that if they voted for that, it would be illegal. He stood up in Parliament and said to Members of the Cabinet and Members of the Opposition: 'you cannot do that; it is illegal'. This is an Attorney General who gives advice, and who is completely independent from the Executive.

Mr Speaker, Sir, when we finish with the question of the Attorney General, we have the issue of vexatious litigants. As I said, we are not talking about vexatious litigations; we are declaring somebody to be vexatious. Once again, we are pinpointing a person; we are pinpointing the litigant. Once the litigant has been declared vexatious, he can appeal. But, what is worse, clause 3, subclause 1(b)(iii) of the Bill says that, if the vexatious litigant who has been declared vexatious wants to enter a case or to continue cases which he has already entered before - this is where I say we are pinpointing somebody, he has to ask leave from the court. Where are we going? Retrospective effect? And we want this House to believe that we are not pinpointing that litigant who has 50 cases before court? If this is refused, he can't appeal.

Do you know what happened in Singapore, Mr Speaker, Sir? I know that our hon. Prime Minister likes Singapore; I don't know whether other Members of this House like Singapore. The first Leader of the Opposition there, Mr Joshua Jeyaretnam, was the first Member of the

Opposition who managed to be in Parliament. There were two Opposition Members since independence in 1982. He wanted to fight for justice. The majority, of course, using their majority in the House, had all sort of cases against him, and he was ruined financially and made bankrupt. He was a barrister called to the Bar in England. Once he was made bankrupt, he was disbarred. When he was disbarred, there was no right of appeal. He could not appeal once he was made bankrupt, because they were all in inferior courts which do not bring you to the Privy Council. This was done purposely by the majority. When disbarred, this automatically led him to the Privy Council. He appealed to the Privy Council - two years ago, he passed away – and, of course, the Privy Council dismissed his disbarred from the Singapore Bar and he had to be reinstated. The Privy Council made reference to all the cases that there were against him. They said that it was unjustified and illegal, but could not pronounce because there was no appeal. This was said *en passant*, because these were part of the cases. Do you know what Singapore did? They abolished appeals to the Privy Council following those remarks.

So, is it where we are going? Is this a first step in that dictatorial path, to take us to the abolition of appeal and abolition of the Privy Council? Because there will be no appeal if one is not given leave to continue or to enter any case. If there is no appeal, it is serious; the Bill says that there won't be appeal. There will be appeal if you are declared a vexatious litigant, but there won't be appeal if you are not given leave to continue your case. There will be no appeal if you are not allowed to have another case. Is this where we are going? Starting slowly to bite in our right to appeal, be it before the Supreme Court or the Civil Appeal Court or the Privy Council!

This is why we are very concerned, and this is why I said earlier in my first speech that we are even suspicious about the real intention, and where we are going. We know that there will be the Constitution (Amendment) Bill, but let it be final before we make any comment on our right of appeal. Here again, Mr Speaker, Sir, we have to be careful about this issue of appeal. First, we are against a Bill that attacks one person; secondly, we don't feel that it is the Attorney General who should be the one to raise the issue of vexatious litigation or litigant. We believe that the court has an inherent power. Why doesn't the Court use its inherent power? If they use their inherent power, of course, we have the appeal. We can go to the higher court and appeal if it's a ruling of the court. If you want to declare his action vexatious, raise the cost of the case to bar him to come further. But don't declare somebody *persona non grata* with regard to Judiciary. This is what we are saying. If somebody comes to court every now and then,

alright bill him! If he does not pay the cost, he will not be able to enter another case. And if his case is vexatious, let the court take the point; let the other party take the point; not the Attorney General.

So, Mr Speaker, Sir, we are against that Bill. We will vote against the Bill and we feel that we should, in fact, amend whatever we can do to increase access to justice, not to limit access to justice; because access to justice, Mr Speaker, Sir, is a basic human right and one cannot be denied of this basic human right. We should improve on focusing of access to justice instead of denying access to justice. This Bill, Mr Speaker, Sir, as I say, is unwarranted.

Mr Speaker, Sir, one reason put forward is the Law Reform Commission. Do you know how many reports the Law Reform Commission has made? In fact, the first one they made you aware, Mr Speaker, Sir - we were in Parliament together. In the first one, they recommended that the Government should do away with that plea *in limine* they used to take with regard to prescription of two years. You have an accident and you have a case of negligence against the Government or an Authority, they come and say, no, two years have gone - you call this time bar. Since years and years, the Law Reform Commission has recommended doing away with that. No! This Government ...

(Interruptions)

There is no urgency when '*ti dimoune*' is suing for negligence. But, for this one, the Law Reform Commission came with it. Why? Because, the Government tells them to look into it! They did not decide it by themselves:" oh, let's decide about vexatious litigation." There must have been a request from Government to look into the matter. Once Government had looked into the matter, within months they come with a Bill to this Court, and once they come within months with a Bill, they come with retrospective effect. So, we, on this side of this House, are not going to be a party to this conspiracy to deny access to justice.

Thank you, Mr Speaker, Sir.

(6.52 p.m.)

Mr J. Seetaram (Second Member for Montagne Blanche & GRSE): Mr Speaker, Sir, firstly let me congratulate the hon. Attorney General for introducing this Bill to the House.

At the outset, I would reply to the remarks made by the Third Member of Constituency No.1 concerning his statements made before this House that, firstly, this Bill is denying the basic fundamental right of an individual to enter a case before a court of law. As he said, he used the words '*persona non grata*'; but this is not at all the point, Mr Speaker, Sir. On the contrary, this Bill is preserving the basic fundamental right of the individual because this Bill is preventing any individual to make a mockery of the justicial system. This Bill is preventing no one from his constitutional right to enter a case before any court of law in this jurisdiction. It is clear in this Bill that the mere fact of declaring a person a vexatious litigant is to restrain any person - him or her - from starting vexatious proceedings, that is, to come, and on several occasions, frivolously being repetitive habitually and persistently, to seek and commence legal actions without any reasonable grounds for improper purposes. That is the object of the Bill; not to prevent anyone from his basic fundamental right of entering a case before a court of law before this jurisdiction.

Also, concerning this Bill, it is clear that, for example, one person maybe is declared a vexatious litigant; it does not prevent him from going and instituting a case or a claim, for example, or a divorce case or a petition or a plaint with summons that has nothing to do with his case where he was, in fact, declared a vexatious litigant against a very person or a very group of person. So, he still preserves his basic right - even if he is declared a vexatious litigant - to act and to instruct an attorney to retain a counsel and to appear before a court of law. There is no question of *persona non grata* and this is extremely irrelevant to the point of the whole object of this Bill.

The more so, the hon. Leader of the Opposition, himself, stated that he knows the trouble of being through with a vexatious litigant.

(Interruptions)

So, to start with, if I could just enlighten the House, allow me to explain the proposed amendments in layman's terms. The word 'vexatious', itself, Mr Speaker, Sir, simply means to cause annoyance, to worry a person. In the same breath, a vexatious litigation is a legal action which is brought regardless of its merits, solely to harass or to subdue an adversary. That is vexatious litigation. It normally takes the form of unwarranted, frivolous, repetitive law suits. These persons, Mr Speaker, Sir, are usually a very small minority and in other jurisdictions, for example, Canada, the United Kingdom, New Zealand; we have a list of vexatious litigants. Also,

you have those vexatious litigants who persist unreasonably with their complaints and they make an abuse of the process of court; an abuse of the machinery, of their constitutional rights, of the machinery of litigation rather than to genuinely enter a case before a court of law. That is the precise point of this Bill. It is to protect that fundamental right, to protect that basic right of any person to enter a case before a court of law when he is feeling prejudiced. Mr Speaker, Sir, you are yourself aware of how many cases we have before our courts.

It is proper and appropriate to come with such a Bill in such circumstances, whereas it is also true, besides the fact that vexatious litigators do clog the civil justice system, and it is also a fact that they spend hours planning courtroom strategy through heaps of legal documents in order to cause annoyance to an individual. In their mindset it is the following; just one more writ, just one more plaint and I have to win my case. But, is this the real version, is this protecting, maintaining our fundamental rights? One has to think. Also, like I said, the mere fact of any person who has been made or declared a vexatious litigator in the past, it does not necessarily entail him to be a vexatious litigator for his next case. This is not true.

It is clear from the Bill that such is not the case. Further, I wish to draw the attention of the House that it is a good thing that the Master and Registrar of the Supreme Court shall cause a copy of an order declaring any person to be a vexatious litigant to be published in the Gazette, or in such other manner as the Court may direct. This is a good initiative, Mr Speaker, Sir, because the public at large should be made aware of it.

I would invite the hon. Attorney General that a list of vexatious litigants in the future be published on the official website of his office as it is done in United Kingdom, Canada, Australia and New Zealand and also to give the House the right impression that there is no colourable device or any interior motive behind this Bill or trying to pin point on one gentleman. If it is not the Attorney General who comes to this House to present the Bill, then who will? Here we go with another debate. All that gives way to the right thinking that this Bill is not a new concept. This Bill is dated hundreds of years ago and it exists in a number of Commonwealth countries. More importantly vexatious litigators are bullies, busy bodies and they create the abuse of the legal machinery in this jurisdiction or any other jurisdiction and this without any interest whatsoever of the outcome of the case. Their goal is not to protect or vindicate a right, a genuine claim, a genuine petition or a genuine plaint with summons with merit. There are only plaints to

silence the detractors and to cause annoyance, undue stress, ultimately, to make a mockery of our justice system that is aimed behind the vexatious litigant. The aim of this amendment is to protect the integrity of our justice system and also of genuine litigants which will not allow the Judiciary to be used as a Trojan horse.

With these words, Mr Speaker, Sir, I fully agree with the proposed amendments.

(7.03p.m)

The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum): First and foremost, allow me, Mr Speaker, Sir, to congratulate my colleague the Attorney General for bringing this amendment at a time when the Judiciary is modernising and reorganising the system to consolidate efficient court management and administration of justice.

Mr Speaker, Sir, one of the cornerstones of any democratic society is that it should provide ready and easy access to its judicial system enabling the citizens to enter any complaints they wish to make against private parties, the authorities and the Government itself. Access to Courts for the vindication of a right or for the redress of a wrong is what lawyers term as a fundamental characteristic of the rule of law. Although all citizens are placed on an equal footing before any court of law, it has always been the case that there are certain procedures to be complied with when it comes to court actions against certain parties.

Firstly when a litigant wishes to enter a civil case against the State or a *préposé* of the State acting in the course of his duty, the State of Proceedings Act and the Protection of Public Officers Act set down the way for the action to be entered and the time limit within which such action has to be lodged.

Secondly, this procedural requirement has been extended to other officers, for instance, the officers of the Mauritius Revenue Authority under the relevant legislation.

Thirdly, in general terms, a litigant has a maximum of 10 years to enter a personal action and a lesser period known as the *prescription courte* under our Civil Code. It has always been the case in Mauritius and elsewhere that certain office holders enjoy immunity from civil proceedings and at times cannot be called as witnesses in cases in court. I have in mind holders of judicial offices acting in the course of such capacity and the President of the Republic. The

above shows, firstly, that, while it is important to open the doors of our courts to litigants, it is equally important to protect our citizens from litigation. Our system provides that a citizen should not have the fear of being sued for an unreasonable amount of time like having a Damocles sword hanging over the head of that person endlessly.

Secondly, the serenity of the office held by certain persons demand that they should be able to discharge their duties without harassment and oppression hence protection in the form of immunity from civil proceedings. I hasten to add that this is not a licence to venture on unauthorised pass as the system provides for enough safeguard to rectify any departure from normal conduct in such cases. A protection from suit does not mean absence of accountability.

Mr Speaker, Sir, practitioners often move to have pleadings or part of the pleadings against their client to be struck out when they feel that such pleadings or part thereof are vexatious, frivolous and abusive. This is a normal facet of litigation in our court and this is governed by our Rules of Procedure as well as what obtains in the white book, that is the civil procedure applicable in England. Therefore, when we come to consider the present legislation, we must find that the proposed legislation is a natural extension of our existing laws and court procedures. Our courts have to be managed as well. And Court Management demands that repetitive litigant, vexatious litigants should be kept out of the system. If a vexatious litigant is allowed to enter several frivolous cases unchecked, the natural result is that meritorious cases will be delayed. At a time when the Judiciary is modernising and reorganising the system and has introduced mediation to dispose of cases more rapidly, we should come with measures to consolidate efficient court management and administration of justice.

You will agree with me Mr Speaker, Sir, that the present legislation seeks to do that. There is a maxim of law which states that there must be a finality to litigation. Unfortunately, vexatious litigants make a mockery of that maxim by multiplying court actions unnecessarily and this has prompted the present legislation.

Mr Speaker, Sir, coming to the proposed legislation itself, it must be highlighted that it is aimed at a specific type of litigant, that is the vexatious litigant. There are enough safeguards in the proposed legislation to show that it will not embarrass the concept of the Rule of Law and it is not a measure to prevent a litigant from bringing a case to court. The application to declare a litigant a vexatious litigant is made by the Attorney General and nobody else. Once the

application is made, the Supreme Court will give the litigant the opportunity to oppose the application and to argue against the application.

After hearing all parties as the case may be, the Supreme Court will decide whether or not an order should be made declaring the person a vexatious litigant. That order can be limited in time. Therefore we see that the Supreme Court will filter the application and has the final say as to whether a litigant is to be qualified as a vexatious litigant. In that way all the necessary protection for the due exercise of that piece of legislation are in-built in the proposed Act. Mr Speaker, Sir, in conclusion, I can only recommend the adoption of this legislation to the House.

Thank you, Mr Speaker, Sir.

(7.10 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, I rise to speak against this Bill, a Bill which will affect the right of a person to defend and protect his rights. Mr Speaker, Sir, the right to institute proceedings to enforce and defend one's right is a fundamental human right. Being able to sue and be sued is property. Property that can be assigned, transferred and sold. What this Bill purports to do, is to deprive a person of his right to property without compensation. Our Constitution guarantees equality before the law. What this Bill is doing is making it more difficult on a class of person to bring proceedings. After the coming into force of this Bill - if ever it comes into force - you will have henceforth two classes of litigants. One, who can sue and be sued in his own right, complete freedom and another class of litigants, who would need to go to the Supreme Court and get leave before they can start or continue any litigation? Article 10 of our Constitution provides that any proceedings, whether criminal or civil must be held before an impartial and independent Court within a reasonable time. Everyone has the right to a fair hearing. Henceforth, for a class of people known as the vexatious litigant, he will not have a free access to justice. He will have to go and seek leave. What does that mean in practice? It means that very often he would be permanently deprived of certain rights. As you know, Mr Speaker, Sir, there are certain remedies which require *célérité*, urgency. When the house is in danger, when your rights need to be enforced and protected, very often, you would go and apply to a Judge in Chambers urgently, sometimes *ex parte*, without the other side knowing because it is such an urgent time and if you miss this speedy remedy, it may be lost forever. Henceforth, for a class of people in this country,

they would have to go and seek leave and this leave will come from the Supreme Court. The proposed amendment is that you are going to apply to the Supreme Court. And we all know, Mr Speaker, Sir, how long it takes to apply for leave before the Supreme Court. By the time you get leave, by the time the Supreme Court comes and tells you 'yes, you do have a serious, genuine case, your right would be gone'. This is the type of legislation; this is the type of impact and effect which this legislation will have in practice.

Mr Speaker, Sir, I agree that fundamental human rights are not absolute. I agree that they are limited by the respect for the rights and freedom of others. I agree that there may be reasons of public interest and security to curtail human rights. But, the point I am making here, Mr Speaker, Sir, is that the Government of the day should not play around with our fundamental human rights. When in England, Section 42 of the English Supreme Court Act 1981 was considered, whether it was in breach of Article 6 of the European Convention of human rights, which is similar to our constitutional provisions. In the case of *Bhamjee and David Fordstick*, Lord Phillips, Master of the Court stated that access to justice would be limited if two conditions were satisfied. The first one, limitations applied do not restrict or reduce the access left to the individual in such a way or to such an extent that the very essence of the right is impaired. And the second criteria, which is a most important one is that the restriction must pursue a legitimate aim. And there is a reasonable relationship of proportionality between the means employed and the aim thought to be achieved. The key word here, Mr Speaker, Sir, is proportionality. There must be proportionality between the means employed, the draconian legislation we are introducing today and the aim which is thought to be achieved which is protecting justice. So, the question that needs to be answered here is why do we have such draconian measures? What is the purpose of this limitation on our fundamental human rights? How many vexatious litigations do we have? Has there been any survey carried out to determine the number of such vexatious litigants? We hear the hon. Attorney General saying that he receives 50 complaints from one litigant on his desk. But, has there been any serious study carried out? Has the Court, the Master, Chief Justice come up with a report saying that there is such an amount of vexatious litigation in Mauritius and this is causing time and expense to the Judiciary? This is what we are expecting to consider in this House before adopting such a draconian measure, not just because 50 people are being sued that we have to come up with a draconian legislation as is being proposed today.

Mr Speaker, Sir, we should not simply blindly follow other jurisdiction. Every country, every State, has its own specificities and realities, and it would be most dangerous if this House were to blindly follow what is happening in other jurisdiction, or be it in the Commonwealth States.

In some countries, Mr Speaker, Sir - while doing my research - I have found out that you have compulsive litigants. One study carried out by Mr Paul Mullen and Dr. Grant Lester suggested that vexatious litigants suffer from a condition known as 'querulous paranoia'.

'Querulous' from the Latin for 'plaintive murmuring', a pattern of behaviour involving the unusually persistent pursuit of a personal grievance in a manner seriously damaging to the individual economic, social and personal interest and destructive to the functioning of the Court and other agencies attentive to resolve the claim.

At the core is the belief by this querulous person that he is victimised and, very often, he would turn and sue his own lawyers. But do we have such querulous litigants in Mauritius? If we do have them, how many do we have? These people need treatment. These people do not need a law which will prevent them from bringing proceeding. In fact, such a law will only serve to exacerbate the perception they have that they are being persecuted. Mr Speaker, Sir, we do not need this Bill because there are already ways and means available to the Court to control vexatious litigants and prevent the Court process from being abused. The Court has an inherent jurisdiction to protect its process from abuse. This right is even recognised in this Bill. This Bill in subsection 6(b) says that the provision of this section shall be in addition to and not in derogation of the inherent jurisdiction of the Supreme Court to prevent its process from being abused or obstructed. The Judiciary, the Court already have this power to control vexatious litigants. More, they have cost which they can award under the Civil Procedure Act. They can even award wasted cost against not only the litigants but the legal representatives of the litigants, who have been improper, unreasonable or neglectful in their duties. Mr Speaker, Sir, the hon. Attorney General and hon. Minister Faugoo referred to the report by the Law Reform Commission on prevention of vexatious litigation.

It is a small document which is nothing more than cut and paste seven sections of different legislation in different jurisdiction. The Law Reform Commission never recommended that we

cut and paste section 42 of the UK Supreme Court Act 1981 which is precisely what this Bill does. In fact, the Law Reform Commission recommended, and I quote –

“Amendments should take into account the practice in other jurisdiction as well as the analysis made by various law reform agencies in the Commonwealth.”

It is a matter of great regret, Mr Speaker, Sir, that the Law Reform Commission did not themselves undertake this analysis and comment made by various law reform agencies in Commonwealth. It is a matter of great regret, Mr Speaker, Sir, that the Law Reform Commission did not come up and propose a Bill after having analysed what is happening in other jurisdictions. Had they done so, Mr Speaker, Sir, they would have no doubt come across comment made by the Law Reform Commission on Western Australia which when analysing the provisions of the Vexatious Restriction Act 1930. Back in 1930, they adopted that in Western Australia.

This Law Reform Committee stated and I quote –

“The current Act has proved to be largely ineffectual; applications are rarely brought and are almost never successful. The existing procedure is time-consuming and cumbersome, the test is narrow and there is a reluctance to declare a litigant vexatious.”

This is what we were expecting from the Law Reform Commission and analysing what other law report says and guiding this House. Although the law in Western Australia dates as far back as 1930, to date only four cases are declared vexatious litigant according to the report. It is the same thing in Victoria. They have similar legislation since 1928 and I understand only 14 people in 90 years have been declared vexatious litigants.

Mr Speaker, Sir, other Members of this House have pointed out the danger of leaving it to the Attorney General to bring proceedings. I don't propose to dwell further on this, save to bring to the attention of this House that other jurisdictions, including India, have extended the power to bring proceedings to the Registrar General of the High Court and with leave of the Court to any aggrieved party. Any person who is aggrieved in a civil litigation does not have to go through the Attorney General. In India it is their Advocate General, they themselves can make the application. This is not in this Bill.

Mr Speaker, Sir, I will also not dwell further on the issue of the constitutionality of the denial of appeal. This has been treated lengthily and very comprehensively by my learned friend, hon. Baloomoody, but I would only add that I share his concern and I also have had the opportunity of meeting and talking to senior counsels and Judges who also express a sense of embarrassment, if not uneasiness with the fact that they would give no right of appeal.

To conclude, Mr Speaker, Sir, I believe, there must be a correct balance between the right of all persons to have access to justice, the need to safeguard scarce judicial resources, protect the community from inconvenience and considerable expenses of defending proceeding brought by persons without reasonable cause or merit. The solution is not to restrict a person's right to bring or pursue legal proceedings. The solution is to empower the Judiciary with better means of managing their caseload, a system of summary dismissal, of pre-trial exchanges, as you have in the US and England which will allow a Magistrate from pleading stage to struck out pleading, to order cost. This is what we need and then leave it to the Judiciary on a case by case basis to determine whether an application is vexatious or not. Mr Speaker, Sir, this Bill is unduly restricting access to justice, we will vote against this Bill.

Thank you.

(7.25 p.m.)

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):
Mr Speaker, Sir, I have listened with much interest to all the hon. Members who have spoken on this Bill.

I have listened very carefully to the Leader of the Opposition who seems to have some qualms with the age of my friend, the hon. Attorney General. It is never a matter of age, it is a matter of the mind, and if you don't mind, it does not matter. As far as I am concerned, I have no problem with anyone's age, even our young friend, hon. Uteem. I am happy to have the youth in this Parliament coming and infusing new ideas in this august Assembly. Unfortunately, the hon. Leader of the Opposition and I do not share the same views with regard to the participation of young people in Parliament.

As far as this Bill goes, I have heard hon. Baloomoody and hon. Uteem talking about their objections to this Bill. Most of their objections were limited to a huge chunk of it; it was the fact that it was the Attorney General who was involved somehow in the Bill at the very outset when the whole procedure to refer a matter to the Supreme Court is concerned. I have the impression – I shall be quite honest and candid about it, Mr Speaker, Sir – that, indeed, having listened to the Opposition, the Opposition is making a mountain out of a molehill.

In fact, the question that one should ask oneself is the following: when one reads the Bill, is it anywhere mentioned therein that it is the Attorney General who will decide who is a vexatious litigant? Had it been the case, then, I, myself, would have found it not only problematic, but totally undemocratic and it would have been a serious constitutional issue and alarm bells would have started to ring! In this particular instance, allow me to say it very clearly, as it is so written black on white. It is not the Attorney General who will decide whether someone or another is a vexatious litigant. It is only a person who believes that someone is attacking him in such a way as to define the other person as being a vexatious litigant and he falls within the ambit of the definition of ‘vexatious litigant’. He can write to the Attorney General and an application is made to the Attorney General. The Attorney General will then refer this matter to the Supreme Court. Who will therefore decide whether that person is a vexatious litigant or not? It is, as I have said earlier on, not the Attorney General, but a Judge of the Supreme Court. If we are to say that it is because of the Attorney General being the person that refers the matter to the Judge, we have no confidence in this piece of proposed legislation, what we are also saying, Mr Speaker, Sir, is the following: we have no confidence in the independence of our Judiciary. This is basically what the hon. Members of the Opposition are saying.

We are a democratic State, an independent sovereign State where there is separation of the Executive and the Judiciary. Separation of powers does exist here in our country, the rule of law does exist in our country; we have an independent Judiciary. Now if we are Members of this august Assembly, the least we should have is respect for the independence of the Judges of our Judiciary. Because when we are saying that the Attorney General is going to refer it there, we are casting ...

(Interruptions)

Somehow saying that we do not have confidence in the process! What is important, Mr Speaker, Sir, is when it ends up in the hands of a Judge, he is a Judge of the Supreme Court of this land and we must have confidence in him.

I have read a judgment of our Supreme Court which refers to *Lincoln & Ors v.s The Governor-General of Mauritius & Ors and ex parte*, 1973, MR 290, at page 291. It says -

“Our Constitution clearly distinguishes between the functions of the Judiciary and those of the Legislature. No doubt, the Supreme Court has jurisdiction to decide whether an act has been passed in accordance with the Constitution or not; but it would be neither legal nor reasonable for it to interfere with the internal business of Parliament. It is for the Assembly and the Assembly alone, to decide when it will sit, and what business it will discuss. If a Court of law sought to prevent, or even to delay, the introduction of a Bill, it would not be exercising judicial power, but usurping a legislative function.”

This is separation of powers. In this particular instance I have heard hon. Uteem say something which I humbly, Mr Speaker, Sir, believe to be unfair. To come and say that Judges have expressed their views or their concern about this piece of legislation is very unfair. What we are saying here, the Judges are not in this Assembly, they belong to an institution out there. I have asked the hon. Attorney General: have you received any letters of condemnation against this legislation? Has the Bar Council protested officially? Has a Judge come to see you? Has the Chief Justice done so or protested? The answer was ‘no’. But I do not know what the opinion is here and it is not even the concern of this Assembly as to what their opinion is. Let us do our work as a legislature and let them do theirs in the Judiciary. And to come and say that Judges have spoken to him and express their views or their concern is extremely unfair and disrespectful to the Judges of the Judiciary.

(Interruptions)

Mr Speaker: I don’t think that is the point.

Mr Mohamed: If that was not the intention, Sir,

(Interruptions)

Mr Speaker: No, that was not the intention. The intention was whether the Judiciary has been consulted or other people have been consulted. *En passant*, he has said it. But, I don't think the hon. Minister should go that far.

Mr Mohamed: My preamble view is that even *en passant* we should not touch them.

Mr Speaker: No, that is your view.

Mr Mohamed: We have talked about many other jurisdictions and hon. Baloomoody has made a big case of other countries where the Attorney General has different powers such as in the United Kingdom. Hon. Uteem has talked about the situation in Victoria, Australia, or even in Queensland, where we have the Vexatious Proceedings Act of 2005. We have even earlier legislations in Australia and he has talked about how in those jurisdictions since many years we have such Statutes to stop vexatious litigation, but in spite of those Statutes, only a few number of people have been declared to be vexatious litigants. This is excellent news. We do not come to this august Assembly to pass a law, for instance, to make it illegal to murder someone because the majority of Mauritians are murderers. You do it because a few may murder. You don't come to this Assembly to vote a law to condemn someone for an offence because most of them are offenders out there for anything, from a contravention to any offence. You pass it only because a few of them would contravene the law. In this particular instance, the fact that in Australia only a few people have been declared to be vexatious litigants, is ample proof that no one can abuse the system such as to stop someone from having access to justice. It is a test that is used in order to make sure that those people who have, in fact, a serious and *bona fide* case have access to justice. In the United Kingdom - I have come across a piece of legislation. The precedent that hon. Uteem referred to, if I am not mistaken, is one that dates back to 1980s. I have now referred to a precedent that dates to 2001, an even more recent precedent that talked about the interpretation given by the European Court of Human Rights as to whether the Statute to stop vexatious litigation is or not in contravention with Article 6 of the Human Rights. There are certain parts of that judgment which I will refer to in order to say why it is that I believe that this Bill is not in any way in contravention with our Constitution because this is what was said by the ...

(Interruptions)

Mr Speaker: I must draw the attention of the hon. Minister that he cannot draw on issues, on arguments which have already been debated. If he had new issues to add, I would allow him.

Mr Mohamed: With regard to this judgment which is, in fact, a judgment quoted by the hon. Attorney General, Gedaljahu Ebert & the Official Receiver & Others, case No. 2001/0430, I shall not refer to what my hon. colleague and hon. Members have already referred to, but there is a part in there in which the Judges clearly say the following -

“The vexatious litigant order did not limit the applicant’s access to court completely, but provided for a review by a Senior Judge of any case the applicant wished to bring. The Commission considers that such a review is not such as to deny the essence of the right of access to court; indeed some form of regulation of access to court is necessary in the interests of the proper administration of justice and must therefore be regarded as a legitimate aim.”

Another part of the judgment and in conclusion what the Judges say is as follows -

“Judges considering applications for leave under section 42 (3) – a relevant section referred to by hon. Uteem – should continue to apply the criteria adopted in the current domestic law, which are not affected by the Human Rights Act.

Where an application is made for leave to apply to this court for permission to appeal, the Judges should equally consider that application on its merits. If the Judge refuses to grant leave there is no appeal to this court against that refusal, and Judges should therefore neither grant permission to appeal against that refusal nor grant leave to apply to this court for such permission.”

Hon. Baloomoody has gone as far as to say whether this is the beginning of the end with regard to our right of appeal to the Privy Council. Once again, this is neither here nor there. Yes, it is important to say it, but it does not even concern this Bill. What I have to say to the Opposition is, if basically they believe that there is such a problem, *le fait que d’être membre de l’Assemblée Nationale*, I have respect for our institutions. We have section 83 of the Constitution. If anyone believes that this particular piece of legislation in any way is contravening the human rights and the constitutional rights of the citizens of this country and if

that one person - God knows who - whom they referred to and whom they put no name to, believes that there is a problem, he can refer to section 83 of the Constitution and challenge it before the Supreme Court. Then, we will have an answer. We do our job, we do not do politics with matters concerning Judiciary and let the Judiciary do their job. It is simple as that.

That will be all, thank you.

(7.42 p.m)

Mr A. Ganoo (First Member for Savanne & Black River): Mr Speaker, Sir, I shall be very brief...

(Interruptions)

I think that you have already given ...

Mr Speaker: I have already given the hint.

Mr Ganoo: Yes, you have already given the hint and I think I have taken it rightly so, because all the arguments have been made on one side and the other side. On this side of the House, Mr Speaker, Sir, our position is known now. In fact, today, we are debating a question of principle, a question pertaining to the rule of law, to the fundamental rights, to the constitutional rights, to the right of access to Court and to the right of appeal by the citizens. Right from the start I can inform the House that we hold no brief for anybody in this House. We consider that this law is an *ad hominem* law, but whoever that person could have been - Mr X, Mr Y or Mr Z - we would have said the same thing that we are saying today. It is a question of principle and we hold no brief for anybody tonight, Mr Speaker, Sir. It is a question of human rights.

The first question that I am going to ask, which has been already adumbrated by my two learned friends here is: did we need such a legislation today in Mauritius? This is the first point that I would like to ask. Firstly, I ask the question: is there a compulsive litigation disorder in our country? Is compulsive litigation disorder a national problem today in Mauritius which necessitated this House to come, firstly, with a Bill with all three stages – fortunately this was postponed - with so much speed? Why so much haste with such a Bill, Mr Speaker, Sir? Yes I agree, this Bill has given all of us a chance to go back to our textbooks and on the Internet and to look about the recent cases that we heard today, the cases of Bhamjee and Herbert etc. So much the better for all of us here! We have come to enlighten the House, to help the debate of the

House assessing the situation in evaluating this piece of legislation. Yes, Mr Speaker, Sir, in other jurisdictions like the UK, we have seen how many busy bodies, drama kings and drama queens are there, the number of vexatious orders being issued against serial litigants and how vexatious litigation has increased considerably during the past decades. This is so, Mr Speaker, Sir.

We have read about the case of Mr Alexander who had kept filing repeated application under the same subject without end. He had attended 750 hearings. He had appeared before 50 high Court Judges, 29 Lord Justices on appeal. Yes, Mr Speaker, Sir, there is, in some parts of the world, the compulsive litigation disorder. Many litigants have even changed their names so that they can continue litigating. This is true. Many have become bankrupt by spending so much money in their court cases, spending their resources to issue new claims, Mr Speaker, Sir.

But, today, the question that I ask is: are we in that same situation? I wish also to say right from the start that we have a respected Judiciary in Mauritius, respected all over the world for its integrity, rectitude, competence and erudition, beyond reproach and challenge. This Judiciary has been in the past adorned by many competent respected Judges of world repute and it is still the case today. Unfortunately, what we are doing today is that we are using a sledgehammer to kill a fly, Mr Speaker, Sir. This is what we are doing. *Les grands moyens qui sont peut-être anticonstitutionnels* to which I will come in a few minutes. In my humble opinion, I do not think that the situation requires that type of legislation today and to solve what problem, Mr Speaker, Sir?

It reminds me of Don Quixote fighting against *un moulin à vent*. I am not saying that anybody is a *moulin à vent*. The reference that I want to make is that I think we are using all these *grands moyens*, we are *brille la boue* today, Mr Speaker, Sir. We are *relevé* all these debates about fundamental rights, constitutional rights, right of access to Court for nothing, in my humble opinion, Mr Speaker, Sir.

Firstly, vexatious litigation has existed in the western jurisdiction for so many years; somebody talked about 150 *ans de cela* and that is true, Mr Speaker, Sir. What we must not forget - and I do not want to repeat it - that the Judiciary has inherent powers to curb frivolous and vexatious litigation already. These powers have already existed in our legislation for years, Mr Speaker, Sir. The Court has had for years inherent jurisdiction to protect its own process

from abuse. The Court has made it clear to litigants for centuries that they cannot trouble the Judiciary with litigation which represents an abuse of its process.

Mr Speaker, Sir, we have this inherent jurisdiction. No litigant has the right to trouble the Court, as I have just said. We know and you know, Mr Speaker, Sir, what our Rule 153 of the Supreme Court Rule provides –

“The Court may after hearing any interested party, order an action to be stayed or dismissed or judgement to be entered on such terms as may be just and reasonable where the plea or the counter claim at the case maybe is frivolous, scandalous, vexatious or is an abuse of the process of the Court.”

All this is in the Rules of the Supreme Court in Mauritius and in the Rules of the Court in UK and in other jurisdictions, Mr Speaker, Sir. As rightly pointed out by my learned friend, hon. Uteem, this is why in the law, this section highlights the fact that this provision of this law today, shall be in addition and not in derogation of the provision of any of the law for striking of vexatious readings, that is, referring to the rules that I have just mentioned or to the inherent jurisdiction of the Supreme Court, to prevent this process from being obstructed. So, Mr Speaker, Sir, the remedy will have been security focused, contempt for court proceedings without having to fiddle with constitutional rights. This is the case for the Opposition, Mr Speaker, Sir. We have to protect our courts from abusing its process. The powers are already here and we could have improved on the powers which the law already provides us with and improving the provisions in our law.

Now, we have talked about the UK, Mr Speaker, Sir, but in all the legislation, in all the cases, we have cited on both sides of the House, there is one principle that we have missed so far. In the UK, Mr Speaker, Sir, the case law says that various steps have to be taken and it is only as a last resort that section 42 of the Supreme Court Act, that is, provisions which enable the declaration of somebody as a vexatious litigant and section 42 is the relevant section. So, various steps have to be taken before and section 42 is the last step, Mr Speaker, Sir. There are many steps before finally having recourse to the vexatious litigation provision in section 42 of the UK Act of the Supreme Court Act of the UK, Mr Speaker, Sir.

There is the extended civil restraint order, this is what the court passes first, when the vexatious litigant manifests himself. Further, there other restraint orders, general civil restraint

order and I can go on, Mr Speaker, Sir. There are different steps and different restraint orders, different remedies that are resorted to before finally having recourse to the vexatious litigant provision. But, here according to what is being proposed to this House today, it does not seem like that. When the process starts by the Attorney General, when he initiates the process, there are no *préalables*, pre-conditions, pre-steps, which are resorted to as in the UK Jurisdiction. This is why, Mr Speaker, Sir, I think we must make a difference when we try to compare us with the UK and we say in UK the same situation is obtained and in other jurisdiction it is same. No, Mr Speaker, Sir, we have to compare like with like. It is only when an extended civil restraint order or a general civil restraint order is not effective, the litigant still comes again with the applications, devoid of merits, it is then that the court decides whether it is appropriate to make him a vexatious litigant. This is why for us it is important that when we are talking of a vexatious litigation proceeding, when we want to inspire, emulate or borrow from another jurisdiction, we have to do it, Mr Speaker, Sir, in the same way as it is being done in other jurisdiction.

Mr Speaker, Sir, I come now to the right of appeal and to the right of access to court. Now, we all know that in the UK there is no written Constitution. Firstly, in India, Mr Speaker, Sir, this is what was decided in the Law Reform Commission in India regarding the right of appeal. Some of us, we have this Law Reform Commission of India, the 192nd version. I am going to read it verbatim and this is what was said -

“As for the right of appeal against an order declaring a person as a vexatious litigant and directing him not to initiate or continue proceedings without leave, inasmuch as we are recommending that such orders shall be passed only by a Division bench of the High Court, it is not necessary to provide for any further right of appeal. Parties can always move the Supreme Court under Article 136 of the Constitution of India.”

I have looked at Article 136 of the Indian Constitution, Mr Speaker, Sir, and this is what it says -

“Notwithstanding anything in this chapter, the Supreme Court may, in its discretion, grant special leave to appeal, from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.”

So, Mr Speaker, Sir, in the UK, we have no written Constitution as we have in Mauritius and I will come to section 10 in a few minutes. In India, I have just read what was proposed in the Law Reform Commission Report and in Article 136 of the Indian Constitution. Mr Speaker, Sir, let me read now this section in the Bill. I will read just the pertinent section and I will try to show how it is not compliant and how it is in contravention and it does not pass the test of constitution. This is what I can read, Mr Speaker, Sir,-

“Where the Judge may after giving that person an opportunity of being heard, declare the person to be a vexatious litigant and order that no legal proceedings shall without leave of the Court being instituted by him in any Court. Any legal proceedings instituted by him in any Court, before the making of the order, shall not be continued by him without the leave of the Court.”

Now, Mr Speaker, Sir, here is a litigant who has entered a case, commenced proceedings before the Supreme Court here and at that time there was no such provision in our law. That was a civil right that he had to go to Court and start proceedings. My friend said also that it is a propriety right. He did this according to the Constitution of the land, Mr Speaker, Sir. Section 10(8) of the Constitution says –

“Any Court or authorities required or empowered by law to determine the existence or extent of any civil right or obligation, shall be established by law and shall be independent and impartial and where proceedings for such a determination are instituted by any person before such a Court or other authority, the case shall be given a fair hearing within a reasonable time.”

Now, by adapting this Bill today, Mr Speaker, Sir, we are therefore, depriving, snatching away, somebody of his civil right or obligation. This obligation that he is trying to vindicate, to prove before a court of law in this country and the Constitution giving him the right to do that and section 10(8) allows him to do that, Mr Speaker, Sir. He wants the court to determine the existence of his civil rights, that’s why he went to court. Today, when this legislation is adapted, what will happen, Mr Speaker, Sir? It will mean if he is declared a vexatious litigant, any legal proceeding instituted by him, shall not be continued by him without the leave of the court.

To me, this clause in this Bill cannot pass the test of constitutionality, because we are retrospectively divesting somebody of his civil right to go to court and vindicating one of his claims or one of his rights.

That is why, Mr Speaker, Sir, we are today having strong reservations on this Bill. We are against this Bill on a question of principle, and not only for the reasons advanced by my two learned friends and the Leader of the Opposition, but because of the role of the Attorney General. On this point also, we have to tell the hon. Attorney General that it is not a personal issue, Mr Speaker, Sir. The Attorney General will start the whole process, according to this law, according to this Bill. He will be cross-examined by the litigant, because if he is initiating the whole process, the litigant can ask that he be cross-examined before a court of law. Is this befitting for the status of the Attorney General, Mr Speaker, Sir, who is a Member of Cabinet, who is a Member of this House, to get entangled in litigations, to come to court, to be cross-examined by a prospective vexatious litigant?

Mr Speaker, Sir, is that befitting with the role of an Attorney General, who is the principal legal adviser to Government? I do not think so. But, whatever be it, we disagree that the Attorney General should be the one, the institution or the body to start, to initiate the whole process. I don't have to reply to what hon. Mohamed was saying, namely that we have doubts regarding the Judiciary. No, Mr Speaker, Sir, we have faith, we have trust in our Judiciary, but the law, as it is drafted, makes it clear that it is the Attorney General who will start the whole process of declaring somebody a vexatious litigant.

This is why, Mr Speaker, Sir, we think that, in spite of what has been said about right of access, about whether the law, as it is couched, contravenes the European Convention provisions, according to our Constitution, as it is worded, this Bill, as it is drafted today, is in conflict. Besides the fact that we disagree that the Attorney General plays the role that he has to play according to this Bill, we also, for the other reasons that my friends on this side of the House have put forward, do not agree that this Bill should be adopted by this House. We think that it is a strong menace to the rights of the citizens in this country, and this is why we have strongly expressed our reservation and our objection to this Bill.

I thank you.

(8.03 p.m)

Mr Varma: Mr Speaker, Sir, first of all, I would like to reply to a few points raised by the hon. Leader of the Opposition. But, in fact, I don't understand the stand of the Opposition. The Leader of the Opposition stood up in this House and stated clearly that he is in favour of something against vexatious litigation, having been himself a victim in the past, and now, I hear from Members of the Opposition, in his absence, that they are against a legislation to deal with vexatious litigation. Which is which, Mr Speaker, Sir?

I would like to reply to the hon. Leader of the Opposition and also to the hon. Third Member for Constituency No. 1, when they referred to the tone in which I replied to the comments made by the Opposition. Mr Speaker, Sir, I replied because they were doubting the good intentions of Government. They were saying that they see the reforms being brought every week with some suspicion; whether there is a motive behind what the present Government is doing. It is simple, Mr Speaker, Sir. We have taken a commitment. When Dr. the hon. Prime Minister was Prime Minister in 1995, there was the Mackay Report which came out, which shows the commitment of the current Prime Minister to reforms in the Judiciary.

Mr Speaker, Sir, the hon. Leader of the Opposition stood up in this House and said 'yes, you have got a young and fresh Attorney General, but he has to learn.' Mr Speaker, Sir, when the same Leader of the Opposition says that I need to chair a Select Committee on Med Point, when he suggests that I should chair a Select Committee on the exams being held by the Council of Legal Education, when a few weeks back, he stood up in Parliament and congratulated me on a Bill that I am bringing in Parliament, then I don't have anything to learn, Mr Speaker, Sir!

(Interruptions)

I had to say that, Mr Speaker, Sir.

Mr Speaker: No, he said that your tone was vexatious.

Mr Varma: Mr Speaker, Sir, in fact, there are three points which the Opposition has raised against the Bill. The first one is on the question of appeal. Mr Speaker, Sir, the special leave to the Judicial Committee of the Privy Council will be there when the leave is refused by a Judge of the Supreme Court. The Judicial Committee of the Privy Council is the master of its own procedure; it is not fettered by a local Act of Parliament. I think this should clear the air.

They have qualms about the Attorney General making the application. Mr Speaker, Sir, have they forgotten the role of the Attorney General as regards *ministère public*? When a case is heard before the Supreme Court, and they await the conclusions of *ministère public*, where does that go to? Does not that go to the Office of the Attorney General? Then, there is no problem that the Attorney General is a Member of Cabinet? When there are disciplinary proceedings against law practitioners, Mr Speaker, Sir, and the Attorney General makes the application, then there is no problem that the Attorney General is a Member of Cabinet? When a seat of a hon. Member has to be declared vacant, then there is no problem that the hon. Attorney General is a Member of Cabinet? Have they forgotten, Mr Speaker, Sir? They spoke about colourable device today! They should know who was Attorney General when the Supreme Court spoke about colourable device, Mr Speaker, Sir! Who was Attorney General at that time? We have no lessons to learn, Mr Speaker, Sir. Let me make it very clear. They have stated that the Attorney General should not be in party politics.

Mr Speaker, Sir, does this House know that I was a Member of the Politburo of the Labour Party for so many years, but that this year the hon. Prime Minister told me that I am Attorney General and cannot be a Member of the Politburo? What does that mean, Mr Speaker, Sir? When hon. Members from the other side of the House were Attorney General, did they leave their party? Did they? No, Mr Speaker, Sir! This was never the case.

Mr Speaker, Sir, coming to this House and say that this Bill was not debated at the level of the Bar Council! Mr Speaker, Sir, I am an *ex officio* member of the Bar Council. Do hon. Members here know what was discussed at the Bar Council? I am a member of the Bar Council! I was present, Mr Speaker, Sir, at the meeting of the Bar Council. I think, Mr Speaker, Sir, that it is improper to quote from what was discussed at a meeting. I don't know who leaked the information; this is very serious, and I am going to raise the matter at the next meeting of the Bar Council because, at no point in time, did the Chairperson of the Bar Council write to me, to inform me officially that the Bar Council is against this piece of legislation.

Mr Speaker, Sir, just coming in this House, hiding under parliamentary immunity to say that some Judges have spoken to me. Mr Speaker, Sir, hon. Minister Mohamed raised that point. Who is the Head of the Judiciary? The Chief Justice, Mr Speaker, Sir! And if there have been any qualms from the Judiciary, they should have written to me personally, written to us and say

that this Bill is not correct. But this has never been done, Mr Speaker, Sir. In fact, Mr Speaker, Sir, this Bill was circulated a couple of weeks back and hon. Members of the Opposition spoke to me to tell me that it's not correct that we have got the three stages of the Bill coming at the same Sitting. They raised qualms with the hon. Prime Minister but, Mr Speaker, Sir, we have nothing to hide. That's why we agreed that the Bill be postponed to be ventilated.

Again, the Bill was ventilated for two weeks. Did we receive any representations? No, Mr Speaker, Sir! Well, Mr Speaker, Sir, again,...

(Interruptions)

Mr Speaker: No comment!

Mr Varma: The hon. Third Member for Constituency No. 1 spoke about the Attorney General in the United Kingdom giving independent legal advice. What is he trying to say, Mr Speaker, Sir? Is he trying to say that the Attorney General in Mauritius does not give independent legal advice? Is that what he is trying to say?

(Interruptions)

Mr Varma: Yes, I challenge him! Go and say it outside! Don't hide under Parliamentary immunity!

Mr Speaker: The hon. Attorney General cannot challenge! Continue!

(Interruptions)

Mr Varma: I am sorry, Mr Speaker, Sir, I have to reply.

(Interruptions)

Mr Speaker: Let me inform the hon. Attorney General that if there was anything objectionable about what the hon. Member said, I would have stopped him.

Mr Varma: Mr Speaker, Sir, hon. Uteem made a number of points and I would like to reply that the right to sue, like any other fundamental rights in our Constitution, is not absolute. It's subject to reasonable derogations. Of course, litigants who are persistently making an abuse of the right to sue cannot be allowed to clog the machinery of justice, Mr Speaker, Sir.

Mr Speaker, Sir, the test is laid down by Lord Phillips in the case of Bhamjee and I have already referred to it during the course of my speech. As far as targeting, Mr Speaker, Sir, they have time and again made the point that we are trying to target someone. But, they should come forward with concrete proof. Hon. Members on this side of the House, Mr Speaker, Sir, have raised the point. You can't just come to this House and say that this Bill is meant to victimise Mr 'X' without mentioning who he is, what he is doing, whether he has got cases before Court, what is his current *locus standi*.

Mr Speaker, Sir, this Bill is not meant to target anyone. This Bill, Mr Speaker, Sir, is meant to protect the public and everyone from vexatious litigants. Mr Speaker, Sir, don't hon. Members on the other side of the House - many of whom are Barristers - know how many vexatious litigants we have around? How many cases are brought, Mr Speaker, Sir, by vexatious litigants? I can now inform the House about ten people who are vexatious litigants, but I won't do so, Mr Speaker, Sir, of course.

(Interruptions)

But, this is the case, Mr Speaker, Sir, and they clog the system by making vexatious applications and by entering vexatious cases. Therefore, this House should be convinced, Mr Speaker, Sir, that this particular piece of legislation is not meant to target anyone. Let's be clear about it. Mr Speaker, Sir, in fact, hon. Uteem spoke about a draconian measure being introduced. Hon. Baloomoody said: are we moving towards abolition of appeals to the Privy Council? Well, Mr Speaker, Sir, this is a figment of their imagination, that is all. Where in this Bill, Mr Speaker, Sir, where in the speeches made in Parliament today, have we targeted the right of appeal to the Privy Council? On the contrary, we have reiterated the right to appeal to the Privy Council. Haven't we, Mr Speaker, Sir?

The hon. First Member for Constituency No. 14 - well again, his arguments were not as virulent as his counterpart, but still he did oppose the Bill. Mr Speaker, Sir, the hon. First Member for Constituency No. 14 spoke about India and made reference to the report of the Law Reform Commission of India on vexatious litigation. But, Mr Speaker, Sir, as hon. Minister Faugoo stated, there are States in India who have adopted the legislation, but it has not been implemented as a whole; say, for example, in Goa, there is the Goa Vexatious Litigation

Prevention Act of 2007. It will be, therefore, my submission, Mr Speaker, Sir, that, at no point in time, are we infringing on the rights of people, on human rights.

We are not targeting anyone. This Bill is good for the proper and efficient administration of justice.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Court Ushers (Amendment) Bill (No. IV of 2011) was considered and agreed to.

THE COURTS (AMENDMENT) BILL

(NO. I of 2011)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (New Section 197F inserted in principal Act)

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

Mr Varma: Mr Chairperson, I move for the following amendment in the proposed clause 3, in the proposed section 197F -

- “(a) in subsection (1) –
 - (i) by deleting the words “the Supreme Court” and replacing them by the words “a Judge”;
 - (ii) by deleting the words “the Court may” and replacing them by the words “the Judge may”;
- (b) in subsection (1)(i), by deleting the words “the Court” and replacing them by the words “the Supreme Court”;
- (c) in subsection (1)(ii), by deleting the words “the Court” and replacing them by the words “the Supreme Court”;

- (d) in subsection (1)(iii), by deleting the words “the Court” and replacing them by the words “the Supreme Court”;
- (e) in subsection (2), by deleting the words “the Court” and replacing them by the words “a Judge”;
- (f) in subsection (4), by deleting the words “unless the Court is satisfied” and replacing them by the words “unless the Supreme Court is satisfied”;
- (g) in subsection (5), by deleting the word “Court” and replacing it by the words “Supreme Court”.

Amendment agreed to.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On 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 Court Ushers (Amendment) Bill (No. IV of 2011)

(b) The Courts (Amendment) Bill (No. I of 2011)

ANNOUNCEMENT

NATIONAL ASSEMBLY - LIVE BROADCAST - SELECT COMMITTEE

Mr Speaker: Hon. Members, before we move for the adjournment of the House, I have to make an announcement. I have to inform the House that, pursuant to the resolution adopted by this House last Tuesday to appoint a Select Committee of the House to consider the live broadcasting of the proceedings of the House and matters ancillary thereto, I have nominated the following hon. Members to serve in the Committee -

The hon. P. Assirvaden

The hon. V. Baloomoody

The hon. J. C. Barbier

The hon. R. Bhagwan

The hon. N. Bodha

The hon. S. Dayal

The hon. Ms K. R. Deerpalsing

The hon. A. Ganoo

The hon. S. Mohamed

The hon. S. Obeegadoo

The hon. Mrs A. Perraud

The Committee will hold its first meeting on Thursday 21 April 2011 at 14.30 hours in the Committee Room of the National Assembly.

PERSONAL EXPLANATION

LEADER OF THE OPPOSITION (FORMER) – SUPREME COURT - DETERMINATION OF MEMBERSHIP

Mr Ganoo: The hon. Attorney General, during the course of his summing-up, mentioned that, as Attorney General, I made an application to the Supreme Court for the determination of the membership of the then Leader of Opposition. I wish to state to the House that it was a motion of the House, tabled by the then hon. Prime Minister, Sir Anerood Jugnauth, who came with the motion. It was adopted by the House, requesting the Attorney General to apply to the Supreme Court for determination of the membership of the then Leader of Opposition, and hon. Bérenger went as a witness in this case.

ADJOURNMENT

The Deputy Prime Minister: Sir, I beg to move that this Assembly do now adjourn to Tuesday 19 April 2011 at 11.30 a.m.

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

Mr Speaker: The House stands adjourned.

MATTER RAISED

(8.21 p.m)

VEHICLES - REGISTRATION PLATES

Dr. S. Boolell (Second Member for Curepipe & Midlands) : Mr Speaker, Sir, I stand before you because of a vexatious decision by the National Transport Authority which comes at the end of a collection of vexatious decisions which included the speedometer saga, the fines which were illegal and also the fire extinguishers which were substandard and, at the end of these vexatious actions, we now end with one decision, that of changing the number plates at the expense of the population, of the consumers without any consultation with all parties concerned. *Nous sommes dans un état de droit avec un Mauritius Standard Bureau, and we claim...*

Mr Speaker: I would remind the hon. Member that we have only 30 minutes for this matter and the hon. Minister will have to reply. The matter concerns plates of vehicles with regard to colour and characters. That's all!

Dr. S. Boolell: It was so vexatious, Mr Speaker, Sir, that I have to come in. Coming directly to the number plates, there has been no consultation for the change of the number plates. We have organisations in this country which represent consumers. We have the Taxi Owners Union. We have those who actually take care of *les voitures de collection*. We have people who are now being called upon to spend a certain amount of money to buy new number plates without any direction. There is a total lack of communication from the National Transport Authority, blessed by the Ministry of Public Infrastructure, and we now all proceed to change.

There are 370,000 vehicles which means we will be dealing with a figure of Rs400 m. on the market with VAT to the tune of about Rs60 m. for Government. I want to know why are we changing? What is the scientific rationale behind changing? I challenge anyone to prove to me that a change in the number plates will improve the security on our roads, that there will be less accidents and deaths.

I want the relevant authority to produce the scientific evidence that this change in the colours will make a change. We are now being told that we are changing for the colour white in the front and yellow in the back. A competition was held in the UK to find out why, because

even there, they do not know why these colours were chosen. Somebody with a sense of humour said that it is to help the Police to identify the front of a car from the back. But if you are to go any further and we go to Australia, the plates are white with different colours; if we go to Europe - and here we are talking about the European Economic Community - the colours vary from red – that would please someone, there is no *mauve* unfortunately – yellow, black. There is lot of colours and the reason why they talk about the British standard, and in line with the European standard is because there is mobility of vehicles from one end of the Europe to the other. In Mauritius, we will be moving from one district to the next. We don't need to change colours for the sake of security. If the purpose of changing the colour is because the cameras fail to pick up the number plates, then we change the cameras. Even more, we refund everybody who has paid a fine under these cameras because there has been inequality of chances in front of the camera. We already had to stop for the cameras once; somebody has to pay for the cameras. It is not the public. The public cannot pay for the cameras. I would like to refer to the actual idea behind changing a number plate. The actual idea is to have a number plate with an electronic device as was stated by the hon. Prime Minister in reply to a question on 10 November 2008 where he said, I quote –

“We are looking at the possibility of having electronic information on the plates which can be helpful in locating the whereabouts of stolen vehicles.”

The Prime Minister answered a question from hon. Jhugroo. Even in the international press it came up: Mauritius to introduce new licence plates to reduce vehicles thefts. I would like to be told how these plates by a simple change of colour will actually reduce vehicle thefts? We are already having to pay a lot for road taxes and if Government wants to reintroduce, let us have consultations. Let us go further. Not only consultations; let us have a period of amnesty. Let those who own *les voitures de collection d'avant 1980 ne soient pas appelés à changer et que les propriétaires de nouvelles voitures qui arrivent sur le marché achètent. De l'autre côté, ceux d'entre nous qui ont déjà des plaques qui ne sont pas blanc sur noir mais, en fait, argent sur noir peuvent changer leurs plaques minéralogiques et en échange auront les nouvelles plaques en cadeau parce qu'il y a déjà assez d'argent suite aux amendes.*

Je crois que nous avons été très généreux en contribuant à la sécurité routière. Il y a le road tax. A partir du moment où une voiture arrive sur la route avec une plaque en argent sur

noir, il y a un genre de contrat que cette voiture peut rouler. Il y a une décision unilatérale d'un partenaire qui change les couleurs avec un minimum de préavis et non seulement un minimum de préavis, mais nous sommes en train de nager dans une confusion totale. Il n'y a qu'à voir sur les routes en ce moment. Il y a certaines personnes qui ont déjà les plaques. Il y a des termes assez difficiles même dans le dictionnaire pour interpréter : reflecting, non-reflecting, c'est fluorescent ou pas. Personne ne comprend. Mais il y a quelque chose qu'on va comprendre, que le consommateur qui n'a pas les plaques aura à payer R 10,000 d'amende. Je suis surpris qu'on n'ait pas mis : or an alternative prison sentence of 5 years to it. Il y a celui qui va vendre aussi.

Il y avait une question d'un député de l'Opposition au sujet du tender. Le Premier ministre avait annoncé lors de sa réponse -

“The production of the new plates will be strictly controlled as the National Transport Authority will either produce them themselves or more likely it will licence a certain number of registered suppliers.”

There was PQ No. 1B/261 on 06 July from hon. Mrs Radegonde as to whether any tender had been launched for the supplier thereof indicating the date and if it has been awarded and, if so, the name of the successful bidder and details of the contract.

The reply was -

“I am informed by the National Transport Authority that to date no tender has been launched for the supply of the replacement of the existing vehicles registration plates.”

At this moment in time we are no longer sure, Mr Speaker, Sir, what came first: the chicken or the egg. *Nous ne savons pas, mais le poulailler est arrivé. Nous sommes déjà dans le poulailler et on ne sait pas si on va vouloir changer et comment changer. Je lance un appel au gouvernement et au National Transport Authority. Ils ont déjà prolongé le temps de grâce jusqu'au premier juillet, qu'ils continuent à prolonger. Gardons notre spécificité mauricienne. Envoyons des plaques dont nous nous servons déjà devant le Mauritius Standards Bureau et essayons d'avoir son avis. Ce pays est indépendant. On n'a pas besoin de *British standards*, Mr Speaker.*

Je vous remercie.

The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I am not in a position to use such language and challenging anybody because I think humility is a great thing in life. First of all, you should know how to address such things. I am not going to challenge anybody but, on two occasions, the hon. Member has raised the issue whether it is scientifically correct or not.

Let me try to remind the House that in the United Kingdom, since 1973, retro-reflective number plates are being used and white plate with black characters at the front and at the back it is yellow plate with black characters. The reason is unlit vehicles can be seen more easily at night. This is the explanation which has been given. The size, shape and character of registration marks are also spelt out in the regulation to ensure road safety. Apparently the hon. Member was telling that he's going to challenge anybody to produce any proof, any evidence. I am just submitting one brief, that is, a paper from the Department of Transport from United Kingdom. That is number one; and number two...

(Interruptions)

Mr Speaker, Sir, when the hon. Member was addressing no one on our side was disturbing.

Mr Speaker, Sir, even as far as European countries are concerned, most of the European countries have adopted the same registration plate with the same configuration. I can give examples also and in our country we are doing it for the sake of safety and security. The yellow and black are the boldest contrast which can be read at the greater distance.

Secondly, vehicles are so oddly shaped these days. It is true that by seeing the number plate we can distinguish between the rear and the front of a vehicle. This has also been proved in many papers. A vehicle fitted with retro-reflective plate can easily be noticed, identified during heavy rainfall in foggy areas and even at night. The reflectorised plate of a vehicle becomes more visible to the Police for enforcement purposes. I can go on and on and enumerate several reasons which can be given to justify introduction of a reflectorised plate in Mauritius. However, technicians in my Ministry have adopted the British Standards because Mauritius Standard Bureau also support the British Code of Practice as a technical reference, but the British standards have always been used in our country in almost all the scientific sectors in Mauritius and they are based on scientific empirical evidence. The one that we are using in Mauritius is BSAU145D.

Mr Speaker, Sir, in the number plate, we are also insisting that the BS specification mark has to be mentioned. The name plate and other means of identification have also to be mentioned and the front plate, as I have just mentioned, must have black character on a white retro-reflectorised background, while the rear plate must have black characters in a yellow background. The hon. Member was talking about scientific rationale. Let me draw his attention to a scientific paper, entitled 'Automatic location and recognition based on feature salience', which appeared in the International Journal of computational cognition. It compares among blue, white and yellow plates and block characters. It has been established that the white and yellow plates are the best ones for license plates recognition. This is confirmed by the author, who mentioned that in electronic polysystem the license plate recognition can find a stolen car in the traffic or locate a fugitive. I am also submitting the papers which I have in front of me.

Mr Speaker, Sir, Government is investing heavily for the safety of our people by installing CCTV in several regions. This will enhance the tracking down of doubtful vehicles by the Police. The letterings are also very important to be recognised. In this connection a paper which was published in the Journal of Multimedia entitled 'The location and recognition of Chinese vehicle license plates under complex background'. It compares different character formats on different background colours. It also confirmed that white and yellow background with black lettering gives the best recognition result.

Another scientific paper, entitled 'International Journal of Automation and Computing', a new method for correcting vehicles licence plate till confirm the same findings.

Mr Speaker, Sir, in our country we have multiplicity of plates. For example, for taxi the plate is white, for private cars it is black. For contract vehicles it is yellow. For driving school it is brown. For Consulate it is red. For international organisations it is green. For diplomatic corps it is blue. We have got all these multiplicity of colours and at times on certain background you can't even decipher the writings.

Mr Speaker, Sir, Government did not ask anyone to go and change the number plates. We have set out the conditions already and these changes, as I have mentioned, are better for safety. As for the white reflecting plate in front, we can see the number from far in spite of headlights. The yellow reflecting plate at the rear again can be seen and identified from far and if the car is parked, it can be seen even if no lights are on.

As I have just mentioned, these are the reasons why we are going ahead with it and I am also presenting before the House certain papers which I have already given the indications, but at the same time, Mr Speaker, Sir, one thing I have to say is that, as a caring Government, we know the hardship, difficulties and the apprehensions of our people. We are also *sur le terrain* and we know how our people feel.

(Interruptions)

Mr Speaker: Order!

Mr Bachoo: We have decided already that for the new cars, new vehicles, they must get the new registration plates. There is no concession on that, but as far as the existing vehicles are concerned we have been repeatedly telling that it should have been in the beginning on a voluntary basis. Government has already taken the decision that those existing vehicles will have to comply on a voluntary basis for the time being. The situation will be kept under review and a decision will be taken in due course. An announcement will be made to that effect. Because we know we have to give them enough time, but at the same time, we should see to it that the safety aspect must be taken into consideration. The hon. Member was telling that we have not consulted any organisation.

Let me remind him that when between 2000 and 2005, the decision was taken to impose helmets. There were no consultations because that forms part of the security. When the decision was taken to put seat belt at the back, there was no consultation, because these are security issues. As a responsible Government, it is our duty to see to it that there must be zero tolerance as far as security and safety are concerned. But, at the same time, having said that, it is our duty to see to it that all our people are in a position to be able to comply and that is the reason why I have mentioned we have given it on a voluntary basis until such time that we are going to take a decision. I hope with these clarifications, the matter is cleared.

At 8.39 p.m, the Assembly was, on its rising, adjourned to Tuesday 19 April 2011, at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

RODRIGUES – POLICE MEDICAL OFFICER

(No. B/161) 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 non-displacement of a Police Medical Officer to Rodrigues, on Saturday 02 April 2011, in relation to a case of fatal accident, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) the reasons therefor, and
- (b) the existing procedures for the displacement of a Police Medical Officer in emergency cases, indicating the additional measures that Government proposes to take.

Reply: I am informed by the Commissioner of Police that on 01 April 2011, at about 21 00 hours, a fatal road accident occurred at Palissade, Rodrigues. On the same day, the services of a Police Medical Officer were sought by the Divisional Commander, Rodrigues, to perform an autopsy over the body of the deceased.

On the same day at 23 00 hours, Dr. Monvoisin, Principal Police Medical Officer, was delegated to proceed to Rodrigues in this connection.

However, the Airport Police which is responsible for flight arrangements in cases of emergency, informed that all the flights for Rodrigues from 02 to 04 April 2011 were overbooked due to school holidays and that seats would only be available on 05 April 2011. The Officer-in-Charge Airport Police was instructed to secure a seat on the earliest available flight for Rodrigues and Dr. Monvoisin was placed on a priority waiting list.

On 03 April 2011, a seat was made available on flight MK 140 scheduled at 16 05 hours for Dr Monvoisin to proceed to Rodrigues and the autopsy was performed on the same day at 19 30 hours.

In regard to part (b) of the question, whenever a request for the services of a Police Medical Officer are required to perform any autopsy or in any other medico-legal case in Rodrigues, the Police Information and Operations Room immediately informs the Chief Police Medical Officer, who designates a Police Medical Officer to attend to the case. Concurrently, the Police Information and Operations Room is informed thereof for flight reservations. On

weekdays, such arrangements are made by the Personnel Section of the Police. On Saturdays, Sundays and public holidays or in cases of emergency, the Airport Police takes over. All necessary steps are taken with the Office of Air Mauritius to secure a seat by the first available flight proceeding to Rodrigues.

The present arrangements have so far been working effectively and this is the first time that no seat could be found on the flight for the Police Medical Officer on the same day. In view of the relatively low number of autopsies performed in Rodrigues annually, it is not proposed at this stage to post a Police Medical Officer permanently there. However, the Police is taking up the matter with Air Mauritius with a view to further facilitating flight arrangements in such emergency circumstances so as to avoid any such recurrence which causes additional hardship to the already bereaved families.

HADJJ 2006 - AIR MAURITIUS - REBATE

(No. B/162) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Hadjj 2006, he will, for the benefit of the House, obtain from the Air Mauritius Ltd., information as to if it had agreed to give a rebate of Rs1,000 to the pilgrims who travelled on Air Mauritius therefor, indicating -

- (a) if same was duly notified to the then Minister of Arts and Culture;
- (b) the number of flights and pilgrims concerned thereby;
- (c) if the pilgrims were informed accordingly;
- (d) the amount involved, and
- (e) if the rebate has still not been paid out to the pilgrims and if so, the measures that will be taken to refund the pilgrims.

Reply: I am informed by Air Mauritius Ltd. that on 14 December 2006 following discussions with the Ministry of Arts and Culture, in connection with the Hajj 2006, and as a special gesture, the Company had agreed to offer a discount representing the equivalent of Rs 1,000 to each Hajj pilgrim travelling on board Air Mauritius flights to Jeddah.

In regard to part (a) of the question, I am informed that the above decision of Air Mauritius Ltd. was duly notified to the Ministry of Arts and Culture the same day.

Regarding part (b) of the question, Air Mauritius Ltd. operated four (4) roundtrips on the route Mauritius/Jeddah/ Mauritius on Charter basis, and the total number of pilgrims carried on these flights was 576.

In regard to parts (c) and (d) of the question, I am informed by the Ministry of Arts and Culture that the cost per seat was already discounted by an amount of Rs1,000. All the pilgrims therefore benefitted from the discount at the time of the purchase of the air tickets.

The last part of the question does not therefore arise.

MBC - FREEDOM OF INFORMATION

(No. B/163) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the promotion of the freedom of information, he will state if Government proposes to review the operation of the Mauritius Broadcasting Corporation and, if so, when and, if not, why not.

Reply: In reply to previous Parliamentary Questions, I have already informed the House that Government will, as announced in the Government Programme 2010-2015, come up with a new media Bill which will modernise our existing legislation.

As the House is already aware, Government has approached Mr Geoffrey Robertson, QC, to advise us on the media law.

Mr Robertson, QC, who has been taken up in a very high-profile case in Court in the UK has recently indicated that he expects to submit his recommendations to Government, together with draft legislation, by the end of this month.

Pending the enactment of the new media legislation, it is not proposed to review the legal framework governing the operation of the Mauritius Broadcasting Corporation. However, I need point out that any person aggrieved by the operation of the MBC may exercise his or her right of reply under section 19 of the MBC Act, complain to the Complaints Committee of the Independent Broadcasting Authority or seek redress in Court.

EEZ - HYDROGRAPHICAL STUDY

(No. B/164) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the territorial waters of Mauritius, he will state if any hydrographical study thereof has been carried out to establish any presence of gas or oil and, if so, indicate the conclusions thereof.

Reply: The Ministry of Housing and Lands has confirmed to my Office that the surveys that have been carried out recently in the territorial sea and in the Exclusive Economic Zone of Mauritius were for the purpose of producing navigational charts and bathymetric data and not for the detection of the presence of gas or oil.

During my official visit to India in October 2005, a Memorandum of Understanding in the field of hydrography was signed. Several hydrographic surveys were subsequently carried out by the Indian Navy vessels. These include -

- (i) survey of Port Louis Harbour and approaches;
- (ii) survey of fishing port at Bain des Dames;
- (iii) survey of Agalega Islands and their surroundings;
- (iv) survey of Port Mathurin Harbour and approaches;
- (v) survey of St Brandon shoals;
- (vi) survey of Black River Bay, Tamarin Bay, Grand Bay, Rivière des Galets, Grand Port and Flic en Flac;
- (vii) survey of Eastern part of the EEZ of Rodrigues;
- (viii) survey of passes in the Northern and Western parts of Mauritius, and
- (ix) survey of entire channel of the Port Louis Harbour.

As a result of the hydrographic surveys, five new navigational charts have been produced for -

- (i) the Agalega Island;
- (ii) Port Louis and approaches to Port Louis;
- (iii) approaches to Cargados Carajos shoals;
- (iv) approaches to Port Mathurin Harbour, and
- (v) Mathurin Harbour.

As already indicated in my reply to PQ B/159, the surveys were carried out, at the request of the Government of Mauritius, free of charge. Such surveys would normally have cost over Rs90 m.

I should also like to add that hydrographic surveys were carried out for the production of bathymetric charts for the preparation of our submission to the United Nations for the extension of our continental shelf in the Mascarene Plateau Region. As the House is aware, our submission has been unanimously approved by the United Nations Commission on the Limits of the Continental Shelf.

CASINOS/GAMING HOUSES - HIGH POWERED COMMITTEE - RECOMMENDATIONS

(No. B/165) 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 proliferation of casinos/gaming houses and loto outlets, he will state if -

- (a) the High Powered Committee set up to look thereinto proposes to render its findings and recommendations public and, if so, when, and
- (b) Government proposes to amend the law with a view to restricting/banning all advertisement relating to gaming and gambling.

Reply: As the House is aware, the Government set up a High Level Committee under my chairmanship, to examine the proliferation of gaming houses and discotheques in the country. The Government also instituted a Technical Committee under the chairmanship of the Secretary to Cabinet and Head of the Civil Service to examine the consequences of the proliferation of gaming houses and discotheques and to make recommendations to the High Level Committee.

The Technical Committee has already submitted its report in which it has made numerous recommendations to mitigate the unintended consequences of gambling activities in the country.

Consultations are still under way with the State Law Office for the implementation of the recommended measures. At the same time, a complete review of the functions of Gambling Regulatory Authority is also being undertaken.

However, I must stress on the fact that no new licences for gaming houses and discotheques have been issued after the setting up of the High Level Committee.

Furthermore, as the House is aware, it has been announced in the Government Programme 2010-2015 that Government will relocate gambling activities in specifically designated areas, away from residential and commercial areas.

I have also stated in this House that the licences of existing gaming houses which constitute a threat to public order will not be renewed on expiry.

Besides, as the House is aware, the Gambling Regulatory Authority revoked the gaming licence of Ti-Vegas in August last after taking into consideration, *inter-alia*, the report of the Commissioner of Police to the effect that the premises of Ti-Vegas were no longer suitable for the purpose for which it had been licensed.

Regarding part (b) of the question, I wish to underline the fact that advertisement relating to gambling is regulated by section 156 of the Gambling Regulatory Authority Act which provides for the manner in which such advertisement is to be conducted, namely that -

- (i) it should not be misleading to readers/viewers or listeners;
- (ii) it should not indicate that invitation to gambling can be made in contravention of the Act, and
- (iii) it should make mention of the age and credit restrictions imposed by the Act.

The law also provides that any person who contravenes the provisions of the Act relating to gambling advertisement shall be liable to a fine not exceeding Rs50,000.

It should be pointed out that pursuant to section 100 of the Gambling Regulatory Authority Act, the GRA has issued directives prohibiting the broadcasting of gambling advertisement between 6.00 a.m. to 8.00 p.m. every day.

Research published in July 2000 in the Journal of Psychology and Marketing in the United States concluded that an outright ban on gambling advertisement will be unsuccessful in terms of policy efficiency and consumer protection. The advice is for the legislator to rather focus on the social responsibility of the advertiser and building checks and balances within their legislative framework to prevent abuse.

In fact, in 2007 England lifted a ban on broadcast advertising for gambling but with strict rules put in place to protect vulnerable members of society. The rules prevent gambling adverts during programmes aimed at children. Other restrictions forbid adverts from suggesting that gambling can solve debt problems, provide an escape from personal problems, depression or make links to seduction or sexual success.

I am informed that the GRA, in furtherance of one of its main objectives of fostering responsible gambling, is framing a Responsible Gambling Policy and Strategy. The GRA will provide extensive information about the key principles of gambling, including randomness, how gaming machines work and tips on responsible play. The GRA will also launch programmes that will include a national survey on gambling, establishment of Problem Gambling Services, training to implement the responsible gambling policy, sensitization of students and distribution of information booklets and posters, among others. A provision of Rs2 million has been made for the implementation of the Responsible Gambling Programme in the current year's estimates.

I am also informed that the Independent Broadcasting Authority has, pursuant to sections 4 and 29 of the IBA Act, prepared a code of advertising practice, which will also include guidelines on gambling advertisement. The code has already been finalised and will be launched soon.

PMO - MR J. S. – APPOINTMENT

(No. B/166) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Mr J. S., he will state –

- (a) the date on which he was appointed as special adviser to his office, and
- (b) the terms and conditions of his appointment, including his salaries and other benefits, indicating if he has benefitted from any duty free facilities.

Reply: Mr J.S. was appointed on contract as Senior Adviser on Information Technology Matters in my Office with effect from 10 August 2005, which contract was formally terminated on 14 May 2010.

Regarding part (b) of the question, I am tabling a copy of the terms and conditions of his appointment, including his salary and other benefits.

Mr J. S. was, according to the terms of his contract, eligible for duty free facilities for the purchase of a car. He availed himself of this facility in June 2007.

Given that the contract of Mr J. S. was brought to an end before a period of four years as from the date of purchase of the duty-remitted car, Mr J. S. refunded proportionate excise duty and VAT on the said car as per the provisions of the Customs Tariff Act.

AFRICA PARTNERSHIP STATION EAST – TRAINING COURSES

(No. B/167) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the conduct of the second training “Hub” of the Africa Partnership Station (ASP) East, in March 2011, in Mauritius, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) number of Mauritians who participated therein and obtained their graduation;
- (b) duration, nature and sustainability of the training, and
- (c) method of assessment used.

Reply: In regard to part (a) of the question, I am informed by the Commissioner of Police that the Africa Partnership Station is an international initiative developed by the US Naval

Forces Europe-Africa which works in cooperation with the US and international partners to improve maritime safety and security in Africa as part of the US Africa Command's Security Cooperation programme.

Under the Africa Partnership Station 2011 Programme, the US authorities organised a series of activities and training courses in Mauritius from 21 to 25 March 2011. Training courses were also provided on board USS Stephen W. Groves which was in Mauritius from 22 to 28 March 2011. A total of 89 officers attended the courses - 37 from Mauritius, 14 from Tanzania, 20 from Kenya, 4 from Uganda, 2 from Djibouti and 12 from Seychelles.

On 25 March 2011, at the end of the training programme, 37 Mauritian Police Officers and 50 foreigners were awarded a certificate of completion. 2 Police Officers from Uganda, who attended only one day of the training, were not awarded a certificate.

In regard to part (b) of the question, I am informed that the training programme lasted five days and was conducted at the Police Training School, the National Coast Guard Headquarters and on board the USS Stephen W. Groves. The training programme covered a wide range of fields, including physical security, armed sentry, non-commissioned officer leadership, expeditionary combat first aid, search and rescue planning, visit board search and seizure, fire fighting and damage control.

The Africa Partnership Station is a strategic programme designed to build the skills, expertise and professionalism of coast guards and mariners with a view to enhancing their ability to respond to emerging maritime safety and security challenges.

In regard to the last part of the question, I am informed that the training courses were both theoretical and practical. Assessment of the participants was made by instructors using metrics based-evaluation, taking into account their performance, comprehension and successful execution of the practical aspects of the subjects covered.

POLICE OFFICERS - RISK ALLOWANCE

(No. A/63) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Police Officers posted at the Police Transport Branch and who are involved in the conveyance of dead bodies, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for a risk allowance to be paid to them, in view of the fact that they are exposed to all sorts of contaminations from decomposed dead bodies.

Reply: The PRB Report 2008 recommends at paragraph 14.1.12 the payment of a Risk Allowance to Police Officers posted in the Anti-Drug and Smuggling Unit, '*Groupe d'Intervention de la Police Mauricienne*', Air Pilots, Aircrew Winchman/Life Savers of the Police Helicopter Squadron and Police Officers of the SMF posted at the Explosives Handling Unit.

At paragraph 14.1.13 of its 2008 Report regarding "Risk Allowance", the Pay Research Bureau also recommends the payment of a monthly allowance to Police Officers posted at the CID, ERS, Police Stations and others on the frontline working on shift.

The Police Officers posted at the Police Transport Guard Room (instead of Transport Branch as referred to by the hon. Member) are mainly concerned with driving duties which include, among others, the transportation in mortuary vans of dead bodies from Police Divisions to Mortuary Houses for autopsy.

In such circumstances, after the Police Medical Officer and the Scene of Crime Officers (SOCO) have examined a scene where a dead body has been found, the corpse is placed in a clean and unused black body-bag by SOCO personnel wearing protective clothing to prevent contamination of the body. The bag is properly fastened and is then carried to the mortuary van with the assistance of other Police Officers, including the sentry and mortuary van driver.

To minimise any risk of contamination, other Police Officers, including the driver, are issued with disposable rubber gloves and facial masks. The body is placed inside the rear box of the van for transport to the mortuary. The rear box is completely separated from the front part of the van. Thus, the driver has no direct contact with the dead body.

The mortuary vans are regularly cleaned, washed and disinfected by the General Workers posted at the Transport Branch. Also the Sanitary Division of the Ministry of Health and Quality of Life sterilises the vans after each conveyance of dead body.

In addition to the above measures, the mortuary van drivers are vaccinated against Hepatitis B.

In the light of the above, Police Officers posted to the Transport Guard Room do not fall in the category of officers performing duties on the frontline and are not eligible to any risk allowance.

LAND WITH BUILDING – ACQUISITION BY GOVERNMENT

(No. B/195) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Housing and Lands whether, in regard to land with building acquired by the State, he will give a list thereof, since 2005 to date, indicating in each case the –

- (a) location;
- (b) amount paid;
- (c) extent of land and surface area of building acquired;
- (d) name of the sellers;
- (e) date of acquisition, and
- (f) method of valuation, indicating the
 - (i) name of the valuer, and
 - (ii) cases in which the initial valuation has been revised upwards, indicating the quantum thereof and the reasons therefor.

Reply: I am informed that according to our records, there are five cases where land with building have been acquired since 2005 to-date. I am tabling a list with all requested information.

I would like to highlight that acquisition of land is resorted to mainly for Government projects, and the bulk of land acquisition is in respect of road projects. There are cases in the category where there is a residential building on the land purchased and the building is pulled down for implementation of the project.

MUNICIPAL COUNCIL OF CUREPIPE - POLITICAL ACTIVIST - INTERFERENCE

(No. B/196) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Local Government and Outer Islands whether he is aware of the case of a political activist who has allegedly interfered in the running of the Municipal Council of Curepipe and, if so, will he state the measures he proposes to take with a view to ensuring that the Municipal Councillors and the Mayor discharge their duties free from outside interference.

Reply: I am informed by the Municipal Council of Curepipe that there has not been any case of political activists intervening or attempting at intervening in the running of the affairs of the Council.

We all know that it is common practice for political activists from all political parties to seek appointment with and to call upon the Mayor to resolve problems in their Constituencies.

However, the decision making process in the Council is established under the Local Government Act and Municipal Councillors and the Mayor are bound to discharge their duties in strict compliance with the Act.

**POINTE AUX PIMENTS GOVERNMENT SCHOOL – INCIDENT – 25 MARCH
2011**

(No. B/197) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources whether, in regard to the alleged case of a child being tied up by her mates at the Pointe aux Piments Government School, he will state if an inquiry has been carried out thereinto to find out the reasons why the children were left unattended during school hours.

Reply: My Ministry has carried out an inquiry on circumstances leading to the incident which occurred at the Pointe aux Piments Government School on 25 March 2011 involving 3 pupils of Standard V. The report from the school and Directorate of Zone 1 reveals that the incident took place at 8 30 a.m. before the start of classes at the back of Standard III Block in the school yard while they were playing hide and seek. According to the report, two boys of Standard V attempted to tie the legs of a girl pupil with a lace and to remove her blouse but she managed to escape.

It is the practice for many working parents to leave their wards early in the morning at school. School normally opens at 7.45 a.m. to enable ancillary staff to perform their chores, e.g.

cleaning, opening of windows etc. On that day, two Caretakers and one General Worker were in attendance as from 7.45 a.m. and were busy cleaning classrooms and one of them was at the gate. They were not aware of the incident which took place in the school yard at the back of the Standard III block.

As soon as the Head Master was informed of the incident on his arrival, by a group of pupils, he immediately carried out a quick inquiry and spoke to the three pupils concerned in the presence of two teachers. The Head Master then called the Police-. The Police called at the school after half an hour and talked to the pupils.

My Ministry is following up this matter very closely with the Police as the case has been reported thereto. A social enquiry is underway. Police presence is being reinforced at school level and psychological back-up support is also being reinforced and extended to the children involved and their parents.

This incident has been to me, an eye opener.

Being given that parents leave their children early before the arrival time of Head Master and teachers, my Ministry has been working on a *modus operandi* for pupils to be under proper supervision within school premises and during school opening hours.

Instructions are being issued to schools to ensure that pupils, who come early, do stay in a given area within the school premises under the supervision of an Attendant. Moreover, Headmasters have been instructed to carry out regular inspection and supervision.

I have set up a committee at the level of my Ministry to look into all the issues regarding child care and supervision in the school premises during school opening hours.

NATReSA - EQUIPMENT

(No. B/198) 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 NATReSA, she will, for the benefit of the House, obtain from the NATReSA, information as to if any equipment has recently been reported to have disappeared therefrom and, if so, if an inquiry has been carried thereinto and the outcome thereof.

Reply: I am informed by NATReSA that on Saturday 19 March, 2011, an Officer of the NATReSA who was on duty at the Office, noticed that one Slide Projector Reflector, one

Diskman Panasonic VCD/CD, one Toshiba Projector and one Toshiba Notebook with CD writer, were missing. The matter has been reported to the Police and an enquiry is in progress.

TERTIARY COURSES - MONITORING

(No. B/199) Dr S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to tertiary courses in Mauritius, he will state how his Ministry ensures and monitors –

- (a) the promotion thereof by the local and foreign institutions;
- (b) that the advertised courses are relevant to the local job market, and
- (c) that these courses are recognized and accredited by the relevant local accreditation boards

Reply: I wish to thank the hon. Member for his question. This provides me with an opportunity to inform members of the public that they should ensure that courses are recognised by the Tertiary Education Commission (TEC) before embarking on their studies.

I wish to inform the House that the responsibility for assuring quality and monitoring tertiary level courses in Mauritius is that of the TEC, which operates under the aegis of my Ministry. As per the TEC Act, the Commission is responsible for *inter-alia*:

- Registering and accrediting private universities and other institutions offering post-secondary education in Mauritius;
- Promoting and maintaining high quality standards in post-secondary education through appropriate quality assurance and accreditation mechanisms;
- Determining the recognition and equivalence of academic or professional qualification in the post-secondary education obtained in or outside Mauritius.

With regard to part (a) of the question, I am informed by TEC that there is a regulatory framework for quality assurance prepared by the TEC which regulates the provision of tertiary level courses in Mauritius.

Public tertiary educational institutions have their own internal quality assurance mechanisms and promotion policies. These are subject to audit by the TEC.

For private local and foreign institutions, it is mandatory to register with the TEC and to have their programmes accredited prior to being offered.

The TEC has developed an internal screening mechanism which ensures that promotion of tertiary level courses in the media complies with the regulatory framework in place. However, the House will agree that it is practically impossible to monitor all means of advertisement starting from word of mouth to internet. For cases which come to the knowledge of TEC, stringent actions are undertaken. Some providers have been asked to make appropriate rectifications through press communiqués.

With regard to part (b) of the question, Training Needs Analyses are normally conducted by local public Tertiary Educational Institutions to ensure relevance of their courses to the local job market prior to offering same. The List of Indicative Priority Fields of Study prepared by TEC and the Human Resource Development Plan prepared by the Human Resource Development Council also assist the local public Tertiary Educational Institutions in identifying courses for offer. Furthermore, most institutions have Faculty-Industry Advisory Committees to assist in the mounting of programmes thereby ensuring the relevance of programmes and course contents to the job market.

As regards private TEIs, TEC ensures that the criteria for programme accreditation are met before giving clearance to run the programme. One of the criteria relates to the aims and objectives of the programme which ensures that these correspond to the needs of learners, society and the economy as revealed by systematic investigation.

With regard to part (c), I wish to inform the House that TEC is the only body in Mauritius responsible for the recognition and equivalence of academic or professional qualifications at the tertiary level obtained in and outside Mauritius.

Courses offered by local public TEIs are recognized by TEC by virtue of their respective legislation which confers upon them the power to award qualifications

As regards private TEIs, a rigorous process of accreditation is followed by the TEC to confer upon them the power to award qualifications. Only the programmes that have been accredited by TEC are recognised.

CEB - ELECTRICITY PRODUCTION

(No. B/200) 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 electricity production, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to –

- (a) the country's total electricity production capacity in 2010, indicating the forecasts for 2011, 2012, 2013 and 2014;
- (b) the peak power demand in 2010, indicating the peak power forecasts for 2011, 2012, 2013 and 2014;
- (c) the amount of electricity produced monthly by the Nicolay Gas Turbines, since 2005 to date;
- (d) where matters stand concerning the CT Power, the phasing out of St Louis pielstick engines and the coming into operation of the new 4 x 15 MW diesel engines, and
- (e) if tenders will be launched for a 50 MW bagasse/coal and/or 50 MW coal plant

Reply: I am informed by the CEB that the country's effective electricity production capacity in 2010 was 433 MW after accounting for maintenance and outages.

The effective generating capacities for the period 2011-2014 are as follows -

Year	Effective Generating capacity (MW)
2011	429 (Decommissioning of 4MW at St. Aubin)
2012	484 (including the commissioning of 4 x 15 MW engines at Fort Victoria and phasing out of 5 MW at St. Louis)
2013	479 (phasing out of 5 MW at St. Louis)
2014	559 (phasing out of 20 MW at St. Louis and additional 100 MW firm capacity)

I am informed that a peak demand of 404 MW was registered on 02 March 2010.

The peak demand forecast for the period 2011-2014 are -

Year	Peak Demand (MW)
2011	414
2012	430
2013	450
2014	464

I am tabling the information on monthly electricity generated by the Nicolay gas turbines since 2005.

As regards part (d) of the question, I am informed by the CEB that

- (i) following the decision of the EIA Committee, the promoters of the CT Power project have filed an appeal to the EIA Tribunal;
- (ii) the phasing out of the St Louis Pielstick engines, is scheduled to start as from 2012 and will be completed by 2014, and
- (iii) the contract for the 4 X 15 MW new diesel units, has been awarded and the contractor has already mobilised on site. The units will be operational by August 2012.

With regard to part (e), the CEB will launch open international tenders for the setting up of a 100 MW coal plant using the latest technology, in line with environmental standards.

The site for the plant is being identified with the assistance of the Ministry of Housing and Lands, the Ministry of Environment and Sustainable Development and the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping.

ASSETS – ACQUISITION BY GOVERNMENT - EVALUATION

(No. B/201) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he will state if it is the policy of his Ministry to retain the services of private firms to evaluate the assets bought by the State and, if so, indicate the

- (a) number of cases thereof over the past three years, and
- (b) under which circumstances.

Reply: I would like to clarify that my Ministry is not involved in the evaluation of Assets bought by the State. Such evaluation is normally carried out by the Valuation & Real Estate Consultancy Services.

RICE ‘RATION’ - SUPPLY

(No. B/202) Mr A. Ganoo (First Member for Savanne & Black River) asked the Minister of Industry and Commerce whether, in regard to ration rice, he will -

- (a) for the benefit of the House, obtain from the State Trading Corporation, information as to the present stock thereof, indicating if the Corporation has recently entered into a new contract for the supply thereof or of another type of rice for this year, and
- (b) state the measures taken by his Ministry to prevent any shortage of rice in the country.

Reply: I am informed by the State Trading Corporation that in regard to the supply of ration rice -

- (i) The stock as at 08 April 2011 is around 3000 tons, which represents about two months consumption;
- (ii) An order for 2000 tons is in the pipeline; this would ensure supply up to July 2011;

- (iii) No new contract has been entered into for the supply of ration rice. The exercise is expected to be carried out this month;
- (iv) Supplies under a new contract are expected to be made from the end of May 2011, and
- (v) Therefore no shortage in the supply of ration rice is foreseen.

As regards other types of rice, I have been advised by the State Trading Corporation that it has placed trial orders for Long Grain double polished Rice from Thailand and is presently testing the market. Tests are being carried out on rice with 10% and 5% broken contents. A decision will be taken based on the quality and the price of the rice.

FLACQ - MITD

(No. B/203) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil) asked the Minister of Education and Human Resources whether, in regard to land made available near the Flacq Fire Station, earmarked for the training needs of the Mauritius Institute of Training and Development, he will, for the benefit of the House, obtain from the MITD, information as to -

- (a) the date of the acquisition thereof;
- (b) the extent thereof, and
- (c) if any project related to training has been identified and, if not, why not.

(Withdrawn)

NEW GEORGE V STADIUM - RENOVATION WORKS

(No. B/204) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil) asked the Minister of Youth and Sports whether, in regard to the New George V Stadium, he will state if the renovation works thereat have been completed and handed over by the contractors and, if so, indicate when it will become operational.

(Vide Reply to PQ B/191)

FLACQ HOSPITAL - DIALYSIS CENTRE

(No. B/205) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil) asked the Minister of Health and Quality of Life whether, in regard to the Dialysis Centre at the Flacq Hospital, she will state -

- (a) the number of -
 - (i) cases being treated, and
 - (ii) beds available thereat
- (b) if patients from the catchment area of the Flacq Hospital are being referred to other health institutions for dialysis and, if so, the remedial measures that will be taken for them to be treated thereat, and
- (c) the number of vans and ambulances attached thereto.

(Withdrawn)

PRIMARY SCHOOLS - RENOVATION WORKS/RECONSTRUCTION

(No. B/206) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Education and Human Resources whether, in regard to the buildings housing primary schools and standing for 40 years or more, he will state -

- (a) the names of the schools, indicating, in each case, the school population thereof, and
- (b) if surveys thereof have been carried out with a view to identifying cases thereof in which renovation works/reconstruction are warranted and, if not, why not and, if so, indicate -
 - (i) the schools concerned;
 - (ii) if works will be carried out during financial year 2011;
 - (iii) the scope of works thereof, and
 - (iv) the start and completion date thereof.

Reply: With regard to part (a) of the question, I am tabling a list of buildings housing primary schools standing for 40 years or above with their respective school population.

In regard to part (b) of the Question, I am informed that, in the wake of an incident due to plastering falling from a classroom ceiling at Mohan Parsad Kisnah Government School at Piton in 2006, my Ministry decided to put up a comprehensive plan of action for urgent maintenance works in all primary schools in collaboration with the Ministry of Public Infrastructure, National

Development Unit, Land Transport & Shipping. In this context, a national survey was carried out from November 2006 to March 2007 and subsequently the MPI submitted a list of 162 primary schools where remedial works were called for.

Furthermore, the Technical Unit of the four Zone Directorates and the Infrastructure Management Unit of my Ministry and the MPI, carry out surveys regularly, as an ongoing exercise, in schools to attend to any urgent infrastructure issue.

As a result of these surveys, my Ministry in collaboration with the MPI work out an Implementation Plan for infrastructural and maintenance works in respect of each financial year, taking into account the funding available for (i) construction and extension of schools and (ii) upgrading of schools.

With a view to adopting a proactive and preventive approach, my Ministry has also worked out in 2009 a Primary School Renewal Project (PSRP) which aims at -

- (i) providing quality infrastructure in all primary schools;
- (ii) promoting a cost effective and judicious planning with focus on the long term;
- (iii) reducing security risks, health hazards and inconvenience for the school community, and
- (iv) improving the physical environment of schools and create conditions most conducive to teaching and learning.

This project is being implemented in a phased manner and some 17 primary schools in all 4 Zones were identified as being in such an old state as to warrant a complete demolition of blocks of classrooms and construction of new blocks of classrooms. Two projects have been completed in 2010 and the remaining 15 will be implemented this year. During Phase II of the project to be implemented in 2012, it is proposed to undertake major infrastructural works in 10 schools.

I am tabling a list of works to be carried out during this financial year with funding available for -

- (a) construction and extension of schools, and
- (b) upgrading of schools including the Primary School Renewal Project.

DUBREUIL - SQUATTERS

(No. B/207) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Housing and Lands whether, in regard to the squatters in Dubreuil who have been accommodated in the local and derelict tea factory, he will state where matters stand.

Reply: A plot of State land of an approximate extent of 4A00 has been identified near the football ground at Dubreuil for the relocation of the eligible families living in the Dubreuil ex-tea factory. Each eligible family has been allocated a plot of land of an average extent of 0A04P (170m²) and for the purpose, a letter of intent has been issued to each beneficiary on 04 February 2011.

I am also informed that the Ministry of Social Integration and Economic Empowerment is implementing a social housing scheme for those families eligible for further assistance. In that respect, tender procedures have been launched and it is expected that the construction of houses will start in May 2011. Concurrently, actions will be initiated by the said Ministry for the provision of infrastructure (roads, electricity and water supply) to the site. It is to be noted that the National Empowerment Foundation is presently holding a life-skills training for all the families.

LES SALINES - NEOTOWN PROJECT

(No. B/208) **Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Housing and Lands whether, in regard to the Neotown project at Les Salines, Port Louis, he will state if the land has been assessed by the Government Valuer and, if not, why not, and if so, indicate the value thereof.

Reply: In February 2009, at the request of my Ministry, the Valuation Department assessed the market value of the land of an extent of 58A33P, to be leased to Les Salines Development Limited for the Neotown Project, at Rs3.5 billion on an 'as is' basis.

LAND - COMPULSORY ACQUISITION

(No. B/209) **Mr E. Guimbeau (First Member for Curepipe & Midlands)** asked the Minister of Housing and Lands whether, in regard to the compulsory acquisition of land by

Government, since July 2010 to-date, he will state the number of plots of land acquired, indicating, in each case the -

- (a) reasons therefor,
- (b) name of the former owners,
- (c) location and extent thereof, and
- (d) amount of compensation payable as per the assessment of the Government Valuer and the actual compensation paid, indicating the date of payment.

Reply: The requested information is being placed in the Library of the National Assembly.

ST PIERRE – CUREPIPE - BUS SERVICES

(No. B/210) 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 bus route from the St Pierre Traffic Centre to Curepipe, *via* Belle Rive, he will state if consideration will be given for the provision of bus services thereat, especially in the morning and the afternoon.

Reply: I am informed by the National Transport Authority that there is no bus service between St. Pierre and Curepipe via Belle Rive.

Belle Rive is being serviced by buses of route 17 that is (Central Flacq via Quartier Militaire) route 80 namely Curepipe to Pellegrin via Quartier Militaire) and 228, from Curepipe to Rivière du Rempart via Quartier Militaire and Lallmatie. Currently, passengers travelling from St. Pierre to Belle Rive have to do so in two legs as follows -

From St. Pierre to Valetta along route 105/135 and from Valetta to Belle Rive along the above mentioned routes.

The National Transport Authority has received a request for a bus service from St. Pierre to Curepipe via Côte D'Or and Hermitage. The United Bus Service is agreeable to extend its service along route 73 (Curepipe – Hermitage) up to St. Pierre Traffic Centre via Côte D'Or. However, a road test carried out by the Traffic Management and Road Safety Unit along that proposed extension using a conventional sized bus revealed that:

- (i) the width of the road at Côte D'Or especially near the bridge was narrow and was likely to cause road safety hazard, and

- (ii) appropriate measures would have to be taken for the improvement of the said road along the proposed extension.

The company is ready to provide the proposed service with extension to Belle Rive provided the road is improved.

L'AGRÉMENT ST. PIERRE - FOOTBALL GROUND

(No. B/211) Mr S. Dayal (Third Member for Quartier Militaire & Moka) asked the Minister of Local Government and Outer Islands whether, in regard to the football ground of l'Agrément St. Pierre, he will state if consideration will be given for the fencing thereof, inasmuch as way leave has already been obtained from the authorities which has undertaken to provide lighting facilities thereat.

Reply: I am informed by the Moka Flacq District Council that currently funds are not available for undertaking the project "fencing of playground at L'Agrément, Saint Pierre." The Council has worked out a costing for the project and the estimate is Rs2.3 m. for providing a blockwall and galvanized chain link fencing of 5.5 m high.

However, the Moka Flacq District Council is not aware of any way leave obtained from the authorities to provide lighting facilities thereat. I will enquire on the matter.

UPPER DAGOTIÈRE – ROAD RESURFACING

(No. B/212) 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 road at Upper Dagotière, from the Bhoojawon Road to the Daussooa Road, he will state if consideration will be given for the -

- (a) resurfacing thereof, and
- (b) its extension to the NHDC Housing Estate of Dagotière.

Reply: I am informed that the road under reference is a non-classified road which falls under the jurisdiction of the Moka/Flacq District Council. The matter is being referred to them for necessary action.

ST. JULIEN D'HOTMAN – CANAL - DREDGING

(No. B/213) 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 canal leading towards La Nicolière, near the Ramburrun Government School at St. Julien d'Hotman, he will state if consideration will be given for the dredging thereof.

Reply: I am informed that the portion of the La Nicolière Feeder Canal under reference is a covered section, under the responsibility of the Ministry of Energy and Public Utilities, and has recently been rehabilitated. I am further informed that the Water Resources Unit carries out regular maintenance to ensure proper conveyance of water from the Midlands Reservoir for the water supply to the Northern part of the island. The maintenance works, amongst others, comprise the removal of soil/debris over the canal slab and in the canal bed once or twice yearly.

SUGAR SECTOR - EUROPEAN UNION COMMISSION - ACCOMPANYING MEASURES

(No. B/214) 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 proposed disbursement of some Rs5 billion rupees by the European Union Commission as accompanying measures for the reforms in the sugar sector, he will state when same will be effected, indicating the use to which same will be put.

Reply: (The Minister of Education and Human Resources) For the second phase of the Accompanying Measures for Sugar Protocol Countries (AMSP) covering the period 2011-2013, an amount of €139.6 m. or some Rs5 billion has been earmarked for Mauritius and is scheduled to be disbursed over the next 3 years 2012-2014. These amounts are, however, indicative and the yearly budget needs to be confirmed annually by the budgetary authorities of the EU.

To be able to have access to and use these resources, Government is proposing to initiate a program that is wider than just the sugar reform and which will also encompass additional programmes including –

- (i) social and economic empowerment;
- (ii) Maurice Ile Durable (environment and energy), and

- (iii) education, the overriding objective is to encourage higher level results from the ongoing economic reform programme while mitigating the negative impacts on the environment and protecting the vulnerable groups through access to education and training.

For the first tranche of €55.441 m. to be paid in 2012, disbursement will be made via the current budget support programme namely the Promoting Sustainable and Equitable Development (PSED) through a rider. The accompanying measures for 2012 will be disbursed subject to the successful accomplishment of the three General Conditions and two Specific Conditions directly related to the sugar reform program. The General Conditions are -

- i. satisfactory progress in the implementation of the economic reform programme;
- ii. satisfactory progress in maintaining a policy of macroeconomic stability, and
- iii. satisfactory progress on implementation of the programme to improve and reform public finance management.

The Specific Conditions are -

- i. a reduction in Global cess including the restructuring of the cess financed Service Providing Institutions, and
- ii. the implementation of the action plan for National Energy Strategy, which includes the formulation of an ethanol framework and the launching of international tender for a coal power plant using the latest technology.

As regards the disbursement of €29.088 m. in 2013 and €55.089 m. in 2014, the detailed conditions have not been determined yet. This will be discussed as part of a new agreement with the EU, which will start as from 2012.

MUNICIPAL AND DISTRICT COUNCILS- SCAVENGING LORRIES

(No. A/64) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to each of the Municipal and

District Councils, he will, for the benefit of the House, obtain from the Councils, information as to the number of -

- (a) scavenging lorries -
 - (i) available prior to July 2005, and
 - (ii) acquired, since July 2005 to-date, and
- (b) scavengers employed -
 - (i) prior to July 2005, and
 - (ii) since July 2005 to date.

Reply: The information requested by the hon. Member is being placed in the Library.

CAMP FOUQUEREAUX - DRAIN NETWORK

(No. A/65) **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 drain network found on the main road at Camp Fouquereaux, he will state if measures will be taken to prevent the over flooding thereof during heavy rainfalls.

Reply: The RDA has investigated into the flooding problem which occurs at Camp Fouquereaux during heavy rainfall and has found that the existing drain network in the residential area near Camp Fouquereaux Road has been completely obstructed due to some illicit construction of buildings thereon. The flooding of the road is thus caused because the free flow of water to the natural outlet is obstructed.

The RDA proposes to implement a major project constituting of the construction of a new drain network over a length of about 1km throughout the residential area of Camp Fouquereaux to resolve the problem. The preparation of the design is underway.

FOOTBALL CLUBS (FIRST-DIVISION) - FOOTBALL GROUND

(No. A/66) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Local Government and Outer Islands whether, in regard to the training of the First Division Football Clubs, he will state if he will liaise with the respective Municipal Councils to put a permanent football ground at their disposal.

Reply: The information requested by the hon. Member is being placed in the Library.

TRANQUEBAR – BRIDGE – REPRESENTATIONS

(No. A/67) **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 has received any representations from the inhabitants of the Tranquebar region, Port Louis, for the construction of a bridge to link Tranquebar and the Volcy Pougnet Street and, if so, will he state if consideration will be given thereto.

Reply: There has been no such representation made to my Ministry. However, I have requested officers at the NDU to look into this issue.

MONSEIGNEUR LEEN & LABOURDONNAIS STREETS – PAVEMENTS & STREET LANTERNS

(No. A/68) **Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Local Government and Outer Islands whether, in regard to the Monseigneur Leen and the Labourdonnais Streets, in Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if the –

- (a) pavements found thereat are in a state of disrepair and, if so, if remedial measures will be taken, indicating when, and
- (b) consideration will be given for the –
 - (i) installation of additional street lanterns thereat, and
 - (ii) the trimming of the trees.

Reply: I am informed by the Municipal Council of Port Louis that –

- (a) surveys are being carried throughout the town to identify pavements which are in a state of disrepair. Remedial actions are being taken as and when required. However, as regard pavement along Monseigneur Leen and Labourdonnais Streets, the Council repaired the pavements and constructed new drains in Labourdonnais Street in the last financial year. Funds have also been earmarked for repairs of pavements along Labourdonnais and Monseigneur Leen Streets for this financial year and the works are scheduled to be carried out in July this year;
- (b) (i) As regards the installation of additional street lanterns along Labourdonnais Street, four additional street lanterns need to be fixed in the vicinities of –
 - corner of St Louis and Labourdonnais Streets;

- corner Wellington and Labourdonnais Streets, and
- near Hassamal Building.

Along Monseigneur Leen Street, five additional street lanterns need to be fixed in the vicinities of –

- between Decourcy and Labourdonnais Streets;
- Marie Reine de la Paix;
- near Petanque Pitch, and
- Orange Street

(b)(ii) As far as trimming of trees are concerned, these works are done as and when necessary. These trees are found on public pavements and the advice and approval of the Forestry Department will be sought prior to any trimming exercise being undertaken by the Council.

VANDERMEERSCH STREET – LIGHTING SYSTEM

(No. A/69) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Vandermeersch Street, at the level of the Beau Bassin roundabout to that of the Rose Hill Bus Station, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if consideration will be given for the -

- (a) reviewing of the whole street lighting system;
- (b) cutting and trimming of the trees, and
- (c) taking steps to ensure a good street lighting system thereat.

Reply: (a) (i) According to information obtained from the Municipal Council of Beau Bassin - Rose Hill, there is already a lighting network in place along Vandermeersch Street. However the decision of the Council has to be sought regarding the review of the whole street lighting system there;

(ii) The Municipal Council of Beau Bassin - Rose Hill undertakes the cutting and trimming of trees along the street to enhance visibility, as and when required. The Road Development Authority is, on its part, proposing to undertake a survey and take appropriate action in the light thereof.

(b) To ensure a good lighting system along Vandermeersch Street the Municipal Council of Beau Bassin/ Rose Hill resorts to the following -

- i. complaints received at its Information Service Centre are immediately attended to, and
- ii. regular night checks are carried out by the Municipal employees.

The whole street lighting network is concurrently monitored by the Central Electricity Board (CEB).

MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT - SENIOR ADVISER

(No. A/70) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to Mr S. D., Senior Adviser at his Ministry, he will state if he has been designated to represent the Minister or the Ministry on any Board and, if so, on which Board, indicating, in each case the -

- (a) date of appointment;
- (b) duration of membership, and
- (c) fees payable to him.

Reply: The information sought for is being compiled.

MUNICIPAL COUNCIL OF BEAU BASSIN/ROSE HILL - FOOD AND BEVERAGES - SUPPLIERS

(No. A/71) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the supply of food and beverages for the events organized by or sponsored by the Municipal Council of Beau Bassin/Rose Hill, since October 2005 to-date, he will, for the benefit of the House, obtain from the Council, information as to the names of the suppliers, indicating the -

- (a) criteria used for the selection thereof, and
- (b) amount paid to each of them.

Reply: The information requested by the hon. Member is being placed in the Library.

MUNICIPAL COUNCIL OF BEAU BASSIN/ROSE HILL - LEGAL ADVISERS

(No. A/72) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the legal advisers 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) the names of the incumbents;
- (b) since when their services have been retained, and
- (c) the total amount of retainer or any other fees which have been paid to them.

Reply: The information requested by the hon. Member which has been compiled by the Municipal Council of Beau Bassin – Rose Hill, is being placed in the Library.

CHARLES TELFAIR PRIMARY GOVERNMENT SCHOOL – UPGRADING WORKS

(No. A/73) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Education and Human Resources whether, in regard to the project for the upgrading works, water proofing, the resurfacing of the tarmac, upgrading of the blockwall, the replacement of the chain link fencing of the Charles Telfair Primary Government School and of the football playground thereof, situated at Chemin Grenier, he will state where matters stand.

Reply: The evaluation of tenders for a project for upgrading works at Charles Telfair Government School has now been completed. These upgrading works comprise the following -

- (i) upgrading of boundary wall;
- (ii) replacement of chain link fencing around children's playground; and football playground;
- (iii) construction of shelter;
- (iv) resurfacing works, and
- (v) concrete repair works.

Clarifications are presently being sought from the responsive bidder, following which, should everything proceed smoothly, the contract will be awarded by end of this month. Works may start by mid May 2011 to be completed by mid September 2011.

POINTE LASCARS – FOOTBALL GROUND

(No. A/74) **Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the football ground at Pointe Lascars, he will state where matters stand in relation to the renovation thereof, including fencing works, indicating when same will become operational for use by the youth of the region.

Reply (The Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping): The bidding document for the renovation of the football ground at Pointe Lascars is presently under preparation. Bids for this project are expected to be invited by the end of April of this year, award of the contract is expected by end of June 2011 and the completion date is end of October 2011. However, there is a maintenance period of 12 months as from the date of practical handing over of the site to the District Council. It is only after the termination of the maintenance period that the football ground will become operational, that is by the end of October 2012.

ALBION – CLUD MED – TAXI OWNERS

(No. A/75) **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 the Club Med at Albion, he will state where matters stand in relation to the taxi owners residing in the required catchment area, who have applied for a permit to operate thereat.

Reply: I am informed by the National Transport Authority that the applications are being processed.

INDUSTRIES – FOOD PRODUCTS - VAT

(No. A/76) **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 domestic industries manufacturing food products, he will give a list of the food products which are on the list of exempt items for VAT purposes, indicating if these will be zero-rated and, if so, when and, if not, the reasons therefor.

Reply: The information is being compiled.

TROU AUX CERFS – CREMATION GROUND

(No. A/77) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Local Government and Outer Islands whether, in regard to the public cremation ground at Trou aux Cerfs, he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to if it is being maintained and, if not, the remedial measures that will be taken in relation thereto.

Reply: I am informed by the Municipal Council of Curepipe that the cremation ground found at Trou aux Cerfs is a private property. However, as it is used by the public, the cremation ground is regularly cleaned by the Municipal Council.

EAU COULEE – COMMUNITY CENTRE – FOOTBALL GROUND

(No. A/78) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Local Government and Outer Islands whether, in regard to the Community Centre at Eau Coulée, he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to the measures that will be taken to -

- (a) reinstate the football ground at Eau Coulée;
- (b) provide other sports and recreational facilities, and
- (c) allow public access and use of facilities during weekends and public Holidays.

Reply: I am informed by the Municipal Council of Curepipe that

- (a) the Community Centre at Eau Coulée falls under the responsibility of the Sugar Industry Labour Welfare Fund. The football ground thereat is located on a State land which is not yet vested to the Council. However, the Council helps in the mowing and marking of the football ground as and when required;
- (b) the Council is in the process of fixing basketball and volleyball posts, and
- (c) the day-to-day management of the recreational site is done by the officer in charge of the Community Centre. I am making a request to my colleague, the hon. Minister of Social Security, National Solidarity & Reforms Institution to consider the possibility of allowing public access and use of facilities during weekends and public holidays.

STUDENTS (ORPHANED) - SCHOOLING

(No. A/79) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to orphaned students above the age of 18, she will state the measures taken by her Ministry to help them pursue their schooling.

Reply: As far as my Ministry is concerned, under the National Pensions Act, a Basic Orphan's Pension of Rs2,888 per month is payable in respect of all orphans up to the age of 20 who are in full time education. In addition, a monthly Guardian Allowance of Rs 691 is paid to a person looking after orphans.

On the other hand, the Social Aid Regulations provide for payment of a Social Aid of Rs639 per month in favour of an orphan aged between 20 and 23 years and attending a full time course at a tertiary institution. Furthermore, a Guardian Allowance of Rs546 per month is paid to a person looking after the orphan. This is a means-tested benefit which takes into account the income of the orphan.

An orphan also benefits from payment of SC/HSC/GCE and IVTB examination fees as per Social Aid Regulations, which is means-tested.

The Ministry of Education and Human Resources also makes provision for a Book Loan Scheme for needy students at the Secondary school level (State Secondary Schools and private schools). My Ministry is responsible to carry out social inquiry to determine eligibility under the Scheme.

It is to be noted that under the Human Resource, Knowledge and Arts Development Fund operating under the aegis of the Ministry of Education and Human Resources, provision is made for the award of scholarship to orphans attending Post-Secondary institutions in Mauritius. Such students should belong to families where the household income does not exceed Rs10,000 per month.

GEORGES V STADIUM - RENOVATION

(No. A/80) Mr S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Youth and Sports whether, in regard to the new Georges V stadium, he will state when the renovation thereof will be completed.

Reply: Most of the works have been completed and a snag list is being attended to by the Mauritius Sports Council. The stadium will be operational as soon as the grass on the playfield has grown uniformly.

16ÈME MILE VILLAGE – PRIMARY SCHOOL - CONSTRUCTION

(No. A/81) Dr S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Education and Human Resources whether, in regard to the 16ème Mile Village, he will state if consideration will be given for the construction of a primary school thereat, if so, when and, if not, why not.

Reply: It is not proposed to construct a primary school at 16ème Mile Village for the time being given that the present primary school going population does not warrant same.

My Ministry is closely monitoring the population growth in the region and if need arises in the years to come, viable consideration will be given to the construction of a primary school thereat.

Some 110 school pupils residing at 16ème Mile Village are presently attending the two nearest primary schools namely the Midlands Government School and the James Toolsy Government School, where there is spare capacity to cater for them. With a view to avoiding any hardship to students going to Midlands Government School, transport arrangements are provided by my Ministry.

QUATRE BORNES – PAVILLON COMPLEX - RENOVATION WORKS

(No. A/82) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Local Government and Outer Islands whether, in regard to works being carried out at the Pavillon Complex, he will, for the benefit of the House, obtain from the Municipal Council of Quatre Bornes, information as to the -

- (a) outcome of the decision of the Council to uproot the eco-friendly box-trees surrounding the complex;

- (b) opening hours of the compound following the erection of a wall enclosure and a gate post, and
- (c) cost of the contract for the said works and the time schedule fixed for the completion thereof.

Reply: I am informed by the Municipal Council of Quatre Bornes that –

- (a) part of the box-tree hedge along Naz Avenue had been removed. New plants will be planted after the fixing of chain link fencing;
- (b) a fencing enclosure and gates are being fixed by the Council to restrict vehicular access at night. The opening hours of the compound has not yet been decided;
- (c) the contract price of the project is Rs3,637,450 (inclusive of VAT) and the completion was initially scheduled for 15 February 2011. However, due to some additions, variations and omissions noted in the scope of work, the Council has indicated that a revised cost will be agreed upon with the contractor and the date of completion will be reviewed accordingly.

MARE CHICOSE LANDFILL - TENDERS

(No. A/83) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government and Outer Islands whether, in regard to the Mare Chicose Landfill, he will state if tenders for consultancy services therefor have been launched and, if so, indicate the -

- (a) opening and closing dates of the tender;
- (b) number of tenders received, and
- (c) names of the members of the Evaluation Committee.

Reply: I am advised as follows –

- (a) the closing date for the submission of tenders was 19 January 2011 and the opening of tenders was held on the same day;
- (b) by the closing date, four tenders were received at my Ministry, and

- (c) being given that the tender exercise is still on and the Bid Evaluation Committee has not concluded its evaluation, it will not be proper to disclose the names of the members of the Committee.

SIR ABDOOL RAZACK MOHAMED STREET, PORT LOUIS – TRAFFIC SIGNS

(No. A/84) 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, in regard to the Sir Abdool Razack Mohamed Street, Port Louis at the Vallée des Prêtres junction, he will state if the road markings and the yellow box thereat have faded and that there is absence of traffic signs thereat and, if so, indicate the remedial measures that will be taken.

Reply: I have been informed by the Road Development Authority that road markings and the yellow box at junction Vallée des Prêtres/Sir Abdool Razack Mohamed Street will be reinstated by the Road Development Authority by next week.

As far as the absence of traffic signs are concerned, liaison is being made with Highway Authorities to reinstate same and will be monitored by the Traffic Management and Road Safety Unit to ensure that proper action is being taken.

DR. IDRICE GOOMANY MUNICIPAL CENTRE – AIR CONDITIONERS

(No. A/85) 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 Dr. Idrice Goomany Municipal Centre, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to if there is a lack of air conditioners thereat and water leaks through the windows during heavy rainfalls and, if so, if consideration will be given to the installation of additional air conditioners and the replacement of the existing windows.

Reply: I am informed by the Municipal Council of Port Louis that there are presently seven air conditioners, with a total capacity of 372,000 B.t.u at the Dr. Idrice Goomany Centre.

Since there are adequate air conditioners, the Council does not envisage installing additional air conditioners.

As regards water leaks through the windows, I am informed that presently there is no water leakage.

**MINISTRY OF PUBLIC INFRASTRUCTURE, NATIONAL DEVELOPMENT
UNIT, LAND TRANSPORT AND SHIPPING – SENIOR ADVISER**

(No. A/86) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Senior Adviser, Mr D. B., he will state -

- (a) his terms and conditions of appointment;
- (b) the number of Boards on which he has been designated to represent the Minister or the Ministry, indicating, in each case, the allowances drawn, and
- (c) if he has effected any overseas missions and, if so
 - (i) when;
 - (ii) the countries visited, and
 - (iii) the expenses incurred in relation thereto.

Reply (The Vice-Prime Minister, Minister of Finance and Economic Development):

The information sought for is being compiled.